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CHAPTER 461

DEPARTMENT OF HUMAN SERVICES

SELF-SUFFICIENCY PROGRAMS

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RULES:

461-001-0015, 461-110-0370, 461-115-0145, 461-115-0210, 461-120-0510, 461-130-0305, 461-130-0315, 461-130-0330, 461-135-0510, 461-135-0520, 461-135-0550, 461-155-0180, 461-160-0420, 461-170-0101, 461-190-0500

AMEND: 461-001-0015

NOTICE FILED DATE: 10/31/2019

RULE SUMMARY: OAR 461-001-0015 about definitions for the SNAP program is being amended to add a definition for the term "Drug and Alcohol treatment and rehabilitation programs" as well as to change the name of the defined term "Group living" to "Group Living Arrangement." These amendments will add clarity to terms used in the SNAP program.

CHANGES TO RULE:

461-001-0015

Definitions; SNAP ¶

The following definitions apply to the rules of the SNAP program in Chapter 461:¶

(1) Adult means an individual 18 years of age or older.¶

(2) A disabled individual or an individual with a disability means an individual who meets any of the following requirements:¶

(a) Receives SSI benefits under title XVI of the Social Security Act.¶

(b) Receives blindness or disability benefits under titles I, II, X, XIV, or XVI of the Social Security Act.¶

(c) Receives OSIP or other state or federal supplement under section 1616(a) of the Social Security Act based on disability or blindness criteria under title XVI of the Social Security Act.¶

(d) Receives state general assistance benefits based upon disability or blindness criteria under title XVI of the Social Security Act.¶

(e) Receives interim assistance pending receipt of SSI or receives disability-related medical assistance under title XIX of the Social Security Act.¶

(f) Receives a state or federally administered supplemental benefit under section 212(a) of Public Law 93-66.¶

- (g) Receives an annuity payment under Section 2(a)(1)(iv) of the Railroad Retirement Act of 1974 and is determined to be eligible for Medicare by the Railroad Retirement Board.¶
- (h) Receives an annuity payment under Section 2(a)(1)(v) of the Railroad Retirement Act of 1974 and meets the disability criteria used under title XVI of the Social Security Act.¶
- (i) Receives VA benefits for non-service or service connected disability rated or paid as total under title 38 of the United States Code.¶
- (j) Receives disability retirement benefits from a governmental agency because of a disability considered permanent under section 221(i) of the Social Security Act.¶
- (k) Has a disability considered permanent under 221(i) of the Social Security Act section and is the surviving spouse or surviving child of a veteran and considered by the VA to be entitled to compensation for a service-connected death or pension benefits for a non-service connected death under title 38 of the United States Code.¶
- (l) Is a veteran or surviving spouse of a veteran considered by the VA to be in need of Aid and Attendance benefits or permanently housebound under title 38 of the United States Code.¶
- (m) Is a surviving child of a veteran and considered permanently incapable of self support under title 38 of the United States Code.¶
- (3) Drug and alcohol treatment and rehabilitation program means a program conducted by a private nonprofit organization or institution, or a publicly operated community mental health center, that --¶
- (a) Qualifies under part B of title XIX of the Public Health Service Act to receive funds, even if it does not actually receive funding under part B of title XIX, or¶
- (b) Is authorized as a retailer by the Food and Nutrition Service (FNS).¶
- (4) Elderly means an individual 60 years of age or older.¶
- (45) Employee means an individual who works for another in return for financial or other compensation such as rent, but does not include an independent contractor.¶
- (56) Employer means a person that employs one or more individuals for wages, salary, or other compensation such as rent.¶
- (67) Externship means a required period of supervised practice completed off campus or away from an individual's school of higher education (see OAR 461-135-0570) in order to complete the requirements for the individual's degree.¶
- (78) Graduate assistantship means an appointment as a graduate student employee offering a financial payment to the graduate student for part-time work in teaching, administration, or research while the graduate student completes the academic requirements for an advanced degree at a school of higher education (see OAR 461-135-0570). A graduate assistantship includes such positions as graduate assistant, graduate research assistant, graduate teaching assistant, and graduate teaching associate.¶
- (89) Graduate fellowship means a school of higher education (see OAR 461-135-0570) awarded program, targeted to a specific student group or field of study, that may be awarded based on academic need, academic record, or merit.¶
- (910) Group living arrangement means a public or private nonprofit residential setting that serves no more than 16 residents and is certified by State of Oregon under regulations issued under section 1616(e) of the Social Security Act (42 U.S.C. 1382e(e)). To be eligible for SNAP benefits, a resident of such a group living arrangement must be blind or have a disability.¶
- (101) Head of household means a primary person.¶
- (112) An individual is homeless if the individual does not have a fixed or regular nighttime residence or has a primary residence that is one of the following:¶
- (a) A supervised shelter that provides temporary accommodations.¶
- (b) A halfway house or residence for individuals who may become institutionalized.¶
- (c) A temporary accommodation in another individual's or family's residence for 90 days or less.¶
- (d) A place not designed to be or ordinarily used as a place for individuals to sleep, such as a hallway, bus station, or similar place.¶
- (123) Internship means an official or formal program through a school of higher education (see OAR 461-135-

0570) to provide practical experience for an individual beginning an occupation or profession.¶

(134) A migrant farmworker is an individual who regularly travels away from their permanent residence overnight, usually with a group of laborers, to seek employment in an agriculturally related activity. If any member of a SNAP household fits the definition of migrant farmworker at any time during the redetermination period, the household is budgeted according to the policy on migrant farmworkers.¶

(145) A primary person means:¶

(a) An adult in the filing group (see OAR 461-110-0370) who is designated by the group to serve as the primary person. Where there is no adult, the group can designate another responsible person in the filing group.¶

(b) Once the primary person has been designated, the filing group cannot choose a different individual to be the primary person during the same certification period (see OAR 461-001-0000) or during an OFSET or job quit disqualification period, unless there is a change in the composition of the household group (see OAR 461-110-0210).¶

(156) Seasonal farmworkers are individuals employed in agricultural employment of a seasonal or temporary nature. If any member of a SNAP household fits the definition of seasonal farmworker at any time during the redetermination period, the household is budgeted according to policy on seasonal farmworkers. Seasonal farmworkers are not required to be absent overnight from their permanent residence when:¶

(a) Employed on a farm or ranch performing field work related to planting, cultivation, or harvesting operations; or¶

(b) Employed in a canning, packing, ginning, seed conditioning, or related research or processing operation, and transported to or from the place of employment by means of a day-haul operation.

