



NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 461
DEPARTMENT OF HUMAN SERVICES
SELF-SUFFICIENCY PROGRAMS

FILED
01/30/2020 1:13 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Revising rules for Self-Sufficiency Programs

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 03/20/2020 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

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HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 02/25/2020

TIME: 3:30 PM - 4:30 PM

OFFICER: Meorah Solar

ADDRESS: Human Services Building
(HSB)

500 Summer St NE

Room 160

Salem, OR 97301

SPECIAL INSTRUCTIONS:

The hearing will adjourn at 3:50 p.m. if
no one is present or remains to testify.

NEED FOR THE RULE(S):

OAR 461-001-0025 about definitions, terms, components, and activities in JOBS, Pre-TANF, Post-TANF, and TANF needs to be amended to bring the rule into alignment with Integrated Eligibility/ONE, federal language, and state statute; and remove outdated terminology. The amendments change the term "substance use disorder," remove definition acronyms from the rule, and remove two programs that have been discontinued.

OAR 461-025-0316 about Intentional Program Violation (IPV) Hearings in the SNAP program needs to be amended to create clarity for the Office of Administrative Hearings, the Department, and claimants, about how IPV Hearings are handled in the SNAP program and non-SNAP programs. The amendment broadens the rule's provisions to the SNAP, ERDC, TANF, SFPSS, REF, and REFM programs.

OAR 461-105-0006 about business continuity provisions needs to be amended to appropriately remove a Department process from rule and bring the rule into alignment with Integrated Eligibility/ONE. The changes update business continuity provisions regarding the TADVS program by removing the process of holding a joint staffing and remove the requirement for a written signature in the SNAP program.

OAR 461-115-0040 about the filing date in the REF, SNAP, and TANF programs needs to be amended to bring the rule into alignment with Integrated Eligibility/ONE. The amendments remove the requirement of a written signature when establishing a filing date.

OAR 461-115-0450 about certification periods in the SNAP program needs to be amended to increase understanding of the rule and align with Integrated Eligibility. The changes clarify current policies and rules about certification periods.

OAR 461-130-0327 about good cause needs to be amended to allow the Department to grant good cause for reasons other than what is specifically mentioned in (3)(a) through (3)(r) the rule. The amendments add language enabling the Department to give good cause for non-cooperation in the JOBS program for any reason the Department determines to be good cause.

OAR 461-135-0070 about specific TANF program requirements needs to be amended to make clear the state's interpretation of the policy and align the rule with Integrated Eligibility/ONE. The changes clarify when a caretaker relative is eligible for TANF when the caretaker relative is neither receiving TANF nor applying for TANF for a dependent child.

OAR 461-135-0085 about requirements to attend an assessment or evaluation, or seek medically appropriate treatment for substance abuse and mental health; including disqualification and penalties for the Pre-TANF and TANF programs needs to be amended to ensure that Oregonians receiving TANF or Pre-TANF will not be required to attend an assessment for the use of a substance which is not included in Oregon Revised Statute as a controlled substance, aligning the rule with statute. The amendments remove cannabis from the definition of controlled substances for the purposes of this rule.

OAR 461-135-0405 about children in the Head Start Program who are also in the ERDC or TANF program needs to be amended to align the rule with Integrated Eligibility/ONE. The amendments remove contracted child care for TANF participants. The changes also reduce the \$27 copay for ERDC participants in a Head Start contracted slots to a \$0 copay.

OAR 461-135-0505 about categorical eligibility in the SNAP program needs to be amended to align rule with federal regulations, bringing Oregon into federal compliance. The amendments define which programs fall under Title IV-A of the Social Security Act or by the state as part of the TANF maintenance of effort. They also clearly define when a filing group cannot be categorically eligible, which includes participants with lottery or gambling winnings of \$3,500 or above

and applicants who lost eligibility for SNAP due to receipt of such lottery or gambling winnings. The amendments also make clear how those participants can regain the ability to be categorically eligible.

OAR 461-135-0520 about time limits and special requirements for able-bodied adults without dependents (ABAWD) in the SNAP program needs to be amended to bring Oregon into alignment with federal changes which ended Oregon's ABAWD time limit area waiver effective March 31, 2020. The amendments adjust the areas considered "time limit areas" as well as the areas considered "time limit exempt areas." This amendment results in a drastic reduction of exempt counties and an increase to 30 counties being time limit areas.

OAR 461-135-0560 about fleeing felon and violators of parole, probation, and post-prison supervision in the REF, REFM, SNAP, and TANF programs needs to be amended to make clear which of the federal choices Oregon selected and aligns the rule with that choice as well as with Integrated Eligibility/ONE. The changes clarify definitions of each term and make clearer the Department's processes.

OAR 461-135-0575 about SNAP expedited services needs to be amended to make the rule more clear. The changes incorporate the definition of "destitute households" in the text of the rule rather than list a reference to the federal regulation.

OAR 461-135-0270 about eligibility for Employment Payments needs to be amended to add clarity to the rule and align with Integrated Eligibility/ONE. The amendments add that a member of a REF, Pre-TANF, SFPSS, or TANF filing group is not eligible for employment payments and clarify when loss of unsubsidized employment impacts eligibility.

OAR 461-145-0910 about self-employment for programs other than OSIP, OSIPM, and QMB needs to be amended to closer align the programs subject to the rule and align the rule with Integrated Eligibility. The amendments include the SNAP program in this rule and add a self-employment tax filing provision to the definition of self-employment. They also change the criteria used as another way to evaluate whether someone is treated as self-employed.

OAR 461-145-0920 about self-employment costs that are excluded to determine countable income needs to be amended to align the rule with Integrated Eligibility. The changes include DSNAP costs for self-employment.

OAR 461-155-0030 about income and payment standards in the REF and TANF programs needs to be amended to make the policy clear and align the rule with Integrated Eligibility. The amendments clarify that the Exit Limit Increase (ELI) standards chart is used for open TANF cases both during the certification period and at re-certification.

OAR 461-160-0010 about the use of resources in determining financial eligibility needs to be amended to make current policy more understandable and concise. The changes make clear who is subject to the resource limit.

OAR 461-160-0015 about resource limits needs to be amended to make current policy more understandable and

concise. The changes make clear who is subject to the resource limit.

OAR 461-165-0100 about the issuance date of benefits needs to be amended to align the rule with Integrated Eligibility and make the rule more clear and accurate. The amendments absorb some of the provisions of OAR 461-165-0105, which addresses when SNAP benefits can be issued in a way other than on the day of the month corresponding to the last digit of the client's case number or social security number. The amendments make possible the issuance of more than one month of benefits under certain circumstances and insert the possibility that benefits issued through the ONE system may be issued in a unique way.

OAR 461-165-0105 about the issuance date of benefits needs to be repealed to make the rules around benefits issuance easier to understand. The repeal incorporates the exceptions to staggered issuance for SNAP benefits into OAR 461-165-0100 and modifies them as indicated in this Notice.

