



PERMANENT ADMINISTRATIVE ORDER

SSP 27-2018

CHAPTER 461
DEPARTMENT OF HUMAN SERVICES
SELF-SUFFICIENCY PROGRAMS

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RULES:

461-110-0370, 461-115-0040, 461-115-0150, 461-135-0082, 461-135-0900, 461-155-0150, 461-155-0180, 461-155-0190, 461-160-0420, 461-160-0430, 461-190-0211, 461-193-0031, 461-193-0042, 461-193-0246, 461-193-0320, 461-193-0470, 461-193-0670, 461-193-0690

AMEND: 461-110-0370

NOTICE FILED DATE: 07/16/2018

RULE SUMMARY: OAR 461-110-0370 about filing groups in the SNAP program is being amended to make the annual cost of living adjustment to the income limits to stay current with federal policy.

CHANGES TO RULE:

461-110-0370

Filing Group; SNAP ¶¶

In the SNAP program:¶¶

(1) Except as provided in this rule, the filing group (see OAR 461-110-0370) consists of members of a household group (see OAR 461-110-0210) who choose to apply together or customarily purchase and prepare meals together.¶¶

(2) Except as provided in sections (3) and (8) of this rule, the following household group members must be in the same filing group, even if they do not customarily purchase and prepare meals together:¶¶

(a) Each spouse (see OAR 461-001-0000).¶¶

(b) A parent (see OAR 461-001-0000) and his or her child under age 22 living with the parent.¶¶

(c) A household group member and any child under age 18 who lives with and is under "parental control" of that household group member. For the purposes of this subsection, "parental control" means the adult is responsible for the care, control, and supervision of the child or the child is financially dependent on the adult.¶¶

(3) In the following specific situations, the Department forms a filing group as indicated:¶¶

(a) An individual is not included in the filing group if, during the month the group applied for SNAP program benefits, the individual received SSI benefits through the state of California. This exclusion applies only in the

month the group applied and, if necessary to meet notice requirements, in the month following the month the group applied.¶¶

(b) An individual is not included in the filing group if during the month the group applied for SNAP program benefits the individual received SNAP program benefits in another household and was not the head of household in the prior household. This exclusion applies only in the month the group applied and, if necessary to meet notice requirements, in the month following the month the group applied.¶¶

(c) An elderly (see OAR 461-001-0015) individual and his or her spouse may be considered a separate filing group from others with whom the elderly individual purchases and prepares meals, if:¶¶

(A) The elderly individual is unable to purchase or prepare food because of a permanent and severe disabling condition; and¶¶

(B) The combined income of the other members of the household group does not exceed the following limit: [see attached table]¶¶

(4) A paid live-in attendant may choose not to be in the filing group with the recipient of the services provided, unless required by section (2) of this rule to be in the same filing group.¶¶

(5) An individual in foster care, the individual's spouse, and each child under age 22 living with the individual are not eligible to participate in the SNAP program independently of the care or service provider's filing group, but may be included in the provider's filing group if the provider applies for benefits.¶¶

(6) Unless required under section (2) of this rule, the following household group members may form a separate filing group from other members of the household group:¶¶

(a) A resident of an alcohol or drug treatment and rehabilitation program certified by the Department for which an employee of the facility is the authorized representative (see OAR 461-135-0550). A resident's spouse in the same facility may be in a separate filing group, but a child of a resident must be in the same filing group as the resident.¶¶

(b) A resident in group living (see OAR 461-001-0015).¶¶

(c) A resident of a public or private non-profit homeless or domestic violence shelter (see OAR 461-135-0510).¶¶

(d) An individual who is a resident of federally subsidized housing for the elderly, an individual with a disability, or blind recipient of benefits under Title I, II, X, XIV, or XVI of the Social Security Act.¶¶

(7) A member of the household group who pays the filing group for room and board (lodger) is treated as follows:¶¶

(a) A lodger may not participate in the SNAP program independently of the household group.¶¶

(b) A lodger may participate in the SNAP program with the household group when the lodger pays a reasonable amount (see subsection (d) of this section) for room and board.¶¶

(c) A lodger must participate in the SNAP program with the household group when the lodger does not pay a reasonable amount for room and board.¶¶

(d) A reasonable amount is:¶¶

(A) An amount that equals or exceeds the Thrifty Food Plan for the individual and anyone in that individual's filing group (see OAR 461-155-0190(2)), if more than two meals per day are provided; or¶¶

(B) An amount that equals or exceeds two-thirds of the Thrifty Food Plan for the individual and anyone in the individual's filing group, if two or fewer meals per day are provided.¶¶

(8) A household group member is not included in the filing group, if the member is:¶¶

(a) A resident of a commercial boarding house; or¶¶

(b) An ineligible student, as defined in OAR 461-135-0570.¶¶

(9) A household group member may be included in two filing groups in the same month, if the member:¶¶

(a) Is a resident of a domestic violence shelter (see OAR 461-001-0000) or safe home (see OAR 461-001-0000); and¶¶

(b) Recently left the household group containing the member's abuser.¶¶

[see attached table]

Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 411.816

Statutes/Other Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.816, 411.825, 411.837

RULE ATTACHMENTS DO NOT SHOW CHANGES. PLEASE CONTACT AGENCY REGARDING CHANGES.

In the SNAP program:

- (1) Except as provided in this rule, the filing group (see OAR 461-110-0370) consists of members of a *household group* (see OAR 461-110-0210) who choose to apply together or customarily purchase and prepare meals together.
- (2) Except as provided in sections (3) and (8) of this rule, the following *household group* members must be in the same filing group, even if they do not customarily purchase and prepare meals together:
 - (a) Each *spouse* (see OAR 461-001-0000).
 - (b) A *parent* (see OAR 461-001-0000) and his or her child under age 22 living with the *parent*.
 - (c) A *household group* member and any child under age 18 who lives with and is under "parental control" of that *household group* member. For the purposes of this subsection, "parental control" means the adult is responsible for the care, control, and supervision of the child or the child is financially dependent on the adult.
- (3) In the following specific situations, the Department forms a filing group as indicated:
 - (a) An individual is not included in the filing group if, during the month the group applied for SNAP program benefits, the individual received SSI benefits through the state of California. This exclusion applies only in the month the group applied and, if necessary to meet notice requirements, in the month following the month the group applied.
 - (b) An individual is not included in the filing group if during the month the group applied for SNAP program benefits the individual received SNAP program benefits in another household and was not the head of household in the prior household. This exclusion applies only in the month the group applied and, if necessary to meet notice requirements, in the month following the month the group applied.
 - (c) An *elderly* (see OAR 461-001-0015) individual and his or her *spouse* may be considered a separate filing group from others with whom the *elderly* individual purchases and prepares meals, if:
 - (A) The *elderly* individual is unable to purchase or prepare food because of a permanent and severe disabling condition; and

- (B) The combined income of the other members of the *household group* does not exceed the following limit:

Other Household Members	Monthly Countable Income
1	\$1,670
2	2,264
3	2,858
4	3,452
5	4,046
6	4,640
7	5,234
8	5,828
Each additional person	594

- (4) A paid live-in attendant may choose not to be in the filing group with the recipient of the services provided, unless required by section (2) of this rule to be in the same filing group.
- (5) An individual in foster care, the individual's *spouse*, and each child under age 22 living with the individual are not eligible to participate in the SNAP program independently of the care or service provider's filing group, but may be included in the provider's filing group if the provider applies for benefits.
- (6) Unless required under section (2) of this rule, the following *household group* members may form a separate filing group from other members of the *household group*:
- (a) A resident of an alcohol or drug treatment and rehabilitation program certified by the Department for which an employee of the facility is the authorized representative (see OAR 461-135-0550). A resident's spouse in the same facility may be in a separate filing group, but a child of a resident must be in the same filing group as the resident.
 - (b) A resident in *group living* (see OAR 461-001-0015).
 - (c) A resident of a public or private non-profit *homeless* or *domestic violence shelter* (see OAR 461-135-0510).
 - (d) An individual who is a resident of federally subsidized housing for the *elderly*, an individual with a disability, or blind recipient of benefits under Title I, II, X, XIV, or XVI of the Social Security Act.
- (7) A member of the *household group* who pays the filing group for room and board (lodger) is treated as follows:

- (a) A lodger may not participate in the SNAP program independently of the *household group*.
 - (b) A lodger may participate in the SNAP program with the *household group* when the lodger pays a reasonable amount (see subsection (d) of this section) for room and board.
 - (c) A lodger must participate in the SNAP program with the *household group* when the lodger does not pay a reasonable amount for room and board.
 - (d) A reasonable amount is:
 - (A) An amount that equals or exceeds the Thrifty Food Plan for the individual and anyone in that individual's filing group (see OAR 461-155-0190(2)), if more than two meals per day are provided; or
 - (B) An amount that equals or exceeds two-thirds of the Thrifty Food Plan for the individual and anyone in the individual's filing group, if two or fewer meals per day are provided.
- (8) A *household group* member is not included in the filing group, if the member is:
- (a) A resident of a commercial boarding house; or
 - (b) An ineligible student, as defined in OAR 461-135-0570.
- (9) A *household group* member may be included in two filing groups in the same month, if the member:
- (a) Is a resident of a *domestic violence shelter* (see OAR 461-001-0000) or *safe home* (see OAR 461-001-0000); and
 - (b) Recently left the *household group* containing the member's abuser.

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.816

Stats. Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.816, 411.825, 411.837

AMEND: 461-115-0040

NOTICE FILED DATE: 07/16/2018

RULE SUMMARY: OAR 461-115-0040 about filing dates is being amended to indicate that filing dates are no longer set by receipt of an application at a resettlement agency. The filing date establishes the date for starting the application processing time frames and is relevant to effective dates in some situations. The Department will be doing eligibility for newly arrived refugees in the Tri-County area for the Refugee (REF) and TANF Programs, and this amendment will allow this new process to proceed more efficiently and will fit with Integrated Eligibility.

