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TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

SSP 20-2018

CHAPTER 461
DEPARTMENT OF HUMAN SERVICES
SELF-SUFFICIENCY PROGRAMS

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ARCHIVES DIVISION
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& LEGISLATIVE COUNSEL

FILING CAPTION: Support service payments related to stabilized living

EFFECTIVE DATE: 06/01/2018 THROUGH 06/30/2018

AGENCY APPROVED DATE: 05/23/2018

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NEED FOR THE RULE(S):

OAR 461-190-0211 about case plan activities and standards for support service payments needs to be amended to promote self-sufficiency of individuals participating in a JOBS activity by allowing support services for housing and utilities, preventing their homelessness or stabilizing their living situation.

JUSTIFICATION OF TEMPORARY FILING:

The Department finds that failure to act promptly by amending OAR 461-190-0211 will result in serious prejudice to the public interest, the Department, and individuals participating in a JOBS activity who need assistance to prevent homelessness or stabilize their living situation. The Department needs this amendment to take effect starting June 1, 2018 because critical housing needs are interfering the self-sufficiency of Department clients.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

None

AMEND: 461-190-0211

SUSPEND: Temporary 461-190-0211 from SSP 13-2018

RULE SUMMARY: OAR 461-190-0211 about case plan activities and standards for support service payments, which was amended by temporary rule effective April 1, 2018 on the topic of illegal activities, is being further amended to allow support services for housing and utilities when an individual is participating in a JOBS activity, promoting self-sufficiency by preventing their homelessness or stabilizing their living situation.

CHANGES TO RULE:

In the JOBS, Post-TANF, Pre-TANF, REF, SFPSS, TA-DVS, and TANF programs, notwithstanding any other administrative rule in chapter 461 and subject to the limitations of state funding, the following special provisions apply:¶

- (1) Participation in an activity (see OAR 461-001-0025) is available to the following individuals:¶
 - (a) An individual who is an adult parent, needy caretaker relative (see OAR 461-001-0000), or teen parent (see OAR 461-001-0000) receiving TANF who is not otherwise exempt (see OAR 461-130-0305) and in accordance with participation requirements in OAR 461-130-0310.¶
 - (b) An individual who is an applicant or recipient in the Pre-TANF, Post-TANF, or SFPSS program.¶
 - (c) Subject to local services and budget, an individual who is a JOBS volunteer (see OAR 461-130-0310).¶
 - (d) An individual who has gone over-income for the TANF program due to earnings and needs to increase activity hours to meet Post-TANF federally required participation rates (see OAR 461-001-0025).¶
 - (e) An individual who has become over-income for the TANF program due to earnings in an on-the-job training (see OAR 461-001-0000) activity is eligible to receive support services (see OAR 461-001-0025) for no more than three months, unless circumstances unique to the situation are identified and warrant the Department to approve a limited number of additional months. Eligibility for support services under this subsection is only permitted while the individual continues to participate in the on-the-job training activity.¶
 - (f) An individual who is receiving REF who is not otherwise exempt (see OAR 461-130-0305) and in accordance with participation requirements in OAR 461-130-0310.¶
- (2) For eligible individuals, subject to the requirements and limitations in sections (1), (4), (5), (6), (7), (8), and (89) of this rule, the following activities are available, and include support services payments if needed:¶
 - (a) Job search (see OAR 461-001-0025).¶
 - (b) JOBS Plus (see OAR 461-001-0025 and OAR 461-101-0010) is limited to six months per individual, unless circumstances unique to the employment situation are identified and warrant the Department to approve a limited number of additional months.¶
 - (c) Work experience (see OAR 461-001-0025).¶
 - (d) Supported work (see OAR 461-001-0025).¶
 - (e) High School or GED Completion Attendance (see OAR 461-001-0025).¶
 - (f) Parents as Scholars (see OAR 461-001-0025).¶
 - (g) Limited family stability (see OAR 461-001-0000) activity.¶
 - (A) Drug and alcohol services (see OAR 461-001-0025).¶
 - (B) Mental health services (see OAR 461-001-0025).¶
 - (C) Attending medical appointments or services.¶
 - (D) Rehabilitation activities (see OAR 461-001-0025).¶
 - (E) Crisis Intervention (see OAR 461-001-0025).¶
 - (F) SSI application process.¶
 - (G) Domestic violence (see OAR 461-001-0000) intervention.¶
 - (H) Stabilized Living (see OAR 461-001-0025).¶
 - (h) Vocational training (see OAR 461-001-0025).¶
 - (i) Life skills (see OAR 461-001-0025).¶
 - (j) On-the-job training.¶
 - (k) Unsubsidized employment (work).¶
 - (L) Adult Basic Education (see OAR 461-001-0025).¶
 - (m) Job skills training (see OAR 461-001-0025).¶
 - (n) Self-initiated training (see OAR 461-001-0025).¶
 - (o) Program entry (see OAR 461-001-0025).¶

(3) The following activities do not include support services payments:¶

- (a) Family Support & Connections.¶
- (b) Microenterprise (see OAR 461-001-0000).¶
- (c) Post-TANF.¶

(4) In approving JOBS program or REP program support services payments, the Department must consider lower cost alternatives. This rule is not intended to supplant Department funding with other funding that is available in the community. The expectation of the Department is that Department staff and participants work collaboratively to seek resources that are reasonably available to the participant in order to participate in activities.¶

(5) Payments for support services are only provided when:¶

- (a) Necessary to participate in activities in a signed case plan;¶
- (b) Authorized in advance; and¶
- (c) All other provisions of this rule are met.¶

