

OFFICE OF THE SECRETARY OF STATE  
BEV CLARNO  
SECRETARY OF STATE  
  
A. RICHARD VIAL  
DEPUTY SECRETARY OF STATE



ARCHIVES DIVISION  
STEPHANIE CLARK  
INTERIM DIRECTOR  
  
800 SUMMER STREET NE  
SALEM, OR 97310  
503-373-0701

**TEMPORARY ADMINISTRATIVE ORDER**  
INCLUDING STATEMENT OF NEED & JUSTIFICATION

**SSP 17-2019**

CHAPTER 461  
DEPARTMENT OF HUMAN SERVICES  
SELF-SUFFICIENCY PROGRAMS

**FILED**  
07/10/2019 2:11 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE  
& LEGISLATIVE COUNSEL

FILING CAPTION: Adjusting SNAP filing group rules

EFFECTIVE DATE: 07/15/2019 THROUGH 12/31/2019

AGENCY APPROVED DATE: 07/10/2019

CONTACT: Meorah Solar  
541-684-2475  
meorah.a.solar@state.or.us

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

Filed By:  
Meorah Solar  
Rules Coordinator

NEED FOR THE RULE(S):

OAR 461-110-0370 about filing groups in the SNAP program needs to be amended to allow inclusion of individuals receiving SSI from California in the SNAP filing group. The amendment will align SNAP filing group rules with recent legislative changes to SSI and SNAP program benefits in California.

JUSTIFICATION OF TEMPORARY FILING:

The Department finds that failure to act promptly by amending OAR 461-110-0370 will result in serious prejudice to the public interest, the Department, and clients in the SNAP program. This amendment is needed immediately to allow Oregon residents receiving SSI from California to be included in SNAP eligibility groups.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

"SSI/SSP Recipients Will Be Eligible for CalFresh in Summer 2019" at <https://wclp.org/wp-content/uploads/2018/10/SSI-SSP-Recipients-Will-be-Eligible-for-CalFresh-in-Summer-2019.pdf>

"Expanding CalFresh to Older Adults & People with Disabilities Receiving SSI" at <http://www.cdss.ca.gov/Portals/9/CalFresh%20SSI%20Cash-Out/June%202019%20CF%20Expansion%20SSI%20Implementation%20Update-Final.pdf?ver=2019-07-08-153812-243> by California Department of Social Services

AMEND: 461-110-0370

RULE SUMMARY: OAR 461-110-0370 about filing groups in the SNAP program is being amended to align SNAP filing group rules with recent legislative changes to SSI and SNAP program benefits in California. This amendment to include individuals receiving SSI from California in the SNAP filing group will support accurate SNAP eligibility decisions in Oregon.

CHANGES TO RULE:

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.

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