CHANGES TO RULE:

461-115-0040

Filing Date; REF, SNAP, TANF ¶

(1) In the REF, SNAP, and TANF programs, a filing group is entitled to establish a "filing date" on the date a member of the group requests benefits. The "filing date" establishes:¶

(a) The date for starting the application processing time frames.¶

(b) The date from which some effective dates are determined.¶

(2) In the REF and TANF programs, the "filing date" is established the date a signed written request for benefits is received by the Department ~~or by the local contracted refugee resettlement agency for filing groups applying in accordance with OAR 461-115-0150~~. The written request must be a Department approved application that includes the applicant's name, address and signature.¶

(3) In the SNAP program, the "filing date" is the date a signed written request for benefits is received by the Department or by the Social Security Administration for filing groups applying in accordance with OAR 461-115-0150. The written request may be a Department-approved form or other written material that includes the client's name, address, and signature.

Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 411.816, 412.006, 412.049

Statutes/Other Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.081, 411.087, 411.816, 411.825, 412.006, 412.049, 412.054, 412.064

AMEND: 461-115-0150

NOTICE FILED DATE: 07/16/2018

RULE SUMMARY: OAR 461-115-0150 about offices at which clients apply is being amended to remove the requirement for newly arrived refugees in the Tri-County area to apply at specific resettlement agencies. The Department will be doing eligibility for newly arrived refugees in the Tri-County area for the Refugee (REF) and TANF Programs, and this amendment will allow this new process to proceed more efficiently and will fit with Integrated Eligibility.

CHANGES TO RULE:

461-115-0150

Offices Where Clients Apply ¶¶

(1) For all programs, applicants must apply at the branch office (see OAR 461-001-0000) serving the area in which they live or work. Applicants temporarily in another area of the state should apply at the branch office serving that area. Applicants may also apply at other locations for the following programs:¶¶

(a) Homeless clients may apply with a Community Action Agency for the Housing Stabilization program.¶¶

(b) Applicants may apply for health coverage by:¶¶

(A) Calling the OHP Customer Service toll-free number;¶¶

(B) Applying through the OregonHealthCare.gov online portal;¶¶

(C) Contacting a trained community partner who can help an applicant complete an application; or¶¶

(D) Contacting a federally qualified health center, a qualified hospital, a disproportionate-share hospital, or another entity authorized by rule.¶¶

(2) The Department has designated liaison branch offices for some groups of applicants (such as patients in state medical institutions and refugees). Those applicants must apply at the designated liaison branch office.¶¶

~~(3) REF and TANF applicants who meet the requirements of OAR 461-135-0082 must apply through one of the local contracted refugee resettlement agencies.¶¶~~

~~(4) SNAP applicants may apply at an office of the Social Security Administration if all members of the filing group (see OAR 461-110-0370) are applying for or are receiving SSI, and the filing group has not applied for or received SNAP benefits during the previous 30 days.~~

Statutory/Other Authority: ORS 329A.500, 409.050, 411.060, 411.070, 411.116, 411.121, 411.404, 411.816, 412.014, 412.049

Statutes/Other Implemented: ORS 329A.500, 409.010, 411.060, 411.070, 411.116, 411.121, 411.404, 411.816, 412.014, 412.049, 45-CFR 400

REPEAL: 461-135-0082

NOTICE FILED DATE: 07/16/2018

RULE SUMMARY: OAR 461-135-0082 about eligibility for the Refugee Case Services Project is being repealed as part of a shift under which the Department will be doing eligibility for newly arrived refugees in the Tri-County area for the Refugee (REF) and TANF Programs. This change will be a better fit with Integrated Eligibility.

CHANGES TO RULE:

~~461-135-0082~~

~~Eligibility for Refugees ¶¶~~

~~An individual is eligible for the Refugee Case Services Project (RCSP) if the individual meets the requirements of all of the following sections:¶¶~~

~~(1) Has an eligible immigration status listed in OAR 461-120-0125.¶¶~~

~~(2) Has applied for the REF or TANF programs.¶¶~~

~~(3) Lives in Clackamas, Multnomah, or Washington County.¶¶~~

~~(4) Has resided in the United States for eight months or less from the time their eligible immigration status was granted; and¶¶~~

~~(a) Their filing date (see OAR 461-115-0040) is prior to February 1, 2018; or¶¶~~

~~(b) The individual was enrolled in RCSP prior to February 1, 2018¶¶~~

~~(5) Be 64 years old or under.~~

~~Statutory/Other Authority: ORS 409.050, 411.060, 411.116, 411.121~~

~~Statutes/Other Implemented: ORS 409.010, 411.060, 411.116, 411.121, 45 CFR 400~~

AMEND: 461-135-0900

NOTICE FILED DATE: 07/16/2018

RULE SUMMARY: OAR 461-135-0900 about requirements for the Refugee (REF) and Refugee Medical (REFM) programs is being amended to remove policies specific to the Refugee Case Services Project (RCSP). RCSP is ending, and the Department will be doing eligibility for newly arrived refugees in the Tri-County area for the Refugee (REF) and TANF programs, which is a better fit with Integrated Eligibility.

CHANGES TO RULE:

461-135-0900

Specific Requirements; REF, REFM ¶¶

- (1) In addition to the eligibility (see OAR 461-001-0000) requirements in other rules in OAR chapter 461, an individual must meet all of the requirements in this rule to be eligible for the REF and REFM programs.¶¶
- (2) An individual must meet the alien status requirements of OAR 461-120-0125, except a child (see OAR 461-001-0000) born in the United States to an individual in the REF or REFM program meets the alien status requirements for the REF and REFM programs as long as each parent (see OAR 461-001-0000) in the household group (see OAR 461-110-0210) meets the alien status requirements of OAR 461-120-0125.¶¶
- (3) An individual is not eligible to receive REF and REFM program benefits if the individual is a full-time student of "higher education", unless such education is part of a cash assistance case plan. Any education or training allowable under an approved case plan must be less than one year in length. For the purposes of this rule, "higher education" means education that meets the requirements of one of the following subsections:¶¶
- (a) Public and private universities and colleges and community colleges that offer degree programs regardless of whether a high school diploma is required for the program. However, GED, ABE, ESL, and high school equivalency programs at these institutions are not considered "higher education".¶¶
- (b) Vocational, technical, business, and trade schools that normally require a high school diploma or equivalency certificate for enrollment in the curriculum or in a particular program at the institution. However, programs at those institutions that do not require the diploma or certificate are not considered "higher education".¶¶
- (4) Eligibility for REF and REFM program benefits is limited to the first eight months from the date the immigration status was granted. Months in the United States are counted as whole months. There is no prorating of months.¶¶
- ~~(5) For an individual who meets the requirements of section (4) of this rule:¶¶~~
- ~~(a) When the individual resides in Clackamas, Multnomah, or Washington County; and:¶¶~~
- ~~(A) Establishes a filing date prior to February 1, 2018; or reapplies for benefits and was previously enrolled in the Refugee Case Service Project (RCSP) program:¶¶~~
- ~~(i) The individual is not eligible to receive REF, REP, TANF, or TANF-related employment services through the Department. ¶¶~~
- ~~(ii) To receive REF, REP, TANF, or TANF-related employment services, the individual is required to participate in the RCSP program. This individual is referred to the individual's local resettlement agency to be enrolled in the RCSP program and receives all other Department services through the individual's local Department office.¶¶~~
- ~~(B) Establishes a filing date on or after February 1, 2018 and was not previously enrolled in the RCSP program, the individual is not eligible to receive cash, case management, or employment services through the RCSP program.¶¶~~
- ~~(b) When the individual resides in a county other than Clackamas, Multnomah, and Washington, the RCSP program is not available. The individual is served at the individual's local Department office.¶¶~~
- (6) An individual who no longer meets the requirements of section (4) of this rule is no longer eligible to receive cash or case management services through the RCSP program. If this individual has been in the United States for more than eight months and less than 13 months, the individual is referred to the employment program that is available to RCSP participants through the contractor for employment services.¶¶
- (7) In the REF and REFM programs, if an individual was originally resettled in Oregon through the federal refugee resettlement process, then the individual must provide the name of the local resettlement agency that resettled

them.

Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 411.116, 411.121, 411.404, 414.685

Statutes/Other Implemented: ORS 409.010, 411.060, 411.070, 411.116, 411.121, 411.404, 411.878, 412.049, 414.685, 45 CFR 400

AMEND: 461-155-0150

NOTICE FILED DATE: 07/16/2018

RULE SUMMARY: OAR 461-155-0150 about child care eligibility, payment rates, and co-payments is being amended to make permanent a temporary rule change that allows providers contracted with the Department through the Early Head Start Partnership (EHS-CCP) to receive the Quality Rating Improvement System incentive payment when providing full-time care for a child in the contracted slot. This amendment removes a roadblock, and encourages more providers to contract with the Department, supporting parents to become self-sufficient.