Statutory/Other Authority: ORS 411.816

Statutes/Other Implemented: ORS 411.816, 411.825, 7 CFR 273.11

RULE SUMMARY: OAR 461-110-0370 about SNAP filing group rules is being amended to change a rule reference, substitute a general term referring the drug and alcohol treatment programs for a defined term, and update the term "group living" to "group living arrangement." These amendments enhance the clarity of the rule.

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 their 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 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.¶

(b) An elderly (see OAR 461-001-0015) individual and their 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 monthly income standard set at 165 percent of the federal poverty level under OAR 461-155-0180 for the number of other members in the household.¶

(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~~ drug and alcohol treatment and rehabilitation program (see OAR 461-001-0015) certified by the Department for which an employee of the facility is the authorized representative (see OAR 461-135-055~~10~~). 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 a group living arrangement (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.

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 SUMMARY: OAR 461-115-0145 about responsibilities of a facility or group living arrangement acting as authorized representative for individuals applying for or receiving SNAP benefits is being amended to update the procedures for facilities, including drug and alcohol treatment facilities, and group living arrangements that act as the authorized representative for residents applying for and receiving SNAP benefits. The amendments add federally required guidelines regarding benefit spending as well as processes to follow when a resident leaves the facility or group living arrangement. The amendment adds current requirements of these organizations and practices of the Department into rule.

CHANGES TO RULE:

461-115-0145

Responsibilities of a Center-or, Facility, or Group Living Arrangement Acting as Authorized Representative; SNAP
II

(1) In the SNAP program:

- (1) Each state-certified drug or alcohol treatment center it it is the responsibility of the center, facility, or group living arrangement (see OAR 461-001-0015) acting as an authorized representative (seeunder OAR 461-1435-0 09510 and OAR 461-1315-0550) and each group living (see OAR 461-001-0015) facility must provide the branch office monthly with a list of090 to:
- (a) Use SNAP benefits for food prepared and served to those residents receivparticipating in SNAP benefits. The list must include a statement of validity signed by an official of the facility.
- (2) Each center and facility covered by section (1) of this rule is responsible for notifying the branch office of changes in the resident's assets or other circumst.
- (b) Be knowledgeable about the resident's circumstances and carefully review those circumstances prior to:
- (A) Applying on the resident's behalf, or
- (B) Assuming responsibility as authorized representative on an existing case.
- (c) Report required changes in accordance with the reporting system assigned to the case (see OAR 461-170-0011).
- (3) When aeach resident's assigned reporting system.
- (d) Use no more than half of the resident's moves out of a center or facility covered by section (1) of this rule, nthly SNAP allotment prior to the 16th day of the month.
- (e) Use only benefits posted to the card after the time the resident was admitted to the center-or, facility must immediately comply with all of the following requirements:
- (a) Inform the branch office that the individual has moved out.or group living arrangement.
- (f) Report monthly to the Department a list of currently participating residents that includes a statement signed by a responsible official attesting to the validity of the list.
- (g) When a resident leaves the center, facility or group living arrangement:
- (b) StopDiscontinue acting as the individualresident's authorized representative.
- (c) Inform the individual of the individual's receipt of SNAP benefits and the individual's need to report the new situation within 10 days to the local D, including participating in the certification process, immediately.
- (B) Notify the Department of the resident's departure.
- (C) When possible, provide the resident with a change repaortment office.
- (d) Stop using any benefits in the EBT account and refer the client to the local office for a new EBT cardupdate mailing address and other circumstances and advise the resident to return the form to the Department within 10 days.
- (e) IfProvide the resident moves prior to the 16th day of the month, enswith the EBT card linked to their SNAP case or return that the correct amount, not less than one-half of that (month's allotment, is in the resident's EBT

account.¶

(f) If the resident leaves on or after the 16th day of the month, the individual is entitled to any benefits posted to the EBT account at the time the individual leaves the center or facility.¶

(4)e card to the Department by the end of the month of the¶
resident's departure.¶

(E) Discontinue using and accessing benefits immediately.¶

(F) Return half of the resident's monthly SNAP allotment if the resident departs before the 16th day of the month and less than half of their¶
monthly allotment is remaining. If necessary, benefits are refunded with the assistance of the Department.¶

(2) A center, facility, or group living arrangement acting as the authorized representative for a resident is responsible for any misrepresentation or intentional program violation which it knowingly commits. The center or facility is liable for all overpayments that occurred while the individual was a, or group living arrangement shall be strictly liable for all losses or misuse of SNAP benefits held on behalf of the resident and the center or facility was at for all overpayments that occur ing as authorized representative (see accordance with OAR 461-195-0541).¶

(53) A center or facility authorized by the Food and Nutrition Service as a retail food store may be penalized or disqualified if it is determined the facility misappropriated or used benefits for a purchase that does not contribute to a meal of a certified filing group (see OAR 461-110-0370).

Statutory/Other Authority: ORS 411.816

Statutes/Other Implemented: ORS 411.816, 7 CFR 273.1, 273.2, 273.11, 273.13

AMEND: 461-115-0210

NOTICE FILED DATE: 10/31/2019

RULE SUMMARY: OAR 461-115-0210 about application processing time frames is being amended to reflect that individuals eligible for SNAP expedited services do not lose eligibility for expedited services due to missing the interview. This change aligns the policy with federal regulation and Integrated Eligibility system.