OAR 461-170-0102 about required reports for the simplified reporting system (SRS) in the SNAP program needs to be amended to align the rule with Integrated Eligibility. The amendments incorporate the terminology "periodic report" and clarify when a periodic report is due based on the length of an individual's certification period.

OAR 461-175-0340 about voluntary closure of benefits needs to be amended to align the rule with current policy and Integrated Eligibility. The changes clarify that when a TANF or REF recipient requests closure of program benefits, support services will close in alignment with the closure of the program benefits.

OAR 461-190-0211 about case plan activities and standards for support service payments in the JOBS, Post-TANF, Pre-TANF, REF, REP, SFPSS, TADVS, and TANF program needs to be amended to allow greater flexibility in some areas and make clear certain limitations and restrictions around payments, participants, and programs. The rule also needs to be changed to bring the rule into alignment with federal requirements and Integrated Eligibility. The changes remove programs that are currently closed or don't offer support services, make clear that medical payments are not allowed, and elaborate on parameters around program funding availability. The changes also restructure how available support services are listed in the rule, making clearer which programs are eligible for support services, give guidance regarding which support payments are available and under which circumstances, and allow for recurrent fuel and public transportation payments.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

Federal Fiscal Year 2020 SNAP State Plan, available from SNAP Policy Analyst Team

Questions and Answers: Final Rule Implementation Memo for Lottery and Gambling Provisions

<https://www.fns.usda.gov/snap/resource/qas-final-rule-implementation-memo-lottery-gambling-provisions>

Food and Nutrition Service SNAP Clarification of Eligibility of Fleeing Felons Final Rule Questions and Answers - March

2016 <https://fns-prod.azureedge.net/sites/default/files/snap/SNAP%20Clarification-of-Eligibility-of-Fleeing-Felons-Final-Rule-Questions-and-Answers-March-2016.pdf>

Social Security Administration Program Operations Manual System and SSA Receiving and Processing Warrant Information <https://secure.ssa.gov/poms.nsf/lnx/0202613150>

April 15, 2019 publication "Supplemental Nutrition Assistance Program: Student Eligibility, Convicted Felons and Gambling, and State Verification Provisions of the Agricultural Act of 2014"

<https://www.federalregister.gov/documents/2019/04/15/2019-07194/supplemental-nutrition-assistance-program-student-eligibility-convicted-felons-lottery-and-gambling>

Disaster(D)-SNAP Guidance: https://fns-prod.azureedge.net/sites/default/files/D-SNAP_handbook_0.pdf

D-SNAP Resource: <https://www.fns.usda.gov/snap/dsnap/state-agencies-partners-resources>

Correspondence from TANF Federal Partners regarding the TANF State Plan, available from TANF Policy Analyst Team

FISCAL AND ECONOMIC IMPACT:

The Department estimates that amending OARs 461-001-0025, 461-025-0316, 105-0006, 461-115-0040, 461-115-0450, 461-130-0327, 461-135-0070, 461-135-0085, 461-135-0405, 461-135-0560, 461-135-0575, 461-135-0270, 461-145-0910, 461-145-0920, 461-155-0030, 461-160-0010, 461-160-0015, 461-165-0100, 461-170-0102, 461-175-0340, 461-190-0211 will have no fiscal impact on clients, the public, the Department, other state agencies, local government, and business, including small business. There is no cost of compliance for small businesses. No small businesses are subject to this rule.

The Department estimates that amending OAR 461-135-0505 will negatively impact clients who are receiving SNAP and have lottery or gambling winnings of \$3,500 or above. The maximum negative impact to a single individual is estimated at \$194 monthly. The Department estimates that amending OAR 461-135-0505 will have no fiscal impact on the public, the Department, other state agencies, local government, and business, including small business. There is no cost of compliance for small businesses. No small businesses are subject to this rule.

The Department estimates that amending OAR 461-135-0520 will have a negative fiscal impact on clients residing in time limit areas that earn three counting months. The estimated maximum negative impact to each ABAWD is \$194 monthly, the maximum SNAP allotment. More than 22,000 ABAWDs are in danger of receiving countable months beginning April 2020 for not meeting the SNAP Time limit requirements. The Department estimates no fiscal impact on the public, the Department, other state agencies, local government, and business, including small business. There is no cost of compliance for small businesses. No small businesses are subject to this rule.

The Department estimates that repealing OAR 461-165-0105 will have no fiscal impact on clients, the public, the

Department, other state agencies, local government, and business, including small business. There is no cost of compliance for small businesses. No small businesses are subject to this rule.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

See Fiscal and Economic Impact

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

See Fiscal and Economic Impact

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

RULES PROPOSED:

461-001-0025, 461-025-0316, 461-105-0006, 461-115-0040, 461-115-0450, 461-130-0327, 461-135-0070, 461-135-0085, 461-135-0405, 461-135-0505, 461-135-0520, 461-135-0560, 461-135-0575, 461-135-1270, 461-145-0910, 461-145-0920, 461-155-0030, 461-160-0010, 461-160-0015, 461-165-0100, 461-165-0105, 461-170-0102, 461-175-0340, 461-190-0211

AMEND: 461-001-0025

RULE SUMMARY: OAR 461-001-0025 about definitions, terms, components, and activities in JOBS, Pre-TANF, Post-TANF, and TANF is being amended to change the term "substance use disorder," remove definition acronyms from the rule, and remove programs references that have been discontinued. These amendments bring the rule into alignment with Integrated Eligibility/ONE, federal language, and state statute; and remove outdated terminology.

CHANGES TO RULE:

461-001-0025

Definitions of Terms, Components, and Activities; JOBS, Pre-TANF, ~~Post-TANF~~, TANF ¶¶

In the JOBS, Pre-TANF, ~~Post-TANF~~, and TANF programs, the following definitions apply to rules in OAR chapter 461 unless the context indicates otherwise.¶¶

(1) "Activity" means an action or set of actions to be taken by a participant, as specified in the case plan (see section (6) of this rule). An "activity" is intended to reduce barriers and:¶¶

(a) Increase the likelihood of self-sufficiency, employment, job retention, wage enhancement, and financial independence; or¶¶

(b) Promote family stability (see OAR 461-001-0000).¶¶

(2) "Adult Basic Education-~~AB~~" means an activity (see section (1) of this rule) in the basic education (see section (5) of this rule) component (see section (9) of this rule) that involves remedial education coursework intended to ensure functional literacy and numeracy.¶¶

(3) "Assessment" means an activity of the program entry (see section (28) of this rule) component that involves gathering information to identify the strengths, interests, family circumstances, status in the JOBS program, and vocational aptitudes and preferences of the participant and to mutually determine an employment goal, the level of engagement of the participant in the JOBS program, and which support services (see section (35) of this rule) are needed. This activity includes providing screenings and evaluations (if appropriate) to determine the level of engagement, accommodation, and modification for the participant in the JOBS program. The screenings include,

but are not limited to, physical and mental health needs, substance use, domestic violence (see OAR 461-001-0000), and learning needs.¶

(4) "Barrier" means a personal condition or circumstance that reduces the likelihood the participant will become employed or the ability of the participant to engage in an activity listed in the case plan.¶