CHANGES TO RULE:

461-155-0150

Child Care Eligibility Standard, Payment Rates, and Copayments ¶¶

The following provisions apply to child care in the ERDC, JOBS, JOBS Plus, and TANF programs:¶¶

(1) The following definitions apply to the rules governing child care rates:¶¶

(a) Infant: For all providers other than licensed (registered or certified) care, a child aged newborn to 1 year. For licensed care, an infant is a child aged newborn to 2 years.¶¶

(b) Toddler: For all providers other than licensed (registered or certified) care, a child aged 1 year to 3 years. For licensed care, a toddler is a child aged 2 years to 3 years.¶¶

(c) Preschool: A child aged 3 years to 6 years.¶¶

(d) School: A child aged 6 years or older.¶¶

(e) Special Needs: A child who meets the age requirement of the program (ERDC or TANF) and who requires a level of care over and above the norm for his or her age due to a physical, behavioral, or mental disability. The disability must be verified by one of the following:¶¶

(A) A physician, nurse practitioner, clinical social worker, or any additional sources in OAR 461-125-0830.¶¶

(B) Eligibility for Early Intervention and Early Childhood Special Education Programs, or school-age Special Education Programs.¶¶

(C) Eligibility for SSI.¶¶

(2) The following definitions apply to the types of care specified in the child care rate charts in subsections (4)(a) through (4)(c) of this rule:¶¶

(a) The Standard Family Rate applies to child care provided in the provider's own home or in the home of the child when the provider does not qualify for the enhanced rate allowed by subsection (b) of this section.¶¶

(b) The Enhanced Family Rate applies to child care provided in the provider's own home or in the home of the child when the provider meets the training requirements of the Oregon Registry, established by the Oregon Center for Career Development in Childhood Care and Education.¶¶

(c) The Registered Family Rate applies to child care provided in the provider's own home when the provider meets criteria established by the Office of Child Care.¶¶

(d) The Certified Family Rate applies to child care provided in a residential dwelling that is certified by the Office of Child Care as a Certified Family Home. To earn this designation, the facility must be inspected, and both provider and facility are required to meet certain standards not required of a registered family provider.¶¶

(e) The Standard Center Rate applies to child care provided in a facility that is not located in a residential dwelling and is exempt from Office of Child Care Certification rules (see OAR 414-300-0000).¶¶

(f) The Enhanced Center Rate applies to child care provided in an exempt center whose staff meet the training requirements of the Oregon Registry established by the Oregon Center for Career Development in Childhood Care and Education. Eligibility to receive the enhanced center rate for care provided in an exempt center is subject to the following requirements:¶¶

(A) A minimum of one staff member for every 20 children in care must meet the Oregon Registry training requirements noted in subsection (b) of this section.¶¶

(B) New staff must meet the Oregon Registry training requirements within 90 days of hire, if necessary to

maintain the trained staff-to-children ratio described in paragraph (A) of this subsection.¶

(C) There must be at least one person present where care is provided who has a current certificate in infant and child CPR and a current American Red Cross First Aid card or an equivalent.¶

(g) An enhanced rate will become effective not later than the second month following the month in which the Department receives verification that the provider has met the requirements of subsection (b) or (f) of this section.¶

(h) The Certified Center Rate applies to child care provided in a center that is certified by the Office of Child Care.¶

(3) The following provisions apply to child care payments:¶

(a) Providers not eligible for the enhanced or licensed rate will be paid at an hourly rate for children in care less than 158 hours per month subject to the maximum full-time monthly rate.¶

(b) Providers eligible for the enhanced or licensed rate will be paid at an hourly rate for children in care less than 136 hours a month, unless the provider customarily bills all families at a part-time monthly rate subject to the maximum full-time monthly rate and is designated as the primary provider for the case.¶

(c) At their request, providers eligible for the enhanced or licensed rate may be paid at the part-time monthly rate if they provide 63 or more hours of care in the month, customarily bill all families at a part-time monthly rate, and are designated as the primary provider for the case.¶

(d) Unless required by the circumstances of the client or child, the Department will not pay for care at a part-time monthly or a monthly rate to more than one provider for the same child for the same month.¶

(e) The Department will pay at the hourly rate for less than 63 hours of care in the month subject to the maximum full-time monthly rate.¶

(f) The Department will pay for up to five days each month the child is absent if:¶

(A) The child was scheduled to be in care and the provider bills for the amount of time the child was scheduled to be in care; and¶

(B) It is the provider's policy to bill all families for absent days.¶

(g) The Department will not pay for more than five consecutive days of scheduled care for which the child is absent.¶

(h) Child care providers are eligible to receive an incentive payment upon achieving and maintaining a three star or higher rating with the Quality Rating Improvement System (QRIS) subject to all of the following provisions.¶

(A) The incentive payment is in addition to the Department maximum rate.¶

(B) A provider may receive an incentive payment for any ERDC child that the Department paid the provider for full-time care (136 hours or more).¶

(C) Providers who are contracted for child care services through the ERDC program are not eligible to receive incentive payments, with the exception of Early Head Start providers.¶

(D) Eligibility for the incentive payment is effective the month after the QRIS rating has been achieved.¶

(E) The incentive payment amount is based on the provider's star QRIS rating as follows: [see attached table]¶

(4) The following are the child care rates based on the type of provider, the location of the provider (shown by zip code), the age of the child, and the type of billing used (hourly or monthly):¶

(a) [see attached table]¶

(b) [see attached table]¶

(c) [see attached table]¶

(5) Except to the extent provided otherwise in section (12), (13), or (14) of this rule or for children in contracted child care (see OAR 461-135-0405 and 461-135-0407), this section establishes the ERDC eligibility standard and the client's copayment (copay).¶

(a) At initial certification, the ERDC eligibility standard is met for a need group (see OAR 461-110-0630) of eight or less if monthly countable income (see OAR 461-001-0000) for the need group is less than 185 percent of the federal poverty level (FPL), as described in OAR 461-155-0180. The eligibility standard for a need group of eight applies to any need group larger than eight.¶

(b) During the certification period (see OAR 461-001-0000) and at recertification the ERDC eligibility standard is

met for a need group of eight or less if monthly countable income for the need group during the 12 month period is less than 250 percent FPL or 85 percent state median income (SMI), whichever is higher, as described in OAR 461-155-0180. The eligibility standard for a need group of eight applies to any need group larger than eight.¶

(c) The minimum monthly ERDC copay is \$25.¶

(d) The filing group may not exceed the resource limit in OAR 461-160-0015.¶

(e) For a filing group (see OAR 461-110-0310) whose countable income is at or below 50 percent of the 2007 FPL, the copay is \$25 or 1.5 percent of the filing group's monthly countable income, whichever is greater.¶

(f) For a filing group whose countable income is over 50 percent of the 2007 FPL, the copay amount is determined with the following percentage of monthly income:¶

(A) Divide the filing group's countable income by the 2007 FPL, drop all digits beyond two decimal points, subtract 0.5, and multiply this difference by 0.12.¶

(B) Add .015 to the amount in paragraph (A) of this subsection. This sum is the percentage of monthly income used to determine the copay amount. Multiply this sum by the filing group's countable income and round to the nearest whole dollar.¶

(g) The 2007 federal poverty level used to determine copay amounts under subsections (e) and (f) of this section is set at the following amounts: [see attached table]¶

(6) Subject to the provisions in section (9) of this rule, the monthly limit for each child's child care payments is the lesser of the amount charged by the provider or providers and the following amounts:¶

(a) The monthly rate provided in section (4) of this rule.¶

(b) The product of the hours of care, limited by section (8) of this rule, multiplied by the hourly rate provided in section (4) of this rule.¶

(7) The limit in any month for child care payments on behalf of a child whose caretaker is away from the child's home for more than 30 days because the caretaker is a member of a reserve or National Guard unit that is called up for active duty is the lesser of the following:¶

(a) The amount billed by the provider or providers.¶

(b) The monthly rate established in this rule for 215 hours of care.¶

(8) The number of payable billed hours of care for a child is limited as follows:¶

(a) In the ERDC and TANF programs, the total payable hours of care in a month may not exceed the amounts in paragraphs (A) or (B) of this subsection:¶

(A) 125 percent of the number of child care hours authorized:¶

(i) Under OAR 461-160-0040(2) and (5); or¶

(ii) To participate in activities included in a case plan (see OAR 461-001-0025) including, for clients in the JOBS Plus program, the time the client searches for unsubsidized employment and for which the employer pays the client.¶

(B) The monthly rate established in section (4) of this rule multiplied by a factor of not more than 1.5, determined by dividing the number of hours billed by 215, when the client meets the criteria for extra hours under section (10) of this rule.¶

(b) In the ERDC program, for a client who earns less than the Oregon minimum wage, the total may not exceed 125 percent of the anticipated earnings divided by the state minimum wage not to exceed 172 hours (which is full time).¶

(c) In the TANF program, for a client who earns less than the Oregon minimum wage or is self-employed, the total may not exceed 125 percent of the anticipated earnings divided by the state minimum wage not to exceed 172 hours (which is full time). The limitation of this subsection is waived for the first three months of the client's employment.¶

(d) In the ERDC program, employed caretakers eligible under OAR 461-135-0400 may have education hours added to the authorized work hours. Education hours may not exceed authorized work hours and combined hours may not exceed 215 hours per month. Education hours are hours required to participate in coursework that leads to a certificate, degree, or job-related knowledge or skills attainment at an institution of higher education approved to receive federal financial aid.¶

(9) The limit in any month for child care payments on behalf of a child whose caretaker has special circumstances, defined in section (10) of this rule, is the lesser of one of the following:¶¶

(a) The amount billed by the provider or providers; or¶¶

(b) The monthly rate established in section (4) of this rule multiplied by a factor, of not more than 1.5, determined by dividing the number of hours billed by 215.¶¶

(10) The limit allowed by section (9) of this rule is authorized once the Department has determined the client has special circumstances. For the purposes of this section, a client has special circumstances when it is necessary for the client to obtain child care in excess of 215 hours in a month to perform the requirements of his or her employment or training required to keep current employment, not including self-employment. This is limited to the following situations:¶¶

(a) The commute time to and from work exceeds two hours per day.¶¶

(b) The caretaker works an overnight shift and care is necessary for both work hours and sleep hours.¶¶

(c) The caretaker works a split shift and it is not feasible to care for the child between shifts.¶¶

(d) The caretaker consistently works more than 40 hours per week.¶¶

(11) The payment available for care of a child who meets the special needs criteria described in subsection (e) of section (1) of this rule is increased in accordance with OAR 461-155-0151 if the requirements of both of the following subsections are met:¶¶

(a) The child requires significantly more direct supervision by the child care provider than normal for a child of the same age.¶¶

(b) The child is enrolled in a local school district Early Intervention or Early Childhood Special Education program or school-age Special Education Program. The enrollment required by this subsection is waived if determined inappropriate by a physician, nurse practitioner, licensed or certified psychologist, clinical social worker, or school district official.¶¶

(12) Effective May 1, 2012:¶¶

(a) The minimum monthly ERDC copay is \$27.¶¶

(b) Except as stated in subsection (a) of this section, the Department adds 10 percent to the monthly client copay amount set under section (5) of this rule by multiplying the copay amount by 1.1 and rounding down to the nearest whole dollar.¶¶

(13) Effective April 1, 2016, the ERDC copay is \$27 for no more than three months after closure of Pre-TANF, SFPSS, or TANF benefits when:¶¶

(a) The closure is because an individual in the need group had earned income that led to the TANF closure;¶¶

(b) An ERDC date of request (see OAR 461-115-0030) is established within 90 days of closure; and¶¶

(c) The individual is eligible for ERDC at initial certification.¶¶

(14) The ERDC copay will be reduced starting the month after the ERDC case has been electronically connected to a Department approved child care provider with a Quality Rating and Improvement System (QRIS) star rating of 3, 4, or 5. The copay will be reduced by the following amounts:¶¶

(a) A copay set at \$27 is waived, unless the copay is \$27 under section (13) of this rule in which case the copay is not waived under this section.¶¶

(b) Copay amounts of \$28 to \$200 are reduced by \$20.¶¶

(c) Copay amounts of \$201 or more are reduced by 10 percent rounding to the nearest dollar.¶¶

[see attached table]

Statutory/Other Authority: ORS 329A.500, 409.050, 411.060, 411.070, 412.049

Statutes/Other Implemented: ORS 329A.500, 409.010, 409.610, 411.060, 411.070, 411.122, 411.141, 412.006, 412.049, 412.124, 418.485

RULE ATTACHMENTS DO NOT SHOW CHANGES. PLEASE CONTACT AGENCY REGARDING CHANGES.