(6) Payments for support services for JOBS participants are subject to the following limitations:¶

(a) Child Care. Payments for child care may be authorized, as limited by OAR 461-160-0040, if necessary to enable individuals to participate in an approved JOBS program activity specified in the individual's case plan, including an individual approved by the district to complete a family stability activity. If authorized, payment for child care is:¶

(A) The lesser of the actual rate charged by the care provider and the rate established in OAR 461-155-0150. The Department rate for children in care less than 158 hours in a month is limited by OAR 461-155-0150.¶

(B) The minimum hours necessary, including meal and commute time, for the individual to participate in an approved JOBS program activity.¶

(b) Transportation. The Department may provide payments for an individual for transportation costs incurred in travel to and from an approved JOBS program activity or an individual approved by the district to complete a family stability activity. Payment is made only for the cost of public transportation, the cost of fuel, or for minimal vehicle repairs. Payments are subject to the following considerations:¶

(A) Payment for public transportation is a priority over payment for a privately owned vehicle.¶

(B) Payment for fuel costs for a privately-owned vehicle is provided if the participant or individual providing the transportation reports having a valid driver's license and vehicle insurance and either of the following is true:¶

- (i) No public transportation is available or the participant is unable to use public transportation because of a verifiable medical condition or disability for which no accommodation is available.¶
- (ii) Public transportation is available but is more costly than the cost of fuel.¶

(C) Payment for vehicle repairs may be authorized at the discretion of the district if the following are true:¶

- (i) No reasonable public transportation is available; and¶
- (ii) The costs to repair the participant's vehicle is reasonable in relation to the value of the vehicle and the minimum necessary.¶

(c) Housing and Utilities. ~~Payments for housing and utilities are not allowed~~ Subject to local services and budget, the Department may provide payment for an individual regarding housing and utilities expenses. Payments are subject to the following:¶

(A) The individual is engaged in a JOBS plan.¶

(B) Except as provided in paragraph (D) of this subsection, each payment type (such as rent, mortgage, utility bill, storage fees) is limited to two months per benefit group (see OAR 461-110-0750).¶

(C) Except as provided in paragraph (D) of this subsection, this payment is limited to \$3,000 per benefit group for each three-month period.¶

(D) With prior manager approval upon verification that an individual has greater needs to stabilize a living situation or prevent homelessness, the Department may approve payments that exceed the limits in paragraphs (B) and (C) of this subsection.¶

(d) Other Payments. When the need is identified by the district and no other sources are available, the Department may provide other payments needed --¶

- (A) To look for work.¶

- (B) To accept a job offer.¶
 - (C) To attain a high school diploma or GED.¶
 - (D) For books and supplies to complete a district-approved vocational training.¶
 - (E) Other payments with manager approval that are not otherwise restricted by rule.¶
 - (e) None of the following payments are allowed:¶
 - (A) Non-essential items.¶
 - (B) Television, cable, and Internet.¶
 - (C) Fines, reinstatement fees, restitution, legal fees, civil fees, court costs, or other costs associated with a penalty.¶
 - (D) Purchase of a car, recreational vehicle, or motor home.¶
 - (E) Support services for JOBS Exempt (see OAR 461-130-0310) individuals.¶
 - (F) Pet-related costs.¶
 - (G) ERDC co-payments.¶
 - (7) JOBS support services, including child care, are not allowed for a participant seeking employment in or engaged in an illegal activity (see OAR 461-120-0215).¶
 - (8) Payments for support services for REP participants are subject to the following limitations:¶
 - (a) Transportation. The Department may provide payments for an individual for transportation costs incurred in travel to and from an approved REP program activity or to complete a family stability activity. Payment is made only for the cost of public transportation, the cost of fuel, or for minimal vehicle repairs. Payments are subject to the following considerations:¶
 - (A) Payment for public transportation is a priority over payment for a privately-owned vehicle.¶
 - (B) Payment for fuel costs for a privately-owned vehicle is provided if the participant or individual providing the transportation reports having a valid driver's license and vehicle insurance and either of the following is true:¶
 - (i) No public transportation is available or the participant is unable to use public transportation because of a verifiable medical condition or disability for which no accommodation is available.¶
 - (ii) Public transportation is available but is more costly than the cost of fuel.¶
 - (b) Other Payments. When the need is identified by the district and no other sources are available, the Department may provide other payments needed -¶
 - (A) To accept a job offer.¶
 - (B) For books and supplies to complete a district-approved vocational training.¶
 - (c) All other payments are not allowed.¶
 - (89) The Department may require an individual to provide verification of a need for, or costs associated with, support services prior to approval and issuance of payment if verification is reasonably available.¶
 - (910) The Department may reduce, close, or deny in whole or in part a request for a support services payment in the following circumstances:¶
 - (a) The individual is disqualified for failing to comply with a case plan, unless the payment in question is necessary for the individual to demonstrate cooperation with the individual's case plan.¶
 - (b) The purpose for the payment is not related to the individual's case plan.¶
 - (c) The individual disagrees with a support services payment offered or made by the Department as outlined in the individual's case plan.¶
 - (101) In the REP program, JOBS Plus and Parents as Scholars are not available.
- Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 411.121, 412.006, 412.009, 412.014, 412.049, 412.124
- Statutes/Other Implemented: ~~ORS 409.014~~ 412.049, 412.084, 412.124, ORS 291.003, 409.010, 409.040, 411.060, 411.070, 411.121, 412.001, 412.002, 412.006, 412.009, 412.014, ~~412.049, 412.124~~ 412.014, 412.016