CHANGES TO RULE:

461-115-0210

Application Processing Time Frames; SNAP ¶

- (1) This rule applies in the SNAP program to an initial application and at recertification.¶
- (2) The Department will determine eligibility and provide the benefit group the opportunity to participate as soon as possible. The application processing time frame for regular service is the 30 days immediately following the filing date (see OAR 461-115-0040) and not later than the 7th day following the filing date for expedited service.¶
- (3) The application processing time frame for regular service includes:¶
 - (a) An interview as soon as possible but not later than 20 days after the filing date (see OAR 461-115-0230 regarding interviews);¶
 - (b) Completion of required verification; and¶
 - (c) The eligibility determination.¶
- (4) The filing date remains effective for 60 days in both of the following situations:¶
 - (a) If the Department is not able to complete the application process within 30 days (for example, unable to schedule an interview by the 20th day following the filing date).¶
 - (b) If the applicant contacts the Department before the 30th day following the filing date and informs the Department that verification cannot be provided by the 30th day due to reasons beyond his or her control.¶
- (5) If, for a reason within his or her control, the client fails to attend an interview by the 20th day following the filing date, and the interview occurs between the 20th and 30th days following the filing date, all verification must be provided not later than the 30th day following the filing date. If required verification is received after the 30th day, a new filing date is established as of the date the verification is received.¶
- (6) ~~If a client scheduled for an interview for expedited service fails to attend the interview without good cause, the client's application is processed for regular s~~An applicant does not lose eligibility for expedited services (see OAR 461-135-0575) due to missing the interview.

Statutory/Other Authority: ORS 411.816

Statutes/Other Implemented: ORS 411.816, 7 CFR 273.2

AMEND: 461-120-0510

NOTICE FILED DATE: 10/31/2019

RULE SUMMARY: OAR 461-120-0510 about age requirements for clients to receive benefits is being amended to expand ERDC eligibility to children without a special need through age 12, rather than age 11. The rule change aligns the ERDC age requirements with the TANF age requirements as well as the Integrated Eligibility system. The amendment will allow children age 12 without special needs to qualify for the ERDC program.

CHANGES TO RULE:

461-120-0510

Age Requirements for Clients to Receive Benefits ¶

- (1) If the year of an individual's birth is known but the month is unknown, the month of birth is presumed to be July. If the date of birth is unknown, the date of birth is presumed to be the first of the month.¶
- (2) To be eligible for the TANF program:¶
- (a) A dependent child (see OAR 461-001-0000) --¶
 - (A) May not be legally married (see OAR 461-001-0000), legally married and separated, or legally emancipated; and¶
 - (B) Must be under 18 years of age; or under 19 years of age and regularly attending school (see subsection (c) of this section) full time, as determined by the school.¶
 - (b) A caretaker relative (see OAR 461-001-0000) may be any age.¶
 - (c) "Regularly attending school" means enrolled in and attending any of the following:¶
 - (A) A school in grade 12 or below, including home schooling approved by the local school district.¶
 - (B) GED classes in lieu of high school.¶
 - (C) A course of vocational or technical training, including Job Corps, in lieu of high school.¶
 - (D) The Oregon School for the Deaf.¶
 - (d) The student's full-time status is defined by the school.¶
 - (e) Regular attendance continues when a student misses school because of an illness, family emergency, or vacation, as long as the student intends to return to school. Students are considered to be in attendance for the full month in which they complete or discontinue school or training.¶
- (3) To be determined eligible for payment of child care costs for the ERDC or TANF program, a child must be -¶
- (a) Under 12 years of age for the ERDC program or under 13 years of age for the TANF program~~3 years of age~~; or¶
 - (b) Under 18 years of age and -¶
 - (A) Physically or mentally incapable of selfcare;¶
 - (B) Under court supervision;¶
 - (C) Receiving foster care;¶
 - (D) Eligible for the special need rate for child care in OAR 461-155-0150; or¶
 - (E) Subject to circumstances that significantly compromise the child's safety or the caretaker's ability to work or participate in an assigned activity if child care is not available.¶
- (4) To be eligible for the OSIP-AB, OSIPM-AB, QMB-BAS, QMB-SMB, or SNAP programs, a client may be any age.¶
- (5) To be eligible for the OSIP-AD (except OSIP-EPD), OSIPM-AD (except OSIPM-EPD), and QMB-DW programs, a client must be under 65 years of age.¶
- (6) To be eligible for the OSIP-EPD and OSIPM-EPD programs, the client must be 18 years of age or older.¶
- (7) To be eligible for the OSIP-OAA or OSIPM-OAA programs, a client must be 65 years of age or older.¶
- (8) To be eligible for the REF or REFM programs, a client must be one of the following:¶
- (a) 18 years of age or older.¶
 - (b) A legally emancipated minor.¶
 - (c) In the REFM program, a newborn according to OAR 461-135-0930.

Statutory/Other Authority: ORS 329A.500, 409.050, 411.060, 411.070, 411.404, 411.816, 412.049, 413.085, 414.685

Statutes/Other Implemented: ORS 329A.500, 409.010, 411.060, 411.070, 411.404, 411.816, 412.049, 42 USC 1396a, 45 CFR 98.20

AMEND: 461-130-0305

NOTICE FILED DATE: 10/31/2019

RULE SUMMARY: OAR 461-130-0305 about employment programs is being amended to correct the word "counties" to "areas" as it applies to SNAP time limits.

CHANGES TO RULE:

461-130-0305

General Provisions; Employment Programs ¶

(1) This division of rules states:¶

(a) The requirements for an individual participating in the employment programs of the Post-TANF, Pre-TANF, REF, SNAP, and TANF programs. The employment programs are the Jobs Opportunity and Basic Skills (JOBS), REP, and SNAP Employment and Training (see OAR 461-001-0020) employment programs. (The employment and training requirements for ABAWD individuals in the SNAP program are also covered in OAR 461-135-0520.)¶

(b) The effect of a labor strike on the eligibility of an individual for program benefits.¶

(2) The following definitions apply to OAR 461-130-0305 through 461-130-0335 and OAR 461-135-0520:¶

(a) "Exempt" means:¶

(A) In all programs except the TANF program, an individual who the Department determines is not mandatory (see subsection (b) of this section) for an employment program in accordance with OAR 461-130-0310.¶

(B) In the TANF program, a parent (see OAR 461-001-0000) or caretaker relative (see OAR 461-001-0000) in the need group (see OAR 461-110-0630) who meets a federal exemption (see OAR 461-130-0310). "Exempt" individuals are not eligible to participate in the JOBS program.¶

(b) "Mandatory" means:¶

(A) In all programs except the SNAP and TANF programs, an individual in the need group who the Department determines must participate in an employment program in accordance with OAR 461-130-0310.¶

(B) In the SNAP program, an individual in the need group who the Department determines must register for an employment program in accordance with OAR 461-130-0310.¶