The following provisions apply to child care in the ERDC, JOBS, JOBS Plus, and TANF programs:

- (1) The following definitions apply to the rules governing child care rates:
 - (a) **Infant:** For all providers other than licensed (registered or certified) care, a child aged newborn to 1 year. For licensed care, an infant is a child aged newborn to 2 years.
 - (b) **Toddler:** For all providers other than licensed (registered or certified) care, a child aged 1 year to 3 years. For licensed care, a toddler is a child aged 2 years to 3 years.
 - (c) **Preschool:** A child aged 3 years to 6 years.
 - (d) **School:** A child aged 6 years or older.
 - (e) **Special Needs:** A child who meets the age requirement of the program (ERDC or TANF) and who requires a level of care over and above the norm for his or her age due to a physical, behavioral, or mental disability. The disability must be verified by one of the following:
 - (A) A physician, nurse practitioner, clinical social worker, or any additional sources in OAR 461-125-0830.
 - (B) Eligibility for Early Intervention and Early Childhood Special Education Programs, or school-age Special Education Programs.
 - (C) Eligibility for SSI.
- (2) The following definitions apply to the types of care specified in the child care rate charts in subsections (4)(a) through (4)(c) of this rule:
 - (a) The *Standard Family Rate* applies to child care provided in the provider's own home or in the home of the child when the provider does not qualify for the enhanced rate allowed by subsection (b) of this section.
 - (b) The *Enhanced Family Rate* applies to child care provided in the provider's own home or in the home of the child when the provider meets the training requirements of the Oregon Registry, established by the Oregon Center for Career Development in Childhood Care and Education.

- (c) The *Registered Family Rate* applies to child care provided in the provider's own home when the provider meets criteria established by the Office of Child Care.
 - (d) The *Certified Family Rate* applies to child care provided in a residential dwelling that is certified by the Office of Child Care as a Certified Family Home. To earn this designation, the facility must be inspected, and both provider and facility are required to meet certain standards not required of a registered family provider.
 - (e) The *Standard Center Rate* applies to child care provided in a facility that is not located in a residential dwelling and is exempt from Office of Child Care Certification rules (see OAR 414-300-0000).
 - (f) The *Enhanced Center Rate* applies to child care provided in an exempt center whose staff meet the training requirements of the Oregon Registry established by the Oregon Center for Career Development in Childhood Care and Education. Eligibility to receive the enhanced center rate for care provided in an exempt center is subject to the following requirements:
 - (A) A minimum of one staff member for every 20 children in care must meet the Oregon Registry training requirements noted in subsection (b) of this section.
 - (B) New staff must meet the Oregon Registry training requirements within 90 days of hire, if necessary to maintain the trained staff-to-children ratio described in paragraph (A) of this subsection.
 - (C) There must be at least one person present where care is provided who has a current certificate in infant and child CPR and a current American Red Cross First Aid card or an equivalent.
 - (g) An enhanced rate will become effective not later than the second month following the month in which the Department receives verification that the provider has met the requirements of subsection (b) or (f) of this section.
 - (h) The *Certified Center Rate* applies to child care provided in a center that is certified by the Office of Child Care.
- (3) The following provisions apply to child care payments:
- (a) Providers not eligible for the enhanced or licensed rate will be paid at an hourly rate for children in care less than 158 hours per month subject to the maximum full-time monthly rate.
 - (b) Providers eligible for the enhanced or licensed rate will be paid at an hourly rate for children in care less than 136 hours a month, unless the provider customarily

bills all families at a part-time monthly rate subject to the maximum full-time monthly rate and is designated as the primary provider for the case.

- (c) At their request, providers eligible for the enhanced or licensed rate may be paid at the part-time monthly rate if they provide 63 or more hours of care in the month, customarily bill all families at a part-time monthly rate, and are designated as the primary provider for the case.
- (d) Unless required by the circumstances of the client or child, the Department will not pay for care at a part-time monthly or a monthly rate to more than one provider for the same child for the same month.
- (e) The Department will pay at the hourly rate for less than 63 hours of care in the month subject to the maximum full-time monthly rate.
- (f) The Department will pay for up to five days each month the child is absent if:
 - (A) The child was scheduled to be in care and the provider bills for the amount of time the child was scheduled to be in care; and
 - (B) It is the provider's policy to bill all families for absent days.
- (g) The Department will not pay for more than five consecutive days of scheduled care for which the child is absent.
- (h) Child care providers are eligible to receive an incentive payment upon achieving and maintaining a three star or higher rating with the Quality Rating Improvement System (QRIS) subject to all of the following provisions.
 - (A) The incentive payment is in addition to the Department maximum rate.
 - (B) A provider may receive an incentive payment for any ERDC child that the Department paid the provider for full-time care (136 hours or more).
 - (C) Providers who are contracted for child care services through the ERDC program are not eligible to receive incentive payments, with the exception of Early Head Start providers.
 - (D) Eligibility for the incentive payment is effective the month after the QRIS rating has been achieved.

- (E) The incentive payment amount is based on the provider's star QRIS rating as follows:

Star Rating	Amount
3	\$54
4	\$72
5	\$90

- (4) The following are the child care rates based on the type of provider, the location of the provider (shown by zip code), the age of the child, and the type of billing used (hourly or monthly):

- (a)

Group Area A
STANDARD RATE MAXIMUMS (Not Licensed)

	Standard Family Rate		Standard Center Rate	
	1-157 Hours per month	158-215 Hours per month	1-157 Hours per month	158-215 Hours per month
	Hourly	Monthly	Hourly	Monthly
Infant	\$3.35	\$620	\$9.00	\$941
Toddler	\$3.30	\$595	\$5.25	\$928
Preschool	\$3.30	\$558	\$5.06	\$724
School	\$3.30	\$558	\$4.50	\$638
Special Needs	\$3.35	\$620	\$9.00	\$941

ENHANCED RATE MAXIMUMS (Not Licensed)

	Enhanced Family Rate			Enhanced Center Rate		
	1-62 Hours per month	63-135 Hours per month	136-215 Hours per month	1-62 Hours per month	63-135 Hours per month	136-215 Hours per month
	Hourly	Part-time	Monthly	Hourly	Part-time	Monthly
Infant	\$3.60	\$488	\$650	\$10.20	\$800	\$1,067
Toddler	\$3.40	\$469	\$625	\$5.95	\$788	\$1,051
Preschool	\$3.40	\$443	\$590	\$5.74	\$615	\$820
School	\$3.34	\$443	\$590	\$5.10	\$542	\$723
Special Needs	\$3.60	\$488	\$650	\$10.20	\$800	\$1,067

LICENSED RATE MAXIMUMS

	Registered Family Rate			Certified Family Rate			Certified Center Rate		
	1-62 Hours per month	63-135 Hours per month	136-215 Hours per month	1-62 Hours per month	63-135 Hours per month	136-215 Hours per month	1-62 Hours per month	63-135 Hours per month	136-215 Hours per month
	Hourly	Part-time	Monthly	Hourly	Part-time	Monthly	Hourly	Part-time	Monthly
Infant	\$4.00	\$525	\$700	\$6.00	\$773	\$1,030	\$12.00	\$941	\$1,255
Toddler	\$3.75	\$499	\$665	\$5.65	\$765	\$1,020	\$7.00	\$928	\$1,237
Preschool	\$3.50	\$465	\$620	\$5.05	\$656	\$875	\$6.75	\$724	\$965
School	\$3.50	\$458	\$610	\$4.60	\$491	\$655	\$6.00	\$638	\$850
Special Needs	\$4.00	\$525	\$700	\$6.00	\$773	\$1,030	\$12.00	\$941	\$1,255

Zip Codes for Group Area A:
Portland, Bend, Eugene, Corvallis, Springfield, Monmouth and Ashland areas

97003	97004	97005	97006	97007	97008	97009	97010	97013	97014	97015	97019
97022	97023	97024	97027	97028	97030	97031	97034	97035	97036	97041	97045
97051	97055	97056	97060	97062	97064	97068	97070	97080	97086	97089	97106
97109	97112	97113	97116	97119	97123	97124	97125	97132	97133	97135	97140
97149	97201	97202	97203	97204	97205	97206	97209	97210	97211	97212	97213
97214	97215	97216	97217	97218	97219	97220	97221	97222	97223	97224	97225
97227	97229	97230	97231	97232	97233	97236	97239	97242	97258	97266	97267
97268	97286	97292	97330	97331	97333	97339	97351	97361	97371	97376	97401
97402	97403	97404	97405	97408	97454	97455	97477	97478	97482	97520	97525
97701	97702	97703	97707	97708	97709						

