



PERMANENT ADMINISTRATIVE ORDER

SSP 36-2018

CHAPTER 461
DEPARTMENT OF HUMAN SERVICES
SELF-SUFFICIENCY PROGRAMS

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FILING CAPTION: Amending rule about TA-DVS payments

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CONTACT: Robert Trachtenberg
503-947-5290
robert.trachtenberg@state.or.us

DHS - SSP
500 Summer Street NE, E-48
Salem, OR 97301

Filed By:
Robert Trachtenberg
Rules Coordinator

AMEND: 461-145-0410

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RULE SUMMARY: OAR 461-145-0410 about the effect of program benefits on the determination of eligibility is being amended to indicate that TA-DVS payments made directly to a participant are no longer be counted as income for the ERDC and SNAP programs. This amendment promotes client safety so that an abuser who shares a SNAP filing group with a TA-DVS participant in the ERDC program will not have access to the payment as income information. This amendment is also permitted under SNAP federal regulations and keeps SNAP and ERDC aligned on this issue.

CHANGES TO RULE:

461-145-0410

Program Benefits ¶¶

(1) EA and ~~TA-DVS~~ payments are treated as follows:¶¶

(a) In the ERDC and SNAP programs, a payment made directly to the client is counted as unearned income. Dual payee and provider-direct payments are excluded.¶¶

(b) In all programs except the ERDC and SNAP programs, these payments are excluded.¶¶

(2) Employment Payments (see OAR 461-001-0025 and 461-135-1270) are treated as follows:¶¶

(a) In the REF, REFM, SNAP, and TANF programs, these payments are counted as unearned income in the month received.¶¶

(b) In all programs not covered in subsection (a) of this section, these payments are excluded.¶¶

(3) Payments from ERDC and TANF child care are excluded unless the client is the provider.¶¶

(4) Payments from the MAGI medical (including MAGI-CHIP), OSIPM, QMB, and REFM programs are excluded.¶¶

(5) Payments from JPI (see OAR 461-135-1260) are issued as a food benefit and are excluded.¶¶

(6) SNAP payments are treated as follows:¶¶

(a) The value of an SNAP benefit is excluded in all programs except the EA program. In the EA program, the value is counted as a resource when determining the emergency food needs of the filing group (see OAR 461-110-0310 and 461-110-0370).¶¶

- (b) OFSET service payments are excluded.¶¶
- (7) Benefits from the GA, OSIP (except OSIP-IC), Post-TANF, REF, SFPSS, TANF, and tribal-TANF programs are treated as follows:¶¶
 - (a) In the EA program, these payments are counted as unearned income, except that these payments are excluded for a benefit group (see OAR 461-110-0750) whose emergent need is the result of domestic violence (see OAR 461-001-0000).¶¶
 - (b) In the ERDC program:¶¶
 - (A) Post-TANF payments are excluded.¶¶
 - (B) All other payments are counted as unearned income.¶¶
 - (c) In the QMB-BAS, QMB-SMB, and QMB-SMF programs, these payments are excluded.¶¶
 - (d) In the SNAP program:¶¶
 - (A) These payments are treated as unearned income.¶¶
 - (B) An amount received as a late processing payment is treated as lump-sum income (see OAR 461-001-0000 and 461-140-0120).¶¶
 - (C) Payments made to correct an underpayment are treated as lump-sum income.¶¶
 - (D) Ongoing special needs payments for laundry allowances, special diet or meal allowance, restaurant meals, accommodation allowances, and telephone allowances are treated as unearned income. All other special needs payments are excluded as reimbursements.¶¶
 - (e) In all programs except the EA, ERDC, QMB-BAS, QMB-SMB, QMB-SMF, and SNAP programs:¶¶
 - (A) These payments are excluded in the month received, and any portion remaining following the month of receipt is counted as a resource.¶¶
 - (B) Payments made to correct an underpayment are excluded.¶¶
 - (f) In all programs:¶¶
 - (A) JOBS, REF, and TANF JOBS Plus support service payments are excluded.¶¶
 - (B) For the treatment of JOBS Plus income, see OAR 461-145-0130.¶¶
 - (C) REF and TANF client incentive payments are treated as follows:¶¶
 - (i) Except in the TANF program, the cooperation incentive payment (see OAR 461-135-0210) is counted as unearned income.¶¶
 - (ii) Progress and outcome incentive payments other than in-kind payments are counted as lump-sum income (see OAR 461-140-0120). All other incentives are excluded.¶¶
 - (8) Payments from OSIP-IC are treated as follows:¶¶
 - (a) In the SNAP program, these payments are counted as unearned income and assets held in a contingency fund (see OAR 411-030-0020) are counted as a resource.¶¶
 - (b) In all other programs, these payments and funds held in a contingency fund are excluded.¶¶
 - (9) Pre-TANF program payments are treated as follows:¶¶
 - (a) In the SNAP program, a payment for basic living expenses, made directly to the client, is counted as unearned income. All other payments are excluded.¶¶
 - (b) In all programs except the SNAP program, these payments are excluded.¶¶
- (10) TA-DVS payments are excluded for all programs.

Statutory/Other Authority: ORS 329A.500, 409.050, 411.083, 411.404, 411.816, 412.014, 412.049, 413.085, 414.685

Statutes/Other Implemented: ORS 329A.500, 409.010, 411.083, 411.404, 411.700, 411.816, 412.014, 412.049, 7 CFR 273.9