(5) "Basic education" means a component intended to ensure functional literacy for all JOBS participants. "Basic education" activities are high school attendance, English as a second language (~~ES~~) (see section (145) of this rule) instruction, job skills training (see section (201) of this rule), adult basic education (~~AB~~) (see section (2) of this rule) instruction, and services that result in obtaining a general equivalency diploma (GED). The component is discussed in OAR 461-190-0171 and 461-190-0181.¶

(6) "Case plan" (formerly also known as an employment development plan (EDP), a personal plan, or personal development plan) means a written outline, developed in partnership by the participant and family coach, with input from community partners as appropriate, listing activities and goals for the individual. The "case plan" also identifies the support service payments, accommodations, and modifications to help the participant complete the plan. The DHS 1543 - Domestic Violence Assistance Agreement - is the "case plan" for participants with safety concerns about domestic violence.¶

(7) "Child Health & Development (~~CH~~)" means an activity that enables participants to gain skills in successful parenting, balancing work and family, and contributing to the well-being and health of the child (see OAR 461-001-0000).¶

(8) "Community service program (~~CP~~)" means an activity in the unpaid employment (see section (38) of this rule) component in which the participant works without pay at a job site to enhance the likelihood the participant will become employed and perform work for the direct benefit of the community. This activity is available through nonprofit organizations or public agencies.¶

(9) "Component" means a set of one or more activities of the JOBS program including paid unsubsidized employment (see section (267) of this rule), paid subsidized employment (see section (256) of this rule), unpaid employment, vocational training (see section (40) of this rule), job search and readiness (see section (1920) of this rule), and basic education activities.¶

(10) "Core activities" means federally defined countable work activities including paid unsubsidized employment; paid subsidized employment; work experience (see section (41) of this rule); job search and readiness; community service program (see section (8) of this rule); and vocational training.¶

(11) "Crisis intervention (~~CI~~)" means short-term services to protect family stability and safety due to an immediate crisis need.¶

(12) "Drug and alcohol services" means an activity in the job search and readiness component to help participants identify and overcome addiction and substance use disorders that prevent or limit their employability and self-sufficiency.¶

(13) "Employer contact" means participant communication with an employer or employer's representative through a visit, phone call, or mail to request consideration for employment.¶

(134) "Employment Payments" means three transitional payments totaling \$225.00 paid as provided in OAR 461-135-1270 to a benefit group (see OAR 461-110-0750) with employment income to help transition families off TANF program services.¶

(145) "English as a Second Language (~~ES~~)" means an activity in the basic education component. "ES" English as Second Language classes are designed to give participants with limited English proficiency better working skills in the language.¶

(156) "Fair Labor Standards Act (FLSA)" means the law that applies to subject employers with participants working in the unpaid employment component. "FLSA" requires that participants engaged in unpaid employment, in effect, may not work more hours than the combined value of the TANF and SNAP benefits divided by Oregon minimum wage.¶

(167) "Federally required participation rates" means the participation rates required by section 407 of the Social Security Act (42 USC 607).¶

(178) "High School or GED Completion Attendance (~~HS~~)" means an activity in the basic education component that

involves attendance at a secondary school or in a course of study that leads to the completion of the GED.¶

(189) "Job search-(JO)" means an activity in the job search and readiness component that focuses on participants looking for and obtaining employment designed to improve skills in locating and competing for employment in the local labor market and may include writing resumes, receiving instruction in interviewing skills, and engaging in group and individual "job search". There are two categories of "job search": "initial job search" and "regular job search". "Initial job search" may occur during the Pre-TANF program. "Regular job search" begins not later than the day after the Department finds the individual eligible for TANF benefits.¶

(1920) "Job search and readiness" means a component designed to prepare participants to compete in the local labor market. Job search (see section (189) of this rule), life skills (see section (223) of this rule), ~~substance abuse disorder~~ drug and alcohol services (see section (3412) of this rule), mental health services (see section (234) of this rule), and rehabilitation activities (see section (30) of this rule) are the activities of the "job search and readiness" component.¶

(201) "Job skills training-(JS)" means an activity in the basic education component in which unpaid training required by an employer is needed to gain the skills necessary to be hired, retain or advance in employment.¶

(212) "JOBS Plus program-(PL)" means an activity in the paid subsidized employment component that provides TANF participants with on-the-job training and pays their benefits as wages (see OAR 461-190-0401 to 461-190-0426).¶

(223) "Life skills-(LS)" means an activity of the job search and readiness component. The activity develops employment-preparation skills and skills and attitudes that are commonly found in the workplace; and offer development of skills that prepare participants to be successful in daily living.¶

(234) "Mental health services-(MH)" means an activity in the job search and readiness component that provides mental health screenings and assessments, counseling, medication management, and support groups.¶

(245) "Non-core activities" means federally defined countable work activities that include job skills training directly related to employment; education directly related to employment; and satisfactory school attendance at a secondary level or leading to a GED.¶

(256) "Paid subsidized employment" means a component in which participants are employed in a subsidized public or private sector job. JOBS Plus (see section (212) of this rule), and work supplementation (see section (42) of this rule) are the activities in the "paid subsidized employment" component.¶

(267) "Paid unsubsidized employment" means a component in which participants are employed full- or part-time in an unsubsidized job and receiving TANF benefits. Unsubsidized employment is a job that is not subsidized by TANF or any other public program. The UN work program (see section (39) of this rule), working (see section (43) of this rule), and microenterprise (see OAR 461-001-0000) are the activities in the paid unsubsidized employment component.¶

(278) "Parents as Scholars (PAS)" means a JOBS program component that assists TANF parents who are or will be undergraduates to begin or continue their education at a two- or four-year educational institution (see OAR 461-190-0199).¶

(289) "Program entry-(PE)" means an activity that captures JOBS appointments, assessments (see section (3) of this rule) to identify a family's needs and strengths, determines JOBS status, and mutually develops a case plan.¶

(2930) "Progress (good or satisfactory)" means, for federal reporting purposes, a participant engaging in an education or training activity makes "good progress" or "satisfactory progress" by receiving a passing grade or progressing toward completion of high school or GED completion at no less than the normal rate of a half-time student.¶

(301) "Rehabilitation activities-(RA)" means an activity in the job search and readiness component that provides medical or therapeutic screenings, assessments, and treatment. This activity also includes medical management and support groups.¶

(312) "Self-initiated training-(SI)" means an activity in which participants are enrolled in a two or four year program, earning credit toward a college degree.¶

(323) "Stabilized living-(SL)" means an activity intended to stabilize participant housing concerns that prevent or limit employment or self-sufficiency.¶

(33) "Stabilization, intervention, and other activities" means activities that are non-countable for federal participation purposes including child health and development, crisis intervention (see section (11) of this rule), domestic violence services, medical services, retention services, services to child welfare families, social security application, and stabilized living services.¶

~~(34) "Substance use disorder services" means an activity in the job search and readiness component to help participants identify and overcome substance use disorders that prevent or limit their employability and self-sufficiency.¶~~

(35) "Support services" means services that participants need to engage successfully in activities outlined in their case plan, seek and maintain employment, or remove barriers.¶