(b)

Group Area B
STANDARD RATE MAXIMUMS (Not Licensed)

	Standard Family Rate		Standard Center Rate	
	1-157 Hours per month	158-215 Hours per month	1-157 Hours per month	158-215 Hours per month
	Hourly	Monthly	Hourly	Monthly
Infant	\$2.90	\$495	\$3.75	\$546
Toddler	\$2.90	\$475	\$3.75	\$536
Preschool	\$2.75	\$470	\$3.00	\$443
School	\$2.75	\$457	\$3.30	\$428
Special Needs	\$2.90	\$495	\$3.75	\$546

ENHANCED RATE MAXIMUMS (Not Licensed)

	Enhanced Family Rate			Enhanced Center Rate		
	1-62 Hours per month	63-135 Hours per month	136-215 Hours per month	1-62 Hours per month	63-135 Hours per month	136-215 Hours per month
	Hourly	Part-time	Monthly	Hourly	Part-time	Monthly
Infant	\$3.05	\$400	\$533	\$4.25	\$464	\$619
Toddler	\$3.05	\$381	\$508	\$4.25	\$456	\$608
Preschool	\$3.05	\$381	\$508	\$3.40	\$377	\$502
School	\$3.05	\$365	\$487	\$3.74	\$364	\$485
Special Needs	\$3.05	\$400	\$533	\$4.25	\$464	\$619

LICENSED RATE MAXIMUMS

	Registered Family Rate			Certified Family Rate			Certified Center Rate		
	1-62 Hours per month	63-135 Hours per month	136-215 Hours per month	1-62 Hours per month	63-135 Hours per month	136-215 Hours per month	1-62 Hours per month	63-135 Hours per month	136-215 Hours per month
	Hourly	Part-time	Monthly	Hourly	Part-time	Monthly	Hourly	Part-time	Monthly
Infant	\$3.25	\$416	\$555	\$3.60	\$483	\$644	\$5.00	\$546	\$728
Toddler	\$3.05	\$413	\$550	\$3.70	\$469	\$625	\$5.00	\$536	\$715
Preschool	\$3.05	\$398	\$530	\$3.70	\$450	\$600	\$4.00	\$443	\$590
School	\$3.05	\$383	\$510	\$3.75	\$413	\$550	\$4.40	\$428	\$570
Special Needs	\$3.25	\$416	\$555	\$3.60	\$483	\$644	\$5.00	\$546	\$728

Zip Codes for Group Area B:

Salem, Medford, Roseburg, Brookings and areas outside the metropolitan areas in Eugene and Portland

97002	97011	97016	97017	97018	97038	97042	97044	97048	97049	97053
97058	97067	97071	97103	97107	97108	97110	97111	97114	97115	97117
97121	97122	97127	97128	97131	97134	97138	97141	97143	97146	97148
97302	97303	97304	97305	97306	97307	97309	97310	97317	97321	97322
97326	97327	97328	97336	97338	97341	97343	97344	97348	97352	97353
97357	97362	97365	97366	97367	97370	97372	97374	97377	97378	97380
97383	97385	97386	97389	97391	97392	97394	97415	97420	97423	97424
97431	97444	97446	97448	97452	97456	97457	97459	97465	97470	97471
97487	97489	97501	97502	97503	97504	97524	97534	97535	97756	97759
97801	97812	97813								

(c)

Group Area C

STANDARD RATE MAXIMUMS (Not Licensed)

	Standard Family Rate		Standard Center Rate	
	1-157 Hours per month	158-215 Hours per month	1-157 Hours per month	158-215 Hours per month
	Hourly	Monthly	Hourly	Monthly
Infant	\$2.97	\$457	\$2.74	\$440

Toddler	\$2.79	\$435	\$2.91	\$432
Preschool	\$2.49	\$422	\$2.25	\$340
School	\$2.49	\$422	\$2.52	\$372
Special Needs	\$2.97	\$457	\$2.74	\$440

ENHANCED RATE MAXIMUMS (Not Licensed)

	Enhanced Family Rate			Enhanced Center Rate		
	1-62 Hours per month	63-135 Hours per month	136-215 Hours per month	1-62 Hours per month	63-135 Hours per month	136-215 Hours per month
	Hourly	Part-time	Monthly	Hourly	Part-time	Monthly
Infant	\$3.02	\$343	\$457	\$3.83	\$398	\$531
Toddler	\$2.84	\$343	\$457	\$3.40	\$383	\$510
Preschool	\$2.54	\$339	\$452	\$2.76	\$290	\$386
School	\$2.54	\$323	\$431	\$2.85	\$316	\$421
Special Needs	\$3.02	\$343	\$457	\$3.83	\$398	\$531

LICENSED RATE MAXIMUMS

	Registered Family Rate			Certified Family Rate			Certified Center Rate		
	1-62 Hours per month	63-135 Hours per month	136-215 Hours per month	1-62 Hours per month	63-135 Hours per month	136-215 Hours per month	1-62 Hours per month	63-135 Hours per month	136-215 Hours per month
	Hourly	Part-time	Monthly	Hourly	Part-time	Monthly	Hourly	Part-time	Monthly
Infant	\$3.00	\$360	\$480	\$4.00	\$413	\$550	\$4.50	\$469	\$625
Toddler	\$3.00	\$360	\$480	\$3.50	\$428	\$570	\$4.00	\$450	\$600
Preschool	\$3.00	\$356	\$475	\$3.50	\$375	\$500	\$3.25	\$340	\$453
School	\$3.00	\$341	\$455	\$3.50	\$375	\$500	\$3.35	\$372	\$495
Special Needs	\$3.00	\$360	\$480	\$4.00	\$413	\$550	\$4.50	\$469	\$625

Zip Codes for Group Area C: Balance of State, Other State Zips

97001	97020	97021	97026	97029	97032	97033	97037	97039	97040	97050	97054	97057
97063	97065	97101	97102	97130	97136	97137	97144	97145	97147	97324	97329	97335
97342	97345	97346	97347	97350	97358	97359	97360	97364	97368	97369	97375	97384
97388	97390	97396	97406	97407	97409	97410	97411	97412	97413	97414	97416	97417
97419	97425	97427	97428	97429	97430	97432	97433	97434	97435	97436	97437	97438
97439	97441	97442	97443	97447	97449	97450	97451	97453	97458	97460	97461	97462
97463	97464	97466	97467	97468	97469	97472	97473	97476	97480	97481	97484	97486
97488	97490	97491	97492	97493	97494	97495	97496	97497	97498	97499	97522	97523
97526	97527	97530	97531	97532	97533	97536	97537	97538	97539	97540	97541	97543
97544	97601	97603	97604	97620	97621	97622	97623	97624	97625	97626	97627	97630
97632	97633	97634	97635	97636	97637	97638	97639	97640	97641	97710	97711	97712
97720	97721	97722	97730	97731	97732	97733	97734	97735	97736	97737	97738	97739
97740	97741	97742	97750	97751	97752	97753	97754	97758	97761	97810	97814	97817
97818	97819	97820	97821	97822	97823	97824	97825	97826	97827	97828	97830	97831
97833	97834	97835	97836	97837	97838	97839	97840	97841	97842	97843	97844	97845
97846	97848	97850	97856	97857	97859	97861	97862	97864	97865	97867	97868	97869
97870	97871	97872	97873	97874	97875	97876	97877	97880	97882	97883	97884	97885
97886	97901	97902	97903	97904	97905	97906	97907	97908	97909	97910	97911	97913
97914	97918	97919	97920									

- (5) Except to the extent provided otherwise in section (12), (13), or (14) of this rule or for children in contracted child care (see OAR 461-135-0405 and 461-135-0407), this section establishes the ERDC eligibility standard and the client's copayment (copay).
- (a) At initial certification, the ERDC eligibility standard is met for a *need group* (see OAR 461-110-0630) of eight or less if monthly *countable income* (see OAR 461-001-0000) for the *need group* is less than 185 percent of the federal poverty level (FPL), as described in OAR 461-155-0180. The eligibility standard for a *need group* of eight applies to any *need group* larger than eight.
- (b) During the *certification period* (see OAR 461-001-0000) and at recertification the ERDC eligibility standard is met for a *need group* of eight or less if monthly *countable income* for the *need group* during the 12 month period is less than 250 percent FPL or 85 percent state median income (SMI), whichever is higher, as described in OAR 461-155-0180. The eligibility standard for a *need group* of eight applies to any *need group* larger than eight.
- (c) The minimum monthly ERDC copay is \$25.
- (d) The filing group may not exceed the resource limit in OAR 461-160-0015.

- (e) For a filing group (see OAR 461-110-0310) whose *countable income* is at or below 50 percent of the 2007 FPL, the copay is \$25 or 1.5 percent of the filing group's monthly *countable income*, whichever is greater.
- (f) For a filing group whose *countable income* is over 50 percent of the 2007 FPL, the copay amount is determined with the following percentage of monthly income:
 - (A) Divide the filing group's *countable income* by the 2007 FPL, drop all digits beyond two decimal points, subtract 0.5, and multiply this difference by 0.12.
 - (B) Add .015 to the amount in paragraph (A) of this subsection. This sum is the percentage of monthly income used to determine the copay amount. Multiply this sum by the filing group's *countable income* and round to the nearest whole dollar.
- (g) The 2007 federal poverty level used to determine copay amounts under subsections (e) and (f) of this section is set at the following amounts:

Number in Family	Gross Monthly Income	Gross Yearly Income
2	\$1,141	\$13,690
3	1,431	17,170
4	1,721	20,650
5	2,011	24,130
6	2,301	27,610
7	2,591	31,090
8 or more	2,881	34,570

- (6) Subject to the provisions in section (9) of this rule, the monthly limit for each child's child care payments is the lesser of the amount charged by the provider or providers and the following amounts:
 - (a) The monthly rate provided in section (4) of this rule.
 - (b) The product of the hours of care, limited by section (8) of this rule, multiplied by the hourly rate provided in section (4) of this rule.
- (7) The limit in any month for child care payments on behalf of a child whose caretaker is away from the child's home for more than 30 days because the caretaker is a member of a reserve or National Guard unit that is called up for active duty is the lesser of the following:
 - (a) The amount billed by the provider or providers.