(C) In the TANF program, mandatory participants, who are not otherwise federally exempt, are JOBS eligible individuals in the need group who the Department determines must participate in an employment program in accordance with OAR 461-130-0310.¶

(c) "Volunteer" means:¶

(A) An individual who is not mandatory and chooses to participate in an employment program.¶

(B) The following individuals may volunteer to participate in an employment program:¶

(i) In the SNAP program, an individual who is an ABAWD living in one of the SNAP time limit exempt ~~counties~~areas (see OAR 461-135-0520) who is either exempt (see subsection (a) of this section) or mandatory and chooses to participate in SNAP Employment and Training;¶

(ii) An individual who is not an ABAWD and is either exempt or mandatory and chooses to participate in SNAP Employment and Training.¶

(iii) In the TANF program, a JOBS volunteer is an individual who is federally mandatory and eligible to participate in an employment program, but who may not be disqualified as they meet a state exemption according to OAR 461-130-0310.¶

(iv) In the REF program, an REP volunteer is an individual who is exempt (see subsection (a) of this section) and chooses to participate in the REP program.¶

(3) An individual must provide the information necessary for the Department to determine each of the following:¶

(a) The participation classification of the individual (see OAR 461-130-0310);¶

(b) The level of participation of the individual; and¶

(c) If applicable, whether an individual had good cause (see OAR 461-130-0327) for any failure to meet a requirement of an employment program.¶

(4) In the SNAP program, a mandatory individual (see OAR 461-130-0310(3)(b)) is registered for the employment program when a member of the filing group (see OAR 461-110-0370) or an authorized representative (see OAR 461-115-0090 and 461-115-0140) signs the SNAP program application.

Statutory/Other Authority: ORS 409.050, 411.060, 411.816, 412.006, 412.009, 412.049

Statutes/Other Implemented: ORS 409.010, 411.060, 411.816, 412.006, 412.009, 412.049

AMEND: 461-130-0315

NOTICE FILED DATE: 10/31/2019

RULE SUMMARY: OAR 461-130-0315 about Requirements for Mandatory Employment Program Clients in the Pre-TANF, REF, SNAP, and TANF programs is being amended to correct the word "counties" to "areas" as it applies to SNAP time limits.

CHANGES TO RULE:

461-130-0315

Requirements for Mandatory Employment Program Clients; Pre-TANF, REF, SNAP, TANF ¶

The following provisions apply to a mandatory (see OAR 461-130-0305) client:¶

- (1) A mandatory client selected by the Department to participate in an employment program of the Pre-TANF, REF, SNAP, or TANF programs must do all of the following:¶
- (a) In the Pre-TANF or TANF programs, a JOBS eligible (see OAR 461-130-0310) individual must:¶
 - (A) Accept a bona fide offer of employment, whether temporary, permanent, full-time, part-time, or seasonal.¶
 - (B) Schedule and keep required employment-related appointments and interviews.¶
 - (C) Notify the Department's case manager or the JOBS contractor of the reason for not keeping employment-related appointments and interviews, not attending scheduled classes and activities, or not completing case management activities. Notification must be made within three working days from the date of a missed appointment, interview, class, or activity (see OAR 461-001-0025).¶
 - (D) Provide the Department, in the manner the Department requires, with verifiable documentation of JOBS participation hours, including paid work, job search, and educational participation hours.¶
 - (E) In the TANF program, complete each activity (see OAR 461-001-0025) specified on the case plan (see OAR 461-001-0025).¶
 - (b) In the REF program, an REP individual must:¶
 - (A) Accept a bona fide offer of employment, whether temporary, permanent, full time, part time, or seasonal.¶
 - (B) Schedule and keep required employment-related appointments and interviews.¶
 - (C) Notify the Department's case manager or the REP contractor of the reason for not keeping employment-related appointments and interviews, not attending scheduled classes and activities, or not completing case management activities. Notification must be made within three working days from the date of a missed appointment, interview, class, or activity.¶
 - (D) Provide the Department, in the manner the Department requires, with verifiable documentation of REP participation hours, including paid work, job search, and educational participation hours.¶
 - (E) Complete each activity specified on the case plan.¶
 - (c) In the SNAP program:¶
 - (A) Register for the SNAP Employment and Training program (see OAR 461-130-0305).¶
 - (B) Assist the Department in the exempt (see OAR 461-130-0305) or mandatory determination.¶
 - (C) Accept a bona fide offer of employment, whether temporary, permanent, full-time, part-time, or seasonal.¶
 - (D) Maintain employment:¶
 - (i) A client meeting the requirements of subparagraph (iii) of this paragraph fails to maintain employment when the criteria in at least one of the following sub-subparagraphs is met:¶
 - (I) Voluntarily leaving a job 30 days or less prior to the filing date (see OAR 461-115-0040) for SNAP benefits as provided in OAR 461-135-0521 or at any time thereafter;¶
 - (II) Being dismissed for striking while a federal, state, or county employee; or¶
 - (III) Reducing hours of work to less than 30 each week as defined in OAR 461-135-0521.¶
 - (ii) The following changes in employment status do not constitute failure to maintain employment:¶
 - (I) An employer reduces a client's hours of work;¶
 - (II) An employer fires a client from a job;¶

- (III) A client terminates a self-employment enterprise; and¶
 - (IV) A client resigns from a job at the demand of the employer.¶
- (iii) Subparagraph (i) of this paragraph applies only if the client meets at least one of the following requirements. The client --¶
- (I) Had a job that averaged not less than 30 hours each week or had provided average weekly earnings not less than the federal minimum wage multiplied by 30 hours, and the client quit the job without good cause (see OAR 461-130-0327); or¶
 - (II) Quits working under a JOBS Plus agreement more than twice (see OAR 461-190-0426).¶
- (E) An ABAWD residing in one of the SNAP time limit ~~countie~~areas (see OAR 461-135-0520) must do all of the following:¶
- (i) Schedule and keep required employment-related appointments and interviews.¶
 - (ii) Complete all work activities and components specified in the case plan (see OAR 461-001-0020).¶
 - (iii) Provide the Department, in the manner required, with verifiable documentation of participation hours.¶
 - (iv) Notify the Department or the SNAP Employment and Training contractor of the reason for not doing the employment-related activities as set forth on the case plan.¶
- (2) In the Pre-TANF and TANF programs, a JOBS eligible individual who fails to meet a participation requirement without good cause is subject to disqualification in accordance with OAR 461-130-0330 only after the re-engagement process under OAR 461-190-0231 has been completed.¶
- (3) In the REF program, an REP individual who fails to meet a participation requirement without good cause is subject to disqualification in accordance with OAR 461-130-0330 only after the re-engagement process under OAR 461-190-0231 has been completed.
- Statutory/Other Authority: ORS 409.050, 411.060, 411.816, 412.009, 412.049
Statutes/Other Implemented: ORS 409.010, 411.060, 411.816, 412.009, 412.049