(36) "Supported work (SW)" means an activity in the unpaid employment component that gives participants intensive staff support, skill training, intervention, and counseling that will enable them to function independently at work.¶

(37) "Transition services" means services included in a participant's case plan when the participant becomes employed or becomes ineligible for cash benefits because of an increase in income or resources.¶

(38) "Unpaid employment" means a component in which a participant is placed in an unpaid job to develop good work habits, training, and knowledge to obtain employment. Employment may be in the private or public sector or through a work simulation program. Work experience (see section (41) of this rule), community service program, and supported work (see section (36) of this rule) are the activities of the "unpaid employment" component.¶

(39) "UN work program" means an activity in the paid unsubsidized employment component in which TANF clients work in unsubsidized employment and may also participate in another JOBS work site training activity.¶

(40) "Vocational training" means an activity and component of the JOBS program that provides JOBS participants with up to 18 months access to specific "vocational training" that will lead to a career with an appropriate wage level and opportunity for employment.¶

(41) "Work experience" means an activity in the unpaid employment component in which the participant works without pay at a job site to develop good work habits and basic vocational skills that enhance the likelihood the participant will become employed. "Work experience" is available through private for-profit businesses, nonprofit organizations, or public agencies.¶

(42) "Work supplementation" means an activity in the unpaid employment component that is up to six months of work-site training provided by an employer. The component and activity are both called "work supplementation". In "work supplementation", the Department subsidizes the wages of the participant by providing up to \$200 per month to the employer.¶

(43) "Working" means an activity in the unsubsidized employment component in which a participant is working full- or part-time in the public or private sector.

Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 411.878, 412.006, 412.009, 412.016, 412.049

Statutes/Other Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.878, 412.001, 412.006, 412.016, 412.009, 412.049

AMEND: 461-025-0316

RULE SUMMARY: OAR 461-025-0316 about Intentional Program Violation (IPV) Hearings in the SNAP program is being amended to broaden the rule's provisions to the SNAP, ERDC, TANF, SFPSS, REF, and REFM programs. This amendment creates clarity for the Office of Administrative Hearings, the Department, and claimants, about how IPV Hearings are handled in the SNAP program and non-SNAP programs. This makes permanent the December 17, 2019 temporary amendment changes and adds the ERDC program to the rule.

CHANGES TO RULE:

461-025-0316

Intentional Program Violation (IPV) Hearings; ~~SNAP~~ERDC, REF, REFM, SFPSS, SNAP, and TANF program-s ¶

Notwithstanding the other rules in this division of rules and the rules at OAR 137-003-0501 and following, this rule governs intentional program violation hearings for the ~~SNAP program. This rule reflects the requirements of the U.S. Department of Agriculture for the SNAP~~ERDC, REF, REFM, SFPSS, SNAP, and TANF programs. ¶

- (1) An individual accused of an Intentional Program Violation may waive the right to an IPV hearing by signing a waiver on a form prescribed by the Department. There is no further administrative appeal after the individual signs the waiver unless the individual asserts that the signature on the waiver was obtained by fraud or under duress and, within 90 days from the date the waiver was signed, requests a hearing (see OAR 461-025-0310) to prove this. The individual has the burden of proving fraud or duress. If an Administrative Law Judge determines that the signature on the waiver was obtained by fraud or under duress, the waiver may be nullified and the Department may thereafter initiate an Intentional Program Violation hearing. ¶
- (2) If an IPV is not established by waiver or in court, the Department may initiate the IPV hearing. The individual is entitled to an Advanced Notice of Intentional Program Violation Hearing at least 30 days in advance of the scheduled hearing. The notice includes the specific charge(s) alleged by the Department. ¶
- (3) Within 90 days of the date the individual is notified in writing of the disqualification hearing, the Office of Administrative Hearings will conduct the hearing and serve a final order on the individual. ¶
- (4) The individual is entitled to a postponement of the scheduled hearing, if the request for postponement is made at least 10 days before the date of the scheduled hearing. The hearing will not be postponed for more than a total of 30 days, and the Office of Administrative Hearings may limit the postponements to one. ¶
- (5) When the individual fails to appear for the scheduled IPV hearing, the hearing may be conducted without the individual if: ¶
 - (a) The individual refused the notice of hearing; ¶
 - (b) The individual refused to claim the notice of hearing; ¶
 - (c) The individual received the notice of hearing; or ¶
 - (d) The notice of hearing was sent to the address last reported by the individual to the ~~SNAP program~~Department and was returned as undeliverable. ¶
- (6) An individual who received notice of the scheduled IPV hearing has 10 days from the date of the scheduled hearing to present reasons indicating a "good cause" for failure to appear. An individual who did not receive notice of the scheduled IPV hearing must present reasons indicating "good cause" for failure to appear as part of a petition for reconsideration or rehearing of the final order within 30 days of the date of the final order. ¶
 - (a) For purposes of this rule, "good cause" means the individual was unable to attend the hearing and unable to request a postponement for reasons beyond his or her control. ¶
 - (b) "Good cause" will be determined on the record by the Office of Administrative Hearings. If the individual shows "good cause", the Office of Administrative Hearings will schedule another IPV hearing for the individual. ¶
- (7) The Administrative Law Judge must advise the individual that he or she may refuse to answer questions during the hearing. ¶
- (8) The standard for proving that an individual has committed an Intentional Program Violation is clear and convincing evidence. ¶
- (9) There is no administrative appeal of a final order, except as provided in section (6) of this rule.

Statutory/Other Authority: ORS 411.060
Statutes/Other Implemented: ORS 411.095

AMEND: 461-105-0006

RULE SUMMARY: OAR 461-105-0006 about business continuity provisions is being amended to update business continuity provisions regarding the TADVS program to remove the process of holding a joint staffing and to remove the requirement for a written signature in the SNAP program. These amendments appropriately remove a Department process from rule and bring the rule into alignment with Integrated Eligibility/ONE.

CHANGES TO RULE:

461-105-0006

Business Continuity Provisions ¶¶

(1) The use of this rule by any self-sufficiency branch office (see OAR 461-001-0000) requires the approval for that site by:¶¶

(a) The Director of Self-Sufficiency Programs or the designee of this official; or¶¶

(b) The Deputy Director of Self Sufficiency Programs.¶¶

(2) The Department will only approve the use of this rule after considering the feasibility of avoiding the use of the rule by moving enough employees who are able to perform the needed tasks to the sites that have too few employees.¶¶

(3) For purposes of this rule:¶¶

(a) "Business continuity disruption" refers to an emergency event or a work stoppage that causes the absence of most of the employees in at least one branch office for an expected time period of sufficient duration that compliance with applicable administrative rules in chapter 461 is not feasible. A "business continuity disruption" continues until a sufficient number of employees return to work to permit compliance at the branch office with the administrative rules in chapter 461.¶¶

(b) "Emergent need".¶¶

(A) In the ERDC program, the term "emergent need" refers to an individual who requires child care in order to work and who will lose this child care unless the application is processed promptly.¶¶