- (b) The monthly rate established in this rule for 215 hours of care.
- (8) The number of payable billed hours of care for a child is limited as follows:
- (a) In the ERDC and TANF programs, the total payable hours of care in a month may not exceed the amounts in paragraphs (A) or (B) of this subsection:
 - (A) 125 percent of the number of child care hours authorized:
 - (i) Under OAR 461-160-0040(2) and (5); or
 - (ii) To participate in activities included in a *case plan* (see OAR 461-001-0025) including, for clients in the JOBS Plus program, the time the client searches for unsubsidized employment and for which the employer pays the client.
 - (B) The monthly rate established in section (4) of this rule multiplied by a factor of not more than 1.5, determined by dividing the number of hours billed by 215, when the client meets the criteria for extra hours under section (10) of this rule.
 - (b) In the ERDC program, for a client who earns less than the Oregon minimum wage, the total may not exceed 125 percent of the anticipated earnings divided by the state minimum wage not to exceed 172 hours (which is full time).
 - (c) In the TANF program, for a client who earns less than the Oregon minimum wage or is self-employed, the total may not exceed 125 percent of the anticipated earnings divided by the state minimum wage not to exceed 172 hours (which is full time). The limitation of this subsection is waived for the first three months of the client's employment.
 - (d) In the ERDC program, employed caretakers eligible under OAR 461-135-0400 may have education hours added to the authorized work hours. Education hours may not exceed authorized work hours and combined hours may not exceed 215 hours per month. Education hours are hours required to participate in coursework that leads to a certificate, degree, or job-related knowledge or skills attainment at an institution of higher education approved to receive federal financial aid.
- (9) The limit in any month for child care payments on behalf of a child whose caretaker has special circumstances, defined in section (10) of this rule, is the lesser of one of the following:
- (a) The amount billed by the provider or providers; or
 - (b) The monthly rate established in section (4) of this rule multiplied by a factor, of not more than 1.5, determined by dividing the number of hours billed by 215.

- (10) The limit allowed by section (9) of this rule is authorized once the Department has determined the client has special circumstances. For the purposes of this section, a client has special circumstances when it is necessary for the client to obtain child care in excess of 215 hours in a month to perform the requirements of his or her employment or training required to keep current employment, not including self-employment. This is limited to the following situations:
- (a) The commute time to and from work exceeds two hours per day.
 - (b) The caretaker works an overnight shift and care is necessary for both work hours and sleep hours.
 - (c) The caretaker works a split shift and it is not feasible to care for the child between shifts.
 - (d) The caretaker consistently works more than 40 hours per week.
- (11) The payment available for care of a child who meets the special needs criteria described in subsection (e) of section (1) of this rule is increased in accordance with OAR 461-155-0151 if the requirements of both of the following subsections are met:
- (a) The child requires significantly more direct supervision by the child care provider than normal for a child of the same age.
 - (b) The child is enrolled in a local school district Early Intervention or Early Childhood Special Education program or school-age Special Education Program. The enrollment required by this subsection is waived if determined inappropriate by a physician, nurse practitioner, licensed or certified psychologist, clinical social worker, or school district official.
- (12) Effective May 1, 2012:
- (a) The minimum monthly ERDC copay is \$27.
 - (b) Except as stated in subsection (a) of this section, the Department adds 10 percent to the monthly client copay amount set under section (5) of this rule by multiplying the copay amount by 1.1 and rounding down to the nearest whole dollar.
- (13) Effective April 1, 2016, the ERDC copay is \$27 for no more than three months after closure of Pre-TANF, SFPSS, or TANF benefits when:
- (a) The closure is because an individual in the *need group* had earned income that led to the TANF closure;

- (b) An ERDC *date of request* (see OAR 461-115-0030) is established within 90 days of closure; and
 - (c) The individual is eligible for ERDC at initial certification.
- (14) The ERDC copay will be reduced starting the month after the ERDC case has been electronically connected to a Department approved child care provider with a Quality Rating and Improvement System (QRIS) star rating of 3, 4, or 5. The copay will be reduced by the following amounts:
- (a) A copay set at \$27 is waived, unless the copay is \$27 under section (13) of this rule in which case the copay is not waived under this section.
 - (b) Copay amounts of \$28 to \$200 are reduced by \$20.
 - (c) Copay amounts of \$201 or more are reduced by 10 percent rounding to the nearest dollar.

Stat. Auth.: ORS 329A.500, 409.050, 411.060, 411.070, 412.006, 412.049

Stats. Implemented: ORS 329A.500, 409.010, 409.610, 411.060, 411.070, 411.122, 411.141, 412.006, 412.049, 412.124, 418.485

AMEND: 461-155-0180

NOTICE FILED DATE: 07/16/2018

RULE SUMMARY: OAR 461-155-0180 about income standards affecting self-sufficiency programs is being amended to make annual cost-of-living adjustments to the income standards, allowing these programs to maintain support of low-income individuals and families at current levels.

CHANGES TO RULE:

461-155-0180

Income Standards; Not OSIP, OSIPM, QMB ¶¶

(1) A Department program may cite this rule if the program uses a monthly income standard based on the federal poverty level or state median income. The standards in this rule are effective as of ~~March~~October 1, 2018, except as provided otherwise.¶¶

(2) A monthly income standard set at 100 percent of the 2017~~8~~ federal poverty level is set at the following amounts: [see attached table]¶¶

(3) A monthly income standard set at 130 percent of the 2017~~8~~ federal poverty level is set at the following amounts: [see attached table]¶¶

(4) Effective March 1, 2018, a monthly income standard set at 185 percent of the 2018 federal poverty level is set at the following amounts: [see attached table]¶¶

(5) A monthly income standard set at 200 percent of the 2017~~8~~ federal poverty level is set at the following amounts: [see attached table]¶¶

(6) A monthly income standard set at 250 percent of the 2018 federal poverty level is set at the following amounts: [see attached table]¶¶

(7) A monthly income standard set at 350 percent of the 2016 federal poverty level is set at the following amounts: [see attached table]¶¶

(8) A monthly income standard set at 85 percent of the 2018 state median income is set at the following amounts: [see attached table]

Statutory/Other Authority: ORS 329A.500, 409.050, 411.060, 411.070, 411.816, 412.049

Statutes/Other Implemented: ORS 329A.500, 409.010, 411.060, 411.070, 411.816, 412.014, 412.049

RULE ATTACHMENTS DO NOT SHOW CHANGES. PLEASE CONTACT AGENCY REGARDING CHANGES.

- (1) A Department program may cite this rule if the program uses a monthly income standard based on the federal poverty level or state median income. The standards in this rule are effective as of October 1, 2018, except as provided otherwise.
- (2) A monthly income standard set at 100 percent of the 2018 federal poverty level is set at the following amounts:

Size of Group	Standard
1	\$ 1,012
2	1,372
3	1,732
4	2,092
5	2,452
6	2,812
7	3,172
8	3,532
9	3,892
10	4,252
+1	+360

- (3) A monthly income standard set at 130 percent of the 2018 federal poverty level is set at the following amounts:

Size of Group	Standard
1	\$1,316
2	1,784
3	2,252
4	2,720
5	3,188
6	3,656
7	4,124
8	4,592
9	5,060
10	5,528
+1	468

- (4) Effective March 1, 2018, a monthly income standard set at 185 percent of the 2018 federal poverty level is set at the following amounts:

Size of Group	Standard
1	\$1,872
2	2,538

3	3,204
4	3,870
5	4,536
6	5,202
7	5,868
8	6,534
9	7,200
10	7,866
+1	+666

- (5) A monthly income standard set at 200 percent of the 2018 federal poverty level is set at the following amounts:

Size of Group	Standard
1	\$2,024
2	2,744
3	3,464
4	4,184
5	4,904
6	5,624
7	6,344
8	7,064
+1	+720

- (6) A monthly income standard set at 250 percent of the 2018 federal poverty level is set at the following amounts:

Size of Group	Standard
2	\$3,430
3	4,330
4	5,230
5	6,130
6	7,030
7	7,930
8	8,830

- (7) A monthly income standard set at 350 percent of the 2016 federal poverty level is set at the following amounts:

Size of Group	Standard
1	\$3,465
2	4,673
3	5,880
4	7,088
5	8,295

6	9,503
7	10,713
8	11,927
9	13,140
10	14,353
+1	1,214

- (8) A monthly income standard set at 85 percent of the 2018 state median income is set at the following amounts:

Size of Group	Standard
2	\$3,566
3	4,405
4	5,244
5	6,083
6	6,922
7	7,079
8	7,236

Stat. Auth.: ORS 329A.500, 409.050, 411.060, 411.070, 411.816, 412.014, 412.049

Stats. Implemented: ORS 329A.500, 409.010, 411.060, 411.070, 411.816, 412.014, 412.049

AMEND: 461-155-0190

NOTICE FILED DATE: 07/16/2018

RULE SUMMARY: OAR 461-155-0190 about income and payment standards in the SNAP program is being amended to indicate that the payment standard is based on the number of individuals in the benefit group (rather than the need group). This amendment aligns the rule with current practices. This rule will also be amended to make annual cost-of-living adjustments to the income limits and payment standards, staying current with federal policy.

CHANGES TO RULE:

461-155-0190

Income and Payment Standards; SNAP ¶¶

(1) The monthly SNAP Countable and Adjusted Income Limits are as follows: [see attached table]¶¶

(2) The SNAP Payment Standard (Thrifty Food Plan) is: [see attached table]

Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 411.816

Statutes/Other Implemented: ORS 411.070, 411.816, 411.825, 411.837, ORS 409.010, 409.050, 411.060, 7 CFR 273.1, 7 CFR 273.10

RULE ATTACHMENTS DO NOT SHOW CHANGES. PLEASE CONTACT AGENCY REGARDING CHANGES.