AMEND: 461-130-0330

NOTICE FILED DATE: 10/31/2019

RULE SUMMARY: OAR 461-130-0330 about disqualifications in pre-TANF, SNAP, REF, and TANF is being amended to correct the word "counties" to "areas" as it applies to SNAP time limits.

CHANGES TO RULE:

461-130-0330

Disqualifications; Pre-TANF, REF, SNAP, TANF ¶¶

(1) In the Pre-TANF, REF, SNAP, and TANF programs, the Department may not disqualify from program benefits an individual who is a volunteer (see OAR 461-130-0305 and 461-130-0310) participant in an employment program.¶

(2) In the Pre-TANF and TANF programs, a JOBS eligible (see OAR 461-130-0310) individual who fails to comply with an employment program participation requirement or a JOBS exempt (see OAR 461-130-0310) individual who fails to comply with the requirements of OAR 461-135-0085, and does not have good cause (see OAR 461-130-0327) for the failure to comply is subject to disqualification under this rule only after the individual has had the opportunity to participate in the re-engagement process under OAR 461-190-0231.¶

(3) In the REF program, a mandatory individual who fails to comply with an employment program participation requirement and does not have good cause for failure to comply is subject to disqualification under this rule only after the individual has had the opportunity to participate in the re-engagement process under OAR 461-190-0231.¶

(4) In the REF program, the effects of an REP disqualification are progressive. There are two levels of disqualification:¶

(a) At the first level of disqualification, the penalty is the removal of the disqualified individual from the need group (see OAR 461-110-0630) for three months. If the disqualified individual is the only member of the filing group (see OAR 461-110-0430), the assistance is terminated.¶

(b) At the second level, the penalty is the removal of the disqualified individual from the need group for six months. If the disqualified individual is the only member of the filing group, the assistance is terminated.¶

(5) In the TANF program, the effects of a JOBS disqualification or a disqualification imposed under OAR 461-135-0085 are progressive. There are four levels of disqualification. Once a disqualification is imposed, it affects benefits according to the following schedule until the disqualification ends in accordance with OAR 461-130-0335:¶

(a) At the first level, the penalty is a 25 percent reduction in benefits.¶

(b) At the second level, the penalty is a 50 percent reduction in benefits.¶

(c) At the third level, the penalty is a 75 percent reduction in benefits.¶

(d) At the fourth level, the penalty is a 100 percent reduction in benefits.¶

(e) At the end of the fourth level, program benefits are closed and the filing group (see OAR 461-110-0310 and 461-110-0330) may not receive program benefits for the following two consecutive months.¶

(6) In the SNAP program:¶

(a) A mandatory individual not covered under subsection (b) of this section who fails to comply with the requirements of an employment program (see OAR 461-130-0315) without good cause (see OAR 461-130-0327) is subject to disqualification. A disqualified individual is removed from the need group until he or she meets the employment program requirements and serves the applicable progressive disqualification under the following subsections:¶

(A) One calendar month for the first failure to comply.¶

(B) Three calendar months for the second failure to comply.¶

(C) Six calendar months for the third and subsequent failures to comply.¶

(b) A mandatory individual who is an ABAWD (see OAR 461-135-0520) residing in one of the time limit exempt

~~countieareas~~ (see OAR 461-135-0520) or a mandatory individual who is served by an office that does not offer OFSET (see OAR 461-190-0310) who fails to comply with the requirements in OAR 461-130-0315(1)(b)(A) to (D) is subject to disqualification as provided in subsection (a) of this section. See OAR 461-135-0520 for additional employment participation requirements for ABAWD individuals.

Statutory/Other Authority: ORS 409.050, 411.060, 411.816, 412.009, 412.049

Statutes/Other Implemented: ORS 409.010, 411.060, 411.816, 411.837, 412.009, 412.049

AMEND: 461-135-0510

NOTICE FILED DATE: 10/31/2019

RULE SUMMARY: OAR 461-135-0510 about residents of institutions and SNAP eligibility is being amended to update language to include defined terms, add language to clarify current policy of which drug and alcohol treatment and rehabilitation facilities are eligible, and to add rule references. The amendments increase the precision of this rule.

CHANGES TO RULE:

461-135-0510

Residents of Institutions; SNAP ¶

- (1) ~~Individuals who live in an~~ Residents of institutions that provides them with at least ~~more than~~ 50 percent of their daily meals as a part of the normal services of the institution are ~~not~~ eligible for SNAP benefits, except as identified in section (2) unless they fall into one of the following five exceptions to this rule.¶
- (21) ¶The individuals residing in the following types of institutions may participate in the SNAP program:¶
- (a) Domestic violence shelters (see OAR 461-001-0000) is a resident of federally subsidized housing for the elderly built under either section 202 of the Housing Act of 1959 or section 236 of the National Housing Act.¶
- (b2) Public or private nonprofit shelters for homeless individuals.¶
- (c) Federally subsidized housing for the recipients of benefits under Title I, II, X, XIV, or XVI of the Social Security Act who are elderly, blind, or have disabilities.¶
- (d) Residential private, nonprofit drug addiction or The individual, and any children also residing with the individual, resides at a facility or treatment center for the purpose of regular participation in a drug and alcohol treatment and rehabilitation program (see OAR 461-001-0015) that meets the following criteria:¶
- (a) The drug and alcohol treatment and rehabilitation programs or is conducted by a private nonprofit organization or institution, or a publicly operated community mental health centers operated under the criteria set forth in OAR 461-135-0550(2).¶
- (e) A resident of a group living facility (see OAR 461-001-0015) may receive benefits only if: that-¶
- (A) Qualifies under part B of title XIX of the Public Health Service Act to receive funds, even if it does not actually receive funding under part B of title XIX; or¶
- (B) Is authorized as a retailer by the Food and Nutrition Service (FNS).¶
- (Ab) The resident applies Residents of a drug and alcohol treatment and rehabilitation program must apply and be certified in accordance with OAR 461-115-0020, through an authorized representative (see OAR 461-115-0090) who is an and OAR 461-115-0145 employee ofd by the facility, unless the facility determines that the resident can apply on his or her own; and and designated for that purpose.¶
- (B3) The individual meets all other SNAP eligibility requirements.¶
- (3) is a resident of a group living arrangement (see OAR 461-001-0015) ¶and individuals covered by section (2) of this rule must be treated as separate filing groups from the others with whom they reside, unless required to be in the same filing group under OAR 461-110-0370(2) is blind or disabled (see OAR 461-001-0015).¶
- (4) The individual resides at a public or private nonprofit shelter for homeless persons.¶
- (5) The individual is a temporary resident of domestic violence shelters (see OAR 461-001-0000).