(B) In the SNAP program, the term "emergent need" refers to an individual who qualifies for expedited services under OAR 461-135-0575.¶¶

(C) In the medical assistance programs:¶¶

(i) The term "emergent need" refers to an individual reporting either of the following:¶¶

(I) A medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention or medication may reasonably be expected to result in placing the health of the patient in serious jeopardy, serious impairment to bodily functions, or serious dysfunction of any bodily organ or part.¶¶

(II) A need for prompt processing of an application to secure provider services for mental health, substance abuse, or long-term care.¶¶

(ii) An individual does not need to document the "emergent need".¶¶

(D) In the REF and TANF programs, the term "emergent need" refers to a household that meets the requirements of one of the following subparagraphs:¶¶

(i) Countable income less than \$150 a month, and liquid resources that do not exceed \$100.¶¶

(ii) Gross income and resources that combined are less than the total of the household's monthly rent or mortgage, plus its utilities.¶¶

(iii) Liquid resources (see subsection (c) of this section) that do not exceed \$100 as well as being a destitute household of migrant and seasonal farmworkers (see OAR 461-001-0015) with little or no income at the time of application.¶¶

(E) In the TA-DVS program, the term "emergent need" refers to an individual with an immediate safety need.¶¶

(c) "Liquid resources" refers to cash on hand, a checking or savings account, a savings certificate, and a lump sum payment.¶¶

(4) During a business continuity disruption, a branch office issues DSNAP benefits as provided in OAR 461-135-

0491 to 461-135-0497 if the branch office is in a location authorized by the Food and Nutrition Service (FNS) during a disaster benefit period. This rule does not otherwise apply to the DSNAP program.¶

(5) Notwithstanding any other administrative rule in chapter 461, during a business continuity disruption under the authorization required in section (1) of this rule, a self-sufficiency branch office may use any or all of the following special provisions:¶

(a) Application process.¶

(A) Individuals qualifying as emergent need.¶

(i) In the ERDC, medical assistance, REF, and TANF programs, acceptance or processing by the Department of applications may be limited to individuals in emergent need.¶

(ii) In the SNAP program, processing of applications for new clients may be limited to individuals in emergent need.¶

~~(iii) In the TA-DVS program, waive the requirement to jointly staff an application for TA-DVS benefits under OAR 461-135-1200.¶~~

(B) Application process for individuals without an emergent need.¶

(i) In the ERDC, REF, and TANF programs, each branch office using this provision may document a request for benefits by maintaining a dated list of the names of these new clients as well as social security numbers (if available). The Department will use these lists to establish the date of request for those clients who request assistance during the business continuity disruption and complete the application within 30 days after the conclusion of the business continuity disruption or by the deadline that applies under another program rule, whichever occurs later.¶

(ii) In the SNAP program, for a new client, each branch office using this provision may document a filing date by maintaining a file of completed filing pages (DHS 415Y or DHS 539F). The Department will schedule and conduct interviews with each client after the conclusion of the business continuity disruption.¶

(iii) In the medical assistance programs, each branch office should establish a date of request using OAR 461-115-0030.¶

(iv) In the TA-DVS program, the Department may document a request for benefits by maintaining a dated list of the names of the applicants as well as social security numbers (if available). The Department will use this list to establish a ~~date of request~~ filing date for those clients who request assistance during the business continuity disruption. ~~After the conclusion of the business continuity disruption, the Department will schedule and conduct interviews with each client within two business days after the conclusion of the business continuity disruption, or when an immediate safety need arises, whichever occurs sooner.~~¶

(b) Benefit levels. In the ERDC, REF, SFPSS, and TANF programs:¶

(A) Except as provided for REF in OAR 461-135-0900(4), a client, including a client in the Simplified Reporting System (SRS), may continue to receive benefits at the level in effect the day before the special provisions of this rule applied to the branch office.¶

(B) In the ERDC, SFPSS, and TANF programs, the Department may authorize a branch office to automatically extend certification periods for the duration of the business continuity disruption.¶

(C) Payments for support services (see OAR 461-001-0025) listed in a case plan (see OAR 461-001-0025) may continue at the level in effect the day before the special provisions of this rule applied to the branch office. The Department approves or denies any new request for a support services payment on a case by case basis.¶

(D) In the REF and TANF programs, for an emergent need household, the Department may issue a temporary benefit in the following amounts:¶

(i) \$200 for a single individual.¶

(ii) \$100 for each additional individual to a maximum payment of \$900.¶

(E) In the TA-DVS program, payments will be made to address immediate safety needs.¶

(c) Processing changes for current recipients. Except in the SNAP program, a branch office may suspend the processing of changes during the business continuity disruption.¶

(d) Redetermination of benefits issued in accordance with this rule; payments for supplemental benefits and establishment of overpayments. For each client who receives a benefit under the provisions of this rule, after the

business continuity disruption ends:¶

(A) The Department will determine the correct benefit amount and either provide a supplemental payment or assess an overpayment as appropriate.¶

(B) In the SNAP program, the Department will make the determination about supplemental payments under paragraph (A) of this subsection within 10 days of the end of the business continuity disruption.¶

~~(e) In the SNAP program, in addition to the other processes described in this rule, the policies under this subsection may be implemented upon authorization by the Food and Nutrition Service (FNS). The Department notifies each affected branch office of the authorization and its effective dates prior to implementation.¶~~

~~(A) For a telephone request for a SNAP program application, the filing date (see OAR 461-115-0040) is the same as the date of request (see OAR 461-115-0030).¶~~

~~(B) A SNAP program applicant may receive a telephone interview without a Department determination that a branch office visit is a hardship to the applicant.¶~~

~~(C) An applicant requesting a SNAP program application via the telephone, meeting the expedited service criteria under OAR 461-115-0690, and whom the branch office must be able to identify may be interviewed and may provide an oral signature via the telephone after affirming all of the provided information is true and correct.¶~~

~~(i) If eligible for SNAP program benefits, the applicant is certified until the last day of the following month.¶~~

~~(ii) The applicant must sign and return a completed SNAP program application along with any requested verifications to the local branch office within 30 days.¶~~

~~(D)¶~~

(A) SNAP program benefits may be maintained at the current level and extended for two additional months when the Department receives FNS approval within any month described in the following situations:¶

(i) The last month of a certification period (see OAR 461-001-0000).¶

(ii) The month an Interim Change Report is due.¶

(iii) The month a Transitional Benefit Alternative period ends.¶

(iv) The month a Monthly Change Report is due.¶

(B) A client must report changes described in OAR 461-170-0011 by the last day of the month following the month in which the change occurred.¶

(6) Notwithstanding any other administrative rule in chapter 461, during a business continuity disruption with the approval of the Manager of Field Services for Aging and People with Disabilities (APD) or the designee of this official:¶

(a) A branch office may limit acceptance or processing of applications for long-term services to individuals in emergent need who do not yet have a placement or are at risk of losing their current one.¶

(b) An APD or AAA office may apply any exception in this rule for SNAP and Medicaid programs to the extent authorized.