(1) The monthly SNAP Countable and Adjusted Income Limits are as follows:

Need Group Size	Countable Income Limit	Adjusted Income Limit
1	\$1,316	\$ 1,012
2	1,784	1,372
3	2,252	1,732
4	2,720	2,092
5	3,188	2,452
6	3,656	2,812
7	4,124	3,172
8	4,592	3,532
Each additional individual	468	360

(2) The SNAP Payment Standard (Thrifty Food Plan) is:

SNAP Payment Standard (TFP)	
No. in Benefit Group	Monthly Amount
1	\$ 192
2	353
3	505
4	642
5	762
6	914
7	1,011
8	1,155
Each additional individual	144

Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 411.816
 Statutes/Other Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.816, 411.825, 411.837, 7 CFR 273.1, 7 CFR 273.10

AMEND: 461-160-0420

NOTICE FILED DATE: 07/16/2018

RULE SUMMARY: OAR 461-160-0420 about the shelter cost in the SNAP program used to set the shelter deduction from income is being amended to make annual adjustments, keeping benefits in line with client need.

CHANGES TO RULE:

461-160-0420

Shelter Cost; SNAP ¶

(1) This rule explains how to calculate the shelter cost. The shelter cost is used to determine the shelter deduction (see OAR 461-160-0430). The shelter cost is the sum of the filing group's cost of housing plus an allowance for utilities, if the individual incurs a utility cost. The shelter deduction is based on the shelter cost but is subject to a limitation described in OAR 461-160-0430.¶

(2) Cost of housing.¶

(a) The following comprise the cost of housing if they are incurred with respect to the filing group's current residence or the home described in section (5) of this rule:¶

(A) Regular, periodic charges for the shelter of the filing group (see OAR 461-110-0370), such as rent, mortgage payments, and condominium or association fees. Late fees charged because a mortgage or rent payment was made late are not deductible.¶

(B) Property taxes, state and local assessments, and property insurance on the structure.¶

(C) Costs for repairing a home substantially damaged or destroyed by a natural disaster (such as a fire or flood), if such costs are not reimbursed.¶

(D) If the filing group is homeless and living in a vehicle---vehicle payments and collision and comprehensive insurance premiums for the vehicle.¶

(b) If housing costs are billed on a weekly or biweekly basis, the monthly cost is the weekly cost multiplied by 4.3 or the biweekly cost multiplied by 2.15.¶

(c) The filing group has the following choices about housing costs:¶

(A) The group may choose to apply the cost in the month it is billed or becomes due.¶

(B) The group may choose to have periodic costs averaged.¶

(C) For expenses that are billed less often than monthly, the group may choose to have them averaged over the period they are intended to cover.¶

(3) Shared housing. If the filing group shares housing costs with an individual in the dwelling who is not in the filing group, only the housing costs incurred by the filing group are included in the calculation. If the portion paid by an individual outside the filing group cannot be ascertained, the cost is apportioned among the individuals contributing to the cost. The pro rata share of those not in the filing group is deducted from the total, and the balance is considered a housing cost of the filing group.¶

(4) Cost for utilities.¶

(a) A filing group has a cost for utilities if it incurs a cost for heating or cooling; cooking fuel; electricity; water and sewerage; well installation and maintenance; septic tank system installation and maintenance; garbage and trash collection; service for a telephone, such as basic service fee, wire maintenance, subscriber line charges, relay center surcharges, 911 service, and taxes; or initial installation fees charged by a utility provider.¶

(b) If the group incurs no cost for utilities in either its current home or in the home described in section (5) of this rule, then the shelter cost is calculated without an allowance for utilities.¶

(c) If a homeless filing group uses a vehicle for shelter, the cost of fuel for the vehicle is considered a utility cost.¶

(d) If a filing group incurs a cost for utilities, then the utility allowance is one of the following:¶

(A) Allowance with heating or cooling. A full standard utility allowance of \$454~~36~~ per month is used if the

household group (see OAR 461-110-0210) is billed for heating or cooling costs for its dwelling. Charges for any fuel and for electricity are considered heating costs if they are used for heating. A filing group who receives an energy assistance payment for the dwelling provided through the Low Income Energy Assistance Act of 1981 is eligible for the utility allowance established by this paragraph (A). This energy assistance payment must be greater than \$20 annually.¶

(B) Allowance without heating or cooling.¶

(i) A limited standard utility allowance of \$344~~28~~ per month is used if the filing group is not billed for heating or cooling costs but is billed for at least two other costs enumerated in subsection (4)(a) of this rule.¶

(ii) An individual standard utility allowance of \$56~~3~~ per month is used if the filing group is not billed for heating or cooling costs but is billed for only one of the costs enumerated in subsection (4)(a) of this rule other than the service cost for a telephone, including the related taxes or fees.¶

(iii) A telephone standard utility allowance of \$64~~5~~ per month is used if the filing group is billed only for telephone service, such as basic service fee, wire maintenance, subscriber line charges, relay center surcharges, 911 service, and taxes.¶

(5) Housing costs for a home not occupied by the filing group. Housing and utility costs with respect to a home not currently occupied may be considered in calculating the shelter cost if--¶

(a) The home is temporarily unoccupied because of employment or training away from home, illness, or abandonment caused by casualty or natural disaster;¶

(b) The filing group intends to return to the home;¶

(c) No other, current occupant is claiming a deduction for shelter costs in the SNAP program; and¶

(d) The home is not leased during the household's absence.

Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 411.816

Statutes/Other Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.816, 411.825, 411.837

AMEND: 461-160-0430

NOTICE FILED DATE: 07/16/2018

RULE SUMMARY: OAR 461-160-0430 about income deductions in the SNAP program is being amended to make annual adjustments to the income deductions, keeping benefits in line with client need.

CHANGES TO RULE:

461-160-0430

Income Deductions; SNAP ¶¶

In the SNAP program:¶¶

(1) Deductions from income are subtracted from countable (see OAR 461-001-0000) income (see OAR 461-140-0010) in the following order to determine adjusted income (see OAR 461-001-0000) for the SNAP program:¶¶

(a) An earned income deduction of 20 percent of countable earned income. The 20 percent deduction is not taken from the wages funded by grant diversions such as Work Supplementation wages.¶¶

(b) A standard deduction of:¶¶

(A) ~~\$1604~~ per month for a benefit group (see OAR 461-110-0750) of one, two, or three individuals.¶¶

(B) ~~\$1704~~ per month for a benefit group of four individuals.¶¶

(C) ~~\$199204~~ per month for a benefit group of five individuals.¶¶

(D) ~~\$22834~~ per month for a benefit group of six or more individuals.¶¶

(c) A dependent care deduction for dependent care costs billed to a member of the filing group (see OAR 461-110-0370) and not paid for through any other program of the Department. For the cost to be deductible under this section, the care must be necessary to enable a member of the filing group to--¶¶

(A) Accept or continue employment;¶¶

(B) Seek employment, including a job search that meets the requirements of a case plan (see OAR 461-001-0020); or¶¶

(C) Attend vocational or educational training. A student receiving educational income is entitled to a deduction only for costs not excluded from educational income by OAR 461-145-0150.¶¶

(d) The medical deduction for elderly (see OAR 461-001-0015) individuals and individuals who have a disability (see OAR 461-001-0015) in the filing group. The deduction is calculated by determining the total of their deductible medical costs (see OAR 461-160-0415) and subtracting \$35. The Department uses the resulting amount to determine the allowable deduction as follows:¶¶

(A) For an amount less than \$0, no deduction is allowed.¶¶

(B) For an amount greater than \$0 but less than \$170.01, a deduction of \$170 is allowed.¶¶

(C) For an amount greater than \$170, a deduction of the amount determined under this subsection is allowed.¶¶

(e) A deduction for child support payments (including cash medical support) a member of the filing group makes under a legal obligation to a child (see OAR 461-001-0000) not a member of the filing group, including payments for the current month and for payments on arrearages. Child support is not deductible if collected by setoff through the Oregon Department of Revenue or by interception of a federal tax refund.¶¶

(f) A shelter deduction, calculated as follows:¶¶

(A) For SNAP filing group members required to pay room and board in a nonstandard living arrangement (see OAR 461-001-0000), the shelter deduction is:¶¶

(i) The cost of room and board, minus the payment standard for the benefit group; or¶¶

(ii) The actual room cost, if the individual can prove that the room cost exceeds the cost described in subparagraph (i) of this paragraph.¶¶

(B) For all other filing group members, the shelter deduction is calculated as follows:¶¶

(i) The standard deduction and the deductions of earned income, dependent care, court-ordered child support, and medical expenses are subtracted from countable income. Fifty percent of the remainder is subtracted from the shelter cost calculated in accordance with OAR 461-160-0420.¶¶

(ii) The rounded balance is the deduction, except the deduction is limited if the filing group has no member who has a disability or is elderly. The limit is \$~~535~~52 per month.¶

(2) If a filing group member cannot verify a medical or court-ordered child-support expense or cannot verify any other expense when asked to do so, the unverified expense is not used to calculate the deduction. If the individual provides verification, the deduction is applied when calculating the next month's benefits. If verification is provided within the period authorized for processing applications (see OAR 461-115-0210), the benefits for the initial month (see OAR 461-001-0000) are recalculated using the deduction.

Statutory/Other Authority: ~~ORS 409.050~~, 411.060, 411.070, 411.816, ORS 409.050

Statutes/Other Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.816, 411.825, 411.837

AMEND: 461-190-0211

REPEAL: Temporary 461-190-0211 from SSP 26-2018

NOTICE FILED DATE: 07/16/2018

RULE SUMMARY: OAR 461-190-0211 about case plan activities and standards for support service payments is being amended to make permanent a temporary rule change initially adopted effective June 1, 2018 that allows 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:

461-190-0211

Case Plan Activities and Standards for Support Service Payments; JOBS, Post-TANF, Pre-TANF, REF, REP, SFPSS, TA-DVS, TANF ¶¶

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 (9) 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. ~~Subject to local services and budget, the Department may provide payments for housing and utilities are not allowed 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.¶

(9) 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.¶

(10) 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.¶¶

(11) 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 412.016, 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, 412.011, 412.014

REPEAL: 461-193-0031

NOTICE FILED DATE: 07/16/2018

RULE SUMMARY: OAR 461-193-0031 about eligibility requirements for the Refugee Case Services Project (RCSP) is being repealed as part of removing policies specific to the Refugee Case Services Project (RCSP). RCSP is ending, and the Department will be doing eligibility for newly arrived refugees in the Tri-County area for the Refugee (REF) and TANF programs, which is a better fit with Integrated Eligibility.