Statutory/Other Authority: ORS 411.816

Statutes/Other Implemented: ORS 411.816, 7 CFR 273.11

RULE SUMMARY: OAR 461-135-0520 about SNAP time limits and special requirements for ABAWDs is being amended to update the areas subject to SNAP time limits in 2020, discontinue use of discretionary exemptions, and to adjust verbiage in rule where redundancy was detected. These amendments will make ABAWDs residing in an increased number of counties in Oregon exempt from the three countable months limit and end the issuance of discretionary exemptions.

CHANGES TO RULE:

461-135-0520

Time Limit and Special Requirements for ABAWD; SNAP ¶

This rule establishes the time limit and special requirements for receipt of SNAP benefits for certain adults.¶

(1) Unless the context indicates otherwise, the following definitions apply to rules in OAR chapter 461:¶

(a) "Able-bodied adult without dependents (ABAWD)" means an individual 18 years of age or over, but under the age of 50, without dependents. For the purpose of this definition, "without dependents" means there is no child (see OAR 461-001-0000) under the age of 18 years in the filing group (see OAR 461-110-0310 and 461-110-0370).¶

(b) "SNAP time-limit ~~countieareas~~" means ~~Oregon counties~~areas of Oregon in which the limitation on eligibility (see OAR 461-001-0000) for SNAP benefits for ABAWD in section 6(o)(2) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(o)(2)) applies. "~~SNAP time-limit countieareas~~" are Benton, Clackamas, ~~Clatsop, Deschutes, Jackson, Lane, Linn, Marion, Multnomah, Polk, Tillamook, Washington, and Yamhill~~Marion, Multnomah, and Washington counties.¶

(c) "SNAP time-limit exempt ~~countieareas~~" means ~~Oregon counties~~areas of Oregon in which the limitation on eligibility for SNAP benefits contained in section 6(o)(2) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(o)(2)) does not apply per a waiver approved by the United States Department of Agriculture. "Exempt ~~countieareas~~" are Baker, ~~Clatsop, Columbia, Coos, Crook, Curry, Deschutes, Douglas, Gilliam, Grant, Harney, Hood River, Jackson, Jefferson, Josephine, Klamath, Lake, Lincoln, Linn, Malheur, Maorrow, Polk, Sherman, Tillamook, Umatilla, Union, Wallowa, Wasco, and Wheeler~~counties.¶

(d) "~~SNAP time-limit exempt counties~~" also means ~~reservation lands of the Confederated Tribes of Grand Ronde Indians. The limitation on eligibility for SNAP benefits contained in section 6(o)(2) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(o)(2)) does not apply per a waiver approved by the United States Department of Agriculture, and Yamhill counties.~~¶

(2) Except as provided otherwise in this rule, an ABAWD who resides in one of the SNAP time-limit ~~countieareas~~ (see section (1) of this rule) is ineligible to receive food benefits as a member of any household after the individual received food benefits for three countable months (see section (3) of this rule) during January 1, 2019 to December 31, 2021.¶

(3) "Countable months" means months within the 36-month period of January 1, 2019 to December 31, 2021 in which an individual as a member of any household receives SNAP benefits in Oregon or in any other state, unless at least one of the following applies:¶

(a) ~~The individual resided for any part of the month in one of the SNAP time-limit exempt counties (see section (1) of this rule).~~¶

(b) Benefits were prorated for the month.¶

(c) ~~b~~ The individual was exempt from the SNAP time limit for any part of the month under OAR 461-130-0310(3)(a) or (b) for any of the following reasons:¶

(A) ~~The individual resided for any part of the month in one of the SNAP time-limit exempt counties (see section (1) of this rule).~~¶