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

Statutes/Other Implemented: ORS 411.060, 411.404, 411.816, 412.014, 412.049, ORS 329A.500, 409.010

AMEND: 461-115-0040

RULE SUMMARY: OAR 461-115-0040 about the filing date in the REF, SNAP, and TANF programs is being amended to remove the requirement of a written signature when establishing a filing date. These amendments make it easier for individuals to establish a filing date and bring the rule into alignment with Integrated Eligibility/ONE.

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. 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~~ signature may be submitted in person, through an authorized representative, by mail, by completing an online electronic application, fax, telephone, or other electronic transmission.

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: 461-115-0450

RULE SUMMARY: OAR 461-115-0450 about certification periods in the SNAP program is being amended to clarify current policies and rules about certification periods and strengthen the Department's ability and need to select, and sometimes later adjust, the certification period length for SNAP benefits. This amendment increases understanding of the rule and brings the rule into alignment with Integrated Eligibility.

CHANGES TO RULE:

461-115-0450

~~P~~Periodic Redetermination Certification Periods; SNAP ¶¶

In the SNAP program, the Department ~~selects~~determines and assigns the certification period (see OAR 461-001-0000) ~~and the redetermination date based based on the circumstances onf the client's circumstances~~filing group (see OAR 461-110-0370) and according to the following considerations:¶¶

(1) The length of the certification period depends on how far in advance the circumstances affecting the group's eligibility can be predicted but may not exceed 12 months except as outlined in sections (2) and (4) of this rule.¶¶

(2) The certification period may be extended beyond ~~12 months~~the assigned certification period in each of the following situations:¶¶

(a) To the end of the Transitional Alternative Benefit (TBA) period if the ~~client~~filing group becomes eligible for transitional benefits (see OAR 461-135-0506). If eligibility for TBA ends early, the certification period is changed to end on the last day of the month.¶¶

(b) To include the month after the client finishes working under a TANF JOBS Plus Agreement. If the agreement ends early, the certification period is changed to end on the original recertification date or on the last day of the month following the month in which the JOBS Plus agreement ends, whichever is later.¶¶

~~(3c) A certification period of less than 12 months may be extended before the one- or two-month certification period ends, not to exceed 12 months, in each of the following situations:¶¶~~

~~(a) A one- for expedited services may be extended before two- monthe certification period for expedited service ends when pending information is received, and e. Eligibility and benefit level is determined based on the new information.¶¶~~

~~(b) An application or a change report form is received and eligibility is reviewed.¶¶~~

~~(c) The report system changes from CRS to SRS.¶¶~~

~~(4) A certification period of 24 months may be assigned for a filing group (see OAR 461-110-0370) in which all adult (see OAR 461-001-0015) members are elderly or have a disability (see OAR 461-001-0015) if the case is placed in SRS~~the Simplified Reporting System (SRS) and the filing group does not receive any countable earned income. Any filing group assigned to a 24-month certification period in SRS which starts receiving earned income is to be converted to CRS.¶¶

~~(5) For each benefit group (see OAR 461-110-0750) in which all members are included in a cash or medical program, eligibility for SNAP and the other program benefits is determined at the same time when practicable~~the Change Reporting System (CRS).¶¶

~~(6) A client remains eligible for and continues to receive SNAP benefits on the normal issuance cycle if the application for recertification is filed with the Department and all required verification has been received by the Department.¶¶~~

~~(a) Not later than the 15th day of the month in which the certification expires; or¶¶~~

~~(b) In the case of a benefit group whose certification period is shorter than two months, not later than the 15th day after the Department provides notice that the certification period will expire.¶¶~~

~~(7) A client who files an application for recertification is eligible for a SNAP allotment without proration only if the filing date (see OAR 461-115-0040) is before the prior certification period expires and:¶¶~~

~~(a) The required interview is completed, and the Department receives the required verification, within 30 days after the client files the application for recertification~~Any interview or verification required under OAR 461-115-0230 and OAR 461-115-0651 is completed within 30 days of the filing date; or¶¶

(b) ~~The~~Any interview or verification required by this rule would have occurred under OAR 461-115-0230 and OAR 461-115-0651 would have been completed timely but for a delay caused by the Department.¶

(86) The Department must deny the application for recertification in the event a client files a timely application for recertification but either fails to appear for a scheduled interview or fails to timely submit required verification.¶

(97) If the client fails to file an application for recertification during a certification period, SNAP benefits for the first month of the following certification period are prorated in accordance with OAR 461-180-0080.¶

(108) Once assigned, the certification period may not be shortened.

Statutory/Other Authority: ORS 409.050, 411.816

Statutes/Other Implemented: ORS 409.010, 411.816, 411.825

AMEND: 461-130-0327

RULE SUMMARY: OAR 461-130-0327 about good cause is being amended to include language enabling the Department to give good cause for non-cooperation in the JOBS program for any reason the Department determines to be good cause. This amendment allows the Department to grant good cause for reasons other than what is specifically mentioned in (3)(a) through (3)(r) the rule.

CHANGES TO RULE:

461-130-0327

Good Cause ¶¶

In a Department program administered under OAR 461-130-0305 to OAR 461-130-0335 and OAR 461-135-0085 and OAR 461-135-0089:¶¶

- (1) The Department does not require a participant to provide verification of "good cause" if providing the verification would expose the participant to increased risk of domestic violence (see OAR 461-001-0000).¶¶
- (2) If in making a determination under this rule a participant's physical or mental impairment is in question, the Department may require the participant to provide documentation from a qualified and appropriate medical professional.¶¶
- (3) A participant is granted "good cause" and not held to a penalty for failure to comply with a work program requirement, including an activity in a case plan (both terms defined in OAR 461-001-0025) in the following circumstances:¶¶
 - (a) Participation in a required activity in a case plan would have an adverse effect on or risk to the participant's physical or mental health or would expose the participant to increased risk of domestic violence (see OAR 461-001-0000).¶¶
 - (b) Except in the SNAP program, participation is likely to cause undue hardship for the dependent child (see OAR 461-001-0000) or the participant.¶¶
 - (c) Appropriate child care, or day care for an individual in the household who has a disability (see OAR 461-001-0000 and 461-001-0015 as applicable) that substantially reduces or eliminates the individual's ability to care for himself or herself, cannot be obtained. "Appropriate child care" means that -¶¶
 - (A) Both the provider and the place where care is provided meet health, safety, and provider requirements as required in OAR 461-165-0180;¶¶
 - (B) The care accommodates the parent's work schedule; and¶¶
 - (C) The care meets the specific needs of the dependent child, such as age and special-needs requirements.¶¶
 - (d) Child care, or day care for an individual in the household group (see OAR 461-110-0210) who has a disability (see OAR 461-001-0000) that substantially reduces or eliminates the individual's ability to care for themselves, cannot be obtained within a reasonable distance. "Reasonable distance" means that the parent's total travel time from home to the child care provider and the workplace or JOBS activity will be no more than one hour either way unless a longer commute time is customary in the community.¶¶
 - (e) The only child care, or day care for an individual in the household group who has a disability that substantially reduces or eliminates the individual's ability to care for themselves, that is available to the participant or in the participant's area is considered informal and unsuitable. "Informal and unsuitable" means the Department has not approved a provider as meeting its background check and health and safety standards ("informal"), and the criteria for appropriate child care in subsection (c) of this section are not met ("unsuitable").¶¶
 - (f) Affordable child care arrangements, or day care for an individual in the household group who has a disability that substantially reduces or eliminates the individual's ability to care for themselves, cannot be obtained. "Affordable child care arrangements" means the expense to the parent or parents is less than ten percent of countable (see OAR 461-001-0000) income of the financial group (see OAR 461-110-0530).¶¶
 - (g) The work attachment position or employment offered is vacant due to a strike, lockout, or other labor dispute.¶¶
 - (h) The work attachment position or employment requires the participant to join a union, and the participant has

religious objections to unions.¶

(i) The participant belongs to a union and the employment violates the conditions of the participant's membership in the union.¶