CHANGES TO RULE:

~~461-193-0031~~

~~Eligibility Requirements; Refugee Case Services Project (RCSP) ¶¶~~

~~(1) The Refugee Case Services Project (RCSP) is a contractual partnership between the Department and Refugee Resettlement Agencies to provide management of cash assistance to eligible individuals who reside in Multnomah, Clackamas, or Washington County. ¶¶~~

~~(2) An individual must participate in the Refugee Case Services Project if the individual meets all of the following: ¶¶~~

~~(a) Meets all REF or TANF program eligibility (see OAR 461-001-0000) requirements. ¶¶~~

~~(b) Meets the alien status requirements under OAR 461-120-0125(5). ¶¶~~

~~(c) Resides in Clackamas, Multnomah, or Washington County. ¶¶~~

~~(d) Has resided in the U.S. for eight months or less from the time their eligible immigration status was granted (with each month in the U.S. counted as a whole month and no prorating of any month); and ¶¶~~

~~(A) Their filing date is prior to February 1, 2018; or ¶¶~~

~~(B) The individual was enrolled in RCSP prior to February 1, 2018. ¶¶~~

~~(3) Be under 65 years of age.~~

~~Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 411.116, 412.006, 412.049, 411.121~~

~~Statutes/Other Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.116, 412.006, 412.049, 411.121, 45 CFR 400~~

REPEAL: 461-193-0042

NOTICE FILED DATE: 07/16/2018

RULE SUMMARY: OAR 461-193-0042 about employment services for the Refugee Case Services Project (RCSP) is being repealed as part of removing policies specific to RCSP, which is ending. The Department will be doing eligibility for newly arrived refugees in the Tri-County area for the Refugee (REF) and TANF programs, which is a better fit with Integrated Eligibility.

CHANGES TO RULE:

~~461-193-0042~~

~~Employment Services; Refugee Case Services Project (RCSP) ¶¶~~

~~In the RCSP program, each participant must participate in the employment program provided in accordance with JOBS and REP program requirements.~~

~~Statutory/Other Authority: 411.060, ORS 409.050~~

~~Statutes/Other Implemented: 411.060, ORS 409.010~~

REPEAL: 461-193-0246

NOTICE FILED DATE: 07/16/2018

RULE SUMMARY: OAR 461-193-0246 about employment incentives for the Refugee Case Services Project (RCSP) is being repealed to as part of removing policies specific to RCSP, which is ending and because the employment incentive was not federal approved. The Department will be doing eligibility for newly arrived refugees in the Tri-County area for the Refugee (REF) and TANF programs, which is a better fit with Integrated Eligibility.

CHANGES TO RULE:

~~461-193-0246~~

~~Employment Incentive; RCSP ¶¶~~

~~In the Refugee Case Service Project (RCSP) program:¶¶~~

~~(1) A TANF participant is eligible for an employment incentive only while active in the RCSP JOBS program.¶¶~~

~~(2) To be eligible for an employment incentive, a TANF participant must meet the requirements of all of the following subsections:¶¶~~

~~(a) The TANF participant must retain full-time employment for 90 days. Eligibility for the incentive starts on the 90th day of employment.¶¶~~

~~(b) The TANF participant must be employed in two part-time jobs concurrently, totaling at least 35 hours per week. Eligibility for the incentive starts on the 90th day of the job which makes the work week total to 35 hours per week or more.¶¶~~

~~(3) A TANF participant may receive only one 90-day employment incentive.¶¶~~

~~(4) For purposes of this rule, the "employment incentive" is a \$25.00 gift card, purchased by the RCSP JOBS contractor, to a department store that is mutually determined by the contractor and the Department.~~

~~Statutory/Other Authority: ORS 409.050, 411.060~~

~~Statutes/Other Implemented: ORS 409.010, 411.060, 411.070, 411.116, 412.006, 412.049~~

REPEAL: 461-193-0320

NOTICE FILED DATE: 07/16/2018

RULE SUMMARY: OAR 461-193-0320 about effective dates for cash assistance in the Refugee Case Services Project is being repealed as part of removing policies specific to RCSP, which is ending. This amendment will result in prorated benefits instead of a full-month of benefits in the first month of eligibility. The Department will be doing eligibility for newly arrived refugees in the Tri-County area for the Refugee (REF) and TANF programs, which is a better fit with Integrated Eligibility. With no public-private partnership in place, federal requirements no longer allow providing a full month of benefits instead of proration in the first month.

CHANGES TO RULE:

~~461-193-0320~~

~~Effective Dates for Cash Assistance; Refugee Case Service Project ¶¶~~

~~In the Refugee Case Service Project (RCSP):¶¶~~

~~(1) Except as provided otherwise in this rule, eligibility for cash assistance is effective as provided for REF and TANF clients in OAR 461-180-0070.¶¶~~

~~(2) When all of the following subsections are met, the effective date for cash assistance is the first day of the month in which the date of application falls:¶¶~~

~~(a) The individual is eligible to receive REF assistance.¶¶~~

~~(b) The individual's entry to the United States—¶¶~~

~~(A) And application date fall within the same month; or¶¶~~

~~(B) Was in another state while in transit to Oregon for resettlement, and the application date falls in the second month of arrival in the United States.¶¶~~

~~(c) The individual has not received refugee cash assistance in any other state.~~

~~Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 411.116, 412.006, 412.049~~

~~Statutes/Other Implemented: ORS 409.010, 411.060, 411.070, 411.116, 412.006, 412.049~~

REPEAL: 461-193-0470

NOTICE FILED DATE: 07/16/2018

RULE SUMMARY: OAR 461-193-0470 about eligibility decisions in the Refugee Case Services Project (RCSP) is being repealed as part of removing policies specific to RCSP, which is ending. The Department will be doing eligibility for newly arrived refugees in the Tri-County area for the Refugee (REF) and TANF programs, which is a better fit with Integrated Eligibility.

CHANGES TO RULE:

~~461-193-0470~~

~~Eligibility Decision; Refugee Case Services Project (RCSP)~~

~~In the RCSP program:¶~~

~~(1) The RCSP program worker determines whether the applicant meets initial eligibility for the RCSP program.¶~~

~~(2) The final determination of eligibility is made by the Department's State Refugee Coordinator or designee.~~

~~Statutory/Other Authority: ORS 411.060~~

~~Statutes/Other Implemented: ORS 411.060~~

REPEAL: 461-193-0670

NOTICE FILED DATE: 07/16/2018

RULE SUMMARY: OAR 461-193-0670 about payment controls in the Refugee Case Services Project (RCSP) is being repealed as part of removing policies specific to RCSP, which is ending. The Department will be doing eligibility for newly arrived refugees in the Tri-County area for the Refugee (REF) and TANF programs, which is a better fit with Integrated Eligibility.

CHANGES TO RULE:

~~461-193-0670~~

~~Payment Controls; Refugee Case Services Project (RCSP)~~

~~In the RCSP program, a cash assistance benefit payment must be authorized by the RCSP program provider, approved by a supervisor, and documented on a Department approved project form. The final determination of eligibility is made as described in OAR 461-193-0470.~~

~~Statutory/Other Authority: ORS 411.060~~

~~Statutes/Other Implemented: ORS 411.060~~

REPEAL: 461-193-0690

NOTICE FILED DATE: 07/16/2018

RULE SUMMARY: OAR 461-193-0690 about overpayments in the Refugee Case Services Project (RCSP) is being repealed as part of removing policies specific to RCSP, which is ending. The Department will be doing eligibility for newly arrived refugees in the Tri-County area for the Refugee (REF) and TANF programs, which is a better fit with Integrated Eligibility.

CHANGES TO RULE:

~~461-193-0690~~

~~Overpayments; Refugee Case Services Project (RCSP)~~

~~In the RCSP program:¶¶~~

~~(1) An overpayment is any cash payment made by the project that exceeds the amount a client is eligible for, and is received by, or on behalf of, that client. An overpayment may result from administrative or client error.¶¶~~

~~(2) Any overpayment amount is a debt and a delinquent account owed to the State of Oregon and is subject to collection. The project may recover the overpayment amount from the case head (see OAR 461-193-0130) and any adult who was a member of the case at the time of the overpayment. The project may recover an overpayment amount from any of the following sources or from any other source permitted by law:¶¶~~

~~(a) Reimbursement from the client.¶¶~~

~~(b) Reduction of ongoing benefits.¶¶~~

~~(c) The amount of any restoration of benefits otherwise payable to the client (ending a disqualification).¶¶~~

~~(d) An overpayment not immediately recoverable from a source specified in this section is subject to collection services through the Department.¶¶~~

~~(3) An overpayment may be paid in full or under a repayment schedule. Each repayment schedule must be approved by the case service supervisor, and the State Refugee Coordinator or designee.¶¶~~

~~(a) A repayment schedule must be one of the following:¶¶~~

~~(A) The total amount of the overpayment divided by the remaining months of case time eligibility.¶¶~~

~~(B) Voluntary deduction of the entire overpayment amount from the next cash assistance check, if the overpayment amount is less than the next cash assistance payment.¶¶~~

~~(C) Voluntary deduction from all future cash assistance payments until the overpayment is repaid.¶¶~~

~~(b) Cash repayment must be made according to the procedure determined by the State Refugee program.~~

~~Statutory/Other Authority: ORS 411.060~~

~~Statutes/Other Implemented: ORS 411.060~~