(B) The individual was pregnant.¶

- (C) A child under the age of 18 years joined the filing group.¶
- (D) The individual met the criteria under OAR 461-130-0310(3)(a) or (b).¶
- (dc) The individual participated in one or more of the activities in paragraphs (A) to (D) of this subsection for 20 hours per week averaged over the month. For purposes of this rule, 20 hours per week averaged monthly means 80 hours per month. (Activities may be combined in one month to meet the 20 hours per week averaged monthly requirement.)¶
- (A) Work for pay, in exchange for goods or services, or unpaid work as a volunteer.¶
- (i) Work in exchange for goods and services includes bartering and in-kind work.¶
- (ii) Unpaid or voluntary work hours must be verified by the employer.¶
- (iii) For self-employed individuals, countable income after deducting the costs of producing income (as described in OAR 461-145-0930(5)) must average at least the federal minimum wage times 20 hours per week.¶
- (B) Participate in a program under the Workforce Investment Act of 1998, Pub. L. No. 105-220, 112 Stat. 936 (1998).¶
- (C) Participate in a program under section 236 of the Trade Act of 1974, Pub. L. 93-618, 88 Stat. 2023, (1975) (19 U.S.C. 2296).¶
- (D) Comply with the employment and training requirements described in OAR 461-001-0020, 461-130-0305, and 461-130-0315. Work search activities must be combined with other work-related activities to equal 20 hours per week and may not exceed 9 hours per week.¶
- (ed) The individual complied with the Workfare requirements in OAR 461-190-0500.¶
- (4) An ABAWD must submit evidence to the Department on the issue of whether a month is countable within 90 days following the last day of the month in question.¶
- (5) An ABAWD who is ineligible under section (2) of this rule but otherwise eligible may regain eligibility if the requirements of subsections (a) or (b) of this section are met.¶
- (a) The individual becomes exempt under ~~OAR 461-130-0310(3)(a)~~subsection (3)(b) of this rule. Eligibility regained under this subsection begins on the date the individual files a new application and continues as long as the individual is exempt and is otherwise eligible. If not eligible on the filing date (see OAR 461-115-0040), eligibility begins the date all other eligibility requirements are met.¶
- (b) The individual, during a consecutive 30-day period during which the individual is not receiving SNAP benefits, meets the requirements of subsection (3)(dc) or (3)(ed) of this rule.¶
- (A) Eligibility regained under this subsection begins on the date the individual files a new application and continues as long as the individual meets the requirements of subsection (3)(dc) or (3)(ed) of this rule and is otherwise eligible. If not eligible on the filing date, eligibility begins the date all other eligibility requirements are met.¶
- (B) There is no limit to how many times an individual may regain eligibility under this subsection during January 1, 2019 to December 31, 2021.¶
- (c) See OAR 461-180-0010 to add an individual to an open SNAP case after the individual has regained eligibility under this section.¶
- (6) An individual who regains eligibility under section (5) of this rule and later fails to comply with the participation requirements of subsection (3)(dc) or (3)(ed) of this rule may receive a second set of food benefits for three consecutive countable months. The countable months are determined as follows:¶
- (a) If the individual stopped participation in a work program, countable months start when the Department notifies the individual he or she is no longer meeting the work requirement.¶
- (b) If the individual stopped participation in a work program, countable months start when the individual notifies the Department he or she is no longer meeting the work requirement.¶
- (c) If a change occurred which results in an individual becoming subject to the time limit in section (2) of this rule and the change was required to be reported under rules in OAR chapter 461, division 170, the countable months start when the change occurred.¶
- (d) If a change occurred which results in an individual becoming subject to the time limit and the change was not required to be reported under rules in OAR chapter 461, division 170, countable months start when the Department notifies the individual he or she must meet the work requirement.¶

- (e) An individual may only receive benefits without meeting the requirements of subsection (3)(dc) or (3)(ed) of this rule for no more than a total of six countable months during January 1, 2019 to December 31, 2021. ¶
- (7) This section is a placeholder to establish criteria the Department will use to grant exemptions to ABAWD who are ineligible if the Department pace is reserved for the use of discretionary exemptions, granted by the Food and Nutrition Service, for ABAWDs residing in certain SNAP time-limit areceives special exemptions from the Food and Nutrition Service as who are at risk of having their benefits closed or reduced. ¶
- (8) An ABAWD involved in the activities specified in subsection (3)(dc) or (3)(ed) of this rule or an activity listed in the individual's case plan (see OAR 461-001-0020) is eligible for support service payments necessary for transportation or other costs related to completing the activity as allowed by OAR 461-190-0360.
- Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 411.121, 411.816
- Statutes/Other Implemented: 7 USC 2015, 7 USC 2029, 7 CFR 273.7, 7 CFR 273.24, ORS 409.010, 409.050, 411.060, 411.070, 411.121, 411.816, 411.825, 411.837

REPEAL: 461-135-0550

NOTICE FILED DATE: 10/31/2019

RULE SUMMARY: OAR 461-135-0550 about residents of drug addiction and alcohol treatment facilities receiving or applying for SNAP benefits is being repealed and this topic will be covered in OAR 461-115-0145 and OAR 461-135-0510. These changes will make the rules easier to follow.

CHANGES TO RULE:

461-135-0550

Residents of Drug Addiction and Alcohol Treatment Facilities; SNAP

- (1) Except as provided in section (2) of this rule, a resident of a drug addiction or alcoholic (DAA) treatment and rehabilitation program (resident) is certified for SNAP benefits in the same manner as other households.¶
- (2) A resident who regularly participates in a tax-exempt publicly operated or private non-profit program must apply for SNAP benefits through an authorized representative who is an employee of the program if:¶
- (a) The program is certified by the Addictions and Mental Health Division of the Oregon Health Authority to receive funding under part B of title XIX of the Public Health Service Act;¶
- (b) The program is certified by the Addictions and Mental Health Division of the Oregon Health Authority as operating to further the purposes of part B of title XIX of the Public Service Act and the facility is tax-exempt; or¶
- (c) The program is authorized as a retailer by the Food and Nutrition Service.¶
- (3) A program meeting the criteria in section (2) of this rule must comply with all of the following requirements:¶
- (a) File an application in the manner required by OAR 461-115-0020 for each resident for which the facility wants to receive SNAP benefits.¶
- (b) Assign an authorized representative who will sign the application, participate in the interview, and provide all requested verification on the behalf of each resident.¶
- (c) Comply with the responsibilities set forth in OAR 461-115-0145.

Statutory/Other Authority: ORS 411.816

Statutes/Other Implemented: ORS 411.816

AMEND: 461-155-0180

NOTICE FILED DATE: 10/31/2019

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 Disaster SNAP income standards, allowing this program 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 October 1, 2019, except as provided otherwise.¶
 - (2) A monthly income standard set at 100 percent of the 2019 federal poverty level is set at the following amounts: [see attached table]¶
 - (3) A monthly income standard set at 130 percent of the 2019 federal poverty level is set at the following amounts: [see attached table]¶
 - (4) A monthly income standard set at 165 percent of the 2019 federal poverty level is set at the following amounts: [see attached table]¶
 - (5) A monthly income standard set at 185 percent of the 2019 federal poverty level is set at the following amounts: [see attached table]¶
 - (6) A monthly income standard set at 200 percent of the 2019 federal poverty level is set at the following amounts: [see attached table]¶
 - (7) A monthly income standard set at 250 percent of the 2019 federal poverty level is set at the following amounts: [see attached table]¶
 - (8) A monthly income standard set at 350 percent of the 2019 federal poverty level is set at the following amounts: [see attached table]¶
 - (9) A monthly income standard set at 85 percent of the 2019 state median income is set at the following amounts: [see attached table]¶
 - (10) A monthly Disaster Supplemental Nutrition Assistance Program (DSNAP) income standard is set at the following amounts for the household (see OAR 461-135-0491): [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, 7 CFR 280.1

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

(2)

Size of Group	Standard
1	\$ 1,041
2	1,410
3	1,778
4	2,146
5	2,515
6	2,883
7	3,251
8	3,620
9	3,989
10	4,358
+1	+369

(3)

Size of Group	Standard
1	\$1,354
2	1,832
3	2,311
4	2,790
5	3,269
6	3,748
7	4,227
8	4,705
9	5,184
10	5,663
+1	+479

(4)

Size of Group	Standard
1	\$1,718
2	2,326
3	2,933
4	3,541
5	4,149
6	4,757
7	5,364
8	5,972
+1	+608

(5)

Size of Group	Standard
1	\$1,926
2	2,607
3	3,289
4	3,970
5	4,652
6	5,333
7	6,015
8	6,696
9	7,377
10	8,059
+1	+682

(6)

Size of Group	Standard
1	\$2,082
2	2,818
3	3,555
4	4,292
5	5,028
6	5,765
7	6,502
8	7,238
+1	+737

(7)

Size of Group	Standard
1	\$2,603
2	3,523
3	4,444
4	5,365
5	6,286
6	7,207
7	8,128
8	9,048

(8)

Size of Group	Standard
1	\$3,643
2	4,933
3	6,222

4	7,511
5	8,800
6	10,089
7	11,378
8	12,668
9	13,958
10	15,248
+1	+1,290

(9)

Size of Group	Standard
2	\$3,924
3	4,847
4	5,770
5	6,693
6	7,616
7	8,127
8	9,048

(10)

Group Size	Standard
1	\$1,777
2	2,146
3	2,514
4	2,893
5	3,293
6	3,692
7	4,060
8	4,429
+1	+369

AMEND: 461-160-0420

NOTICE FILED DATE: 10/31/2019

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 increase the Full Utility Allowance deduction. This amendment brings the allowance into alignment with guidance received from the federal government related to Oregon's pilot Standard Medical Deduction waiver.

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 \$4414 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 \$337 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 \$54 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 \$68 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:411.060, 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: 461-170-0101

NOTICE FILED DATE: 10/31/2019

RULE SUMMARY: OAR 461-170-0101 about Simplified Reporting in SNAP is being amended to correct the word "counties" to "areas" as it applies to SNAP time limits.

CHANGES TO RULE:

461-170-0101

Simplified Reporting System (SRS); SNAP ¶

In the SNAP program:¶

- (1) OAR 461-170-0101 to 461-170-0104 establish and explain the Simplified Reporting System (SRS).¶
- (2) Except for an ABAWD (see OAR 461-135-0520) who resides in one of the SNAP time limit ~~counties~~areas (see OAR 461-135-0520) and who is certified for a four-month period, a filing group (see OAR 461-110-0310 and 461-110-0370) certified to receive SNAP program benefits for less than six months may not participate in SRS.¶
- (3) A filing group with a member working under a JOBS Plus agreement may not participate in SRS.

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

Statutes/Other Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.816, 412.049

AMEND: 461-190-0500

NOTICE FILED DATE: 10/31/2019

RULE SUMMARY: OAR 461-190-0500 about Workfare is being amended to correct the word "counties" to "areas" as it applies to SNAP time limits.

CHANGES TO RULE:

461-190-0500

Workfare; SNAP ¶

- (1) Workfare is a voluntary employment program to assist ABAWDs (see OAR 461-135-0520) to meet the work requirements in OAR 461-135-0520. Workfare is for ABAWD clients who reside in one of the SNAP time limit ~~counties~~areas (see OAR 461-135-0520).¶
- (2) Workfare sites are with private or public non-profit agencies or in a public service capacity. Workfare assignments may not be related to political or partisan activities.¶
- (3) Workfare assignments may not replace or prevent the employment of regular employees. This includes the following circumstances:¶
- (a) The client would displace a currently employed worker or position or would cause a reduction in regularly scheduled hours, wages or benefits of a current employee.¶
 - (b) The assignment would impair an existing contract for services or a collective bargaining agreement.¶
 - (c) The assignment occurs at the same time another individual is laid off from the same or an equivalent job within the same organizational unit, or an employer terminates an employee or reduces its work force by hiring a participant in Workfare.¶
 - (d) The assignment infringes in any way on promotional opportunities of a current employee.¶
 - (e) The assignment will fill an established but currently vacant position.¶
- (4) The Workfare assignment must provide the same benefits and working conditions provided to regular employees performing comparable work for comparable hours. This includes:¶
- (a) The working conditions for clients participating in the Workfare activity may not violate applicable state and federal health and safety standards, or require activities not considered usual and customary in the occupation for which the participant is being trained.¶
 - (b) Clients participating in the Workfare activity who are covered by a workers' compensation system are entitled to the same level of benefits under the same conditions as other individuals similarly employed.¶
 - (c) Clients in Workfare not covered by an applicable workers' compensation statute must be provided with equal medical and accident protection for on-site injuries as that required by the state's worker compensation statute for covered employment.¶
- (5) Clients in Workfare are covered by the Fair Labor Standards Act (FLSA) (see OAR 461-001-0020) if the worksite is an FLSA subject employer.¶
- (6) For each individual that the Department determines has a potential for locating unsubsidized employment, Workfare begins with 30 days of intensive job search or job search training. If the Department determines this labor market test is inappropriate, Workfare begins with a job site placement.¶
- (7) After the first 30 days, individuals who are not participating in an activity listed in OAR 461-135-0520(3)(d) may continue in a Workfare job site placement.¶
- (8) Individuals in a Workfare job site placement must complete the monthly average of work hours based on the FLSA calculation. The individual must meet the monthly requirements in order to comply with the requirements of the Workfare program, unless they have good cause under OAR 461-130-0327.¶
- (9) An individual may not be given more than one Workfare plan in a month.¶
- (10) Individuals in a Workfare job site placement must provide proof from the employer of Workfare hours worked each month.

Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 411.116, 411.816

Statutes/Other Implemented: ORS 409.050, 411.060, 411.070, 411.116, 411.816