(j) The wage for the participant's current or potential job is:¶

(A) Less than applicable minimum wage; or¶

(B) If minimum wage laws do not apply, the wage (rate for piece work) is less than that normally paid for similar work.¶

(k) The participant's prospective employer engages in employment practices that are illegally discriminatory on the basis of age, sex, race, religious or political belief, marital status, disability, sexual orientation, or ethnic origin.¶

(l) The participant's engagement in a required activity in a case plan would prevent or interfere with the participant's engagement in an activity of the Grande Ronde Tribe's NEW program.¶

(m) The participant's failure to engage is due to a circumstance beyond the participant's reasonable control.¶

(n) When the failure to comply is caused by an aspect of the participant's disability, including the Department's failure to provide a reasonable accommodation.¶

(o) The participant quits a job to accept another job with a monthly income at least equal to the monthly income of the first job.¶

(p) The Department determines there are no appropriate activities or necessary support services (see OAR 461-001-0025) to support an activity (see OAR 461-001-0025) in order for the participant to engage. ¶

(q) In the REF program:¶

(A) If the participant has no means of transportation and would have to walk an unreasonable distance to engage in their plan. An "unreasonable distance" is a distance that requires a commute of more than two hours each day. ¶

(B) If the hours or nature of the job interferes with the participant's religious observances, convictions, or beliefs.¶

(C) The service requirement or work site is in violation of applicable federal, state, or local health and safety standards.¶

(D) The daily hours of work and the weekly hours of work exceed those customary to the occupation.¶

(r) The participant enrolls into a registered pre-apprenticeship program approved by Bureau of Labor and Industries (BOLI).¶

(s) For a reason not found in above subsections (3)(a) through (3)(r) of this rule that the Department has determined is "good cause."¶

(4) In the SNAP program, a participant is excused from not accepting employment or for leaving a job under the following circumstances:¶

(a) The hours or nature of the job interferes with the participant's religious observances, convictions, or beliefs.¶

(b) The participant accepts employment or enrolls at least half-time in any recognized school, training program, or institution of higher education that requires the participant to quit a job.¶

(c) A participant accepts employment or enrolls in school in another county, requiring the benefit group (see OAR 461-110-0750) to move and the participant to quit a job.¶

(d) A participant less than 60 years of age resigns, and the employer recognizes the resignation as retirement.¶

(e) The participant leaves a job to follow a type of employment that moves from one area to another, such as migrant labor or construction.¶

(f) The participant accepts a job that, for reasons beyond the control of the participant, does not materialize or results in fewer work hours or a lower wage than the participant's previous job.¶

(g) Work demands or conditions, such as not being paid for work or not being paid on schedule, make employment unreasonable.¶

(h) The wage for the participant's current or potential job is less than applicable minimum wage or, if minimum wage laws do not apply, the wage (rate for piece work) is less than that normally paid for similar work.¶

(i) The work schedule for the job in question does not conform to hours customary to the occupation or the hours worked each week are more than those customary to the occupation.¶

(j) The participant is not obligated to accept a job during the first 30 days of registration for employment if the job is not in the client's field of experience.¶

(k) The participant has no means of transportation and would have to walk an unreasonable distance to meet the participation requirement. An "unreasonable distance" is a distance that requires a commute of more than two hours each day. The participant must make a good-faith effort to secure the needed transportation.¶¶

(l) Lack of adequate child care for a child who is six years of age or older and less than 12 years of age.¶¶

(5) In the SNAP program, a participant may be excused from not meeting ABAWD work requirements (OAR 461-135-0520). "Good cause" may be granted to remove a countable month if a participant has been cooperating with their case plan (see OAR 461-001-0020), but is unable to complete the requirements due to one or more of the following unexpected circumstances. The circumstance must be beyond the control of the participant and occur during the countable month:¶¶

(a) Inclement weather.¶¶

(b) Transportation difficulties.¶¶

(c) Illness impacting ability to work.¶¶

(d) Tragic loss.

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

Statutes/Other Implemented: 7 USC 2029, 7 CFR 273.7, 7 CFR 273.24, 45 CFR 261.56, 411.816, ORS 409.010, 411.060, 411.117, 412.006, 412.009, 412.049, 7 USC 2015

AMEND: 461-135-0070

RULE SUMMARY: OAR 461-135-0070 about specific TANF program requirements is being amended to clarify when a caretaker relative is eligible for TANF when a caretaker relative is neither receiving TANF nor applying for TANF for a dependent child. This amendment makes clear the Department's interpretation of the policy and aligns the rule with Integrated Eligibility/ONE.

CHANGES TO RULE:

461-135-0070

Specific Requirements; TANF ¶¶

(1) To be eligible for TANF program benefits:¶¶

(a) An individual must be one of the following:¶¶

(A) A dependent child (see OAR 461-001-0000). However, a dependent child for whom foster care payments are made is not eligible while the payments are being made for the dependent child.¶¶

(B) A caretaker relative (see OAR 461-001-0000) of an eligible dependent child when the caretaker relative:¶¶

(i) Is receiving TANF program benefits for the dependent child, or¶¶

(ii) Is applying for TANF program benefits for the dependent child.¶¶

(C) A caretaker relative of a dependent child, when the dependent child is ineligible for TANF program benefits because of one of the following reasons:¶¶

(i) The child is receiving SSI.¶¶

(ii) The child is in foster care, but is expected to return home within 30 days.¶¶

(D) A parent (see OAR 461-001-0000) of an unborn, as follows:¶¶

(i) For the TANF program, any parent whose only child is an unborn child once the mother's pregnancy has reached the calendar month before the month in which the due date falls.¶¶

(ii) For the TANF program, the parent of an unborn child, if there is another dependent child in the filing group.¶¶

(b) Unless the individual is exempt from JOBS participation and JOBS disqualification under OAR 461-130-0310, an individual must demonstrate two-consecutive weeks of cooperation in appropriate activities (see OAR 461-001-0025) if:¶¶

(A) TANF program benefits had closed within the prior three consecutive calendar months from the filing date (see OAR 461-115-0040) for TANF with an active level 1 through level 4 TANF program disqualification (see OAR 461-130-0330 and 461-135-0085); or¶¶

(B) The filing date for TANF program benefits is within the prior three consecutive calendar months after the end of a two consecutive month period of TANF ineligibility according to OAR 461-130-0330(5)(e).¶¶

(2) As used in this rule:¶¶

(a) Except as provided otherwise in this section, "good cause" means a reasonable person of normal sensitivity, exercising ordinary common sense under similar circumstances, would have --¶¶

(A) Quit work, including in anticipation of discharge;¶¶

(B) Participated in behavior leading to the individual's discharge; or¶¶

(C) Voluntarily reduced work hours.¶¶

(b) For an individual with a physical or mental impairment (as defined at 29 CFR 1630.2(h)), except as provided otherwise in subsection (c) of this section, "good cause" for leaving work means that a reasonable person with the characteristics and qualities of such individual under similar circumstances would have --¶¶

(A) Quit work, including in anticipation of discharge;¶¶

(B) Participated in behavior leading to the individual's discharge; or¶¶

(C) Voluntarily reduced work hours.¶¶

(c) There is no "good cause" if the reason for separation from employment is a labor dispute.¶¶

(3) Except as provided under section (4) of this rule, a need group (see OAR 461-110-0630) is not eligible for TANF program benefits for 120 days from the date a parent or caretaker relative was separated from or voluntarily reduced work hours at his or her last employment in which a parent or caretaker relative in the need

group was hired to work 100 or more hours per month or worked or was scheduled to work 100 or more hours in the last full calendar month of employment. This applies at initial certification, recertification, and is a condition of ongoing eligibility (see OAR 461-001-0000).¶

(4) A need group (see OAR 461-110-0630) may not be reduced or denied TANF program benefits based on section (3) of this rule if the parent or caretaker relative is one of the following:¶

~~(a) A Parents as Scholars (PAS) participant who temporarily becomes ineligible for TANF program benefits for four months or less due to income from a paid work experience (see OAR 461-190-0199).¶~~

~~(b) A teen parent (see OAR 461-001-0000) returning to high school or equivalent.¶~~

~~(c) An individual fleeing from or at risk of domestic violence (see OAR 461-001-0000).¶~~

~~(d) An individual who is pregnant and the pregnancy has reached the first of the calendar month prior to the month in which the due date falls.¶~~

~~(e) An individual who is pregnant and experiencing medical complications due to the pregnancy that prohibit participation in activities of the program and are documented by a qualified and appropriate professional.¶~~

~~(f) An individual unable to work due to a disability or medical condition documented by a qualified and appropriate professional, and which is expected to last for 30 days or more from the filing date for TANF program benefits.¶~~

~~(g) An individual who was separated from employment for a reason the Department determines is good cause as defined in section (2) of this rule.¶~~

~~(h) An individual who was separated from employment as a result of a layoff.¶~~

(5) A family is ineligible for TANF program benefits if the family meets the requirements of all of the following subsections:¶

(a) The family lives in Klamath County.¶

(b) The family meets any of the following conditions:¶

(A) The family has a single custodial parent who is a member of the Klamath Tribes, or the single custodial parent is not a Klamath Tribes member and at least 50 percent of the dependent children are Klamath Tribes members;¶

(B) The family has two custodial parents (see OAR 461-001-0000) who are members of the Klamath Tribes, or only one of the two custodial parents is a Klamath Tribes member and at least 50 percent of the dependent children are Klamath Tribes members; or¶

(C) The family has a caretaker relative who is not the custodial parent and at least 50 percent of the dependent children are Klamath Tribes members.¶

(c) The family is eligible for the Klamath Tribes TANF program or would be eligible for the Klamath Tribes TANF program if not for the failure of the family to cooperate with program requirements.¶

(6) A family is ineligible for TANF program benefits if all of the following subsections apply to the family:¶

(a) A parent, caretaker relative, or child is a member of the Siletz Tribe (Confederated Tribes of Siletz Indians of Oregon) and lives in one of the eleven service area counties: Benton, Clackamas, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington, or Yamhill counties.¶

(b) The family includes members who are living in the same household and at least one of the following paragraphs applies:¶

(A) A two-parent family with one enrolled Siletz tribal member with a shared dependent.¶

(B) A single-parent family with one enrolled Siletz tribal member.¶

(C) A non-needy caretaker relative or essential person with one enrolled Siletz tribal member who is a minor.¶

(D) A pregnant enrolled Siletz tribal member in her eighth month of pregnancy.¶

(c) The family is eligible for the Siletz Tribes TANF program or would be eligible for the Siletz Tribes TANF program if not for the failure of the family to cooperate with Siletz TANF program requirements.¶

(7) If a parent or caretaker relative covered by section (5) or (6) of this rule fails to follow through with a Department referral to the Klamath or Siletz Tribal TANF program, the entire filing group is ineligible for TANF program benefits.

Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 411.400, 411.404, 412.006, 412.016, 412.049, 412.124

Statutes/Other Implemented: ORS 409.010, 411.060, 411.070, 411.400, 411.404, 412.006, 412.016, 412.049, 412.064, 412.124

AMEND: 461-135-0085

RULE SUMMARY: OAR 461-135-0085 about requirements to attend an assessment or evaluation, or seek medically appropriate treatment for substance abuse and mental health; including disqualification and penalties for the Pre-TANF and TANF programs is being amended to remove cannabis from the definition of controlled substances for the purposes of this rule. This amendment ensures that Oregonians receiving TANF or Pre-TANF will not be required to attend an assessment for the use of a substance which is not included in Oregon Revised Statute as a controlled substance, aligning the rule with statute.

CHANGES TO RULE:

461-135-0085

Requirement to Attend an Assessment or Evaluation, or Seek Medically Appropriate Treatment for Substance Abuse and Mental Health; Disqualification and Penalties; Pre-TANF, REF, TANF ¶

In the Pre-TANF and TANF programs:¶

(1) For the purposes of this rule:¶

(a) "Assessment for substance abuse" means an assessment performed by an appropriate licensed professional with the purpose of discovering the presence of substance abuse.¶

(b) "Controlled substance" means a drug or its immediate precursor classified in Schedules I through V under the Controlled Substances Act, 21 U.S.C. 811 to 812, as modified under ORS 475.035. The use of the term "precursor" in this subsection does not control and is not controlled by the use of the term "precursor" in ORS 475.840 to 475.980. Alcohol is not a controlled substance.¶

(c) "Self-identified illegal use" means an individual states he or she illegally used a controlled substance within the previous 30 days. Illegal use does not include the use of a controlled substance pursuant to a valid prescription, or other use authorized by the Uniform Controlled Substances Act, ORS 475.005 to 475.285 and 475.840 to 475.980, the federal Controlled Substances Act, or other Federal law.¶

(d) Controlled substance does not include:¶

(A) Alcohol;¶

(B) The plant Cannabis family Cannabaceae;¶

(C) Any part of the plant Cannabis family Cannabaceae, whether grown or not;¶

(D) Resin extracted from any part of the plant Cannabis family Cannabaceae;¶

(E) The seeds of the plant Cannabis family Cannabaceae; or¶

(F) Any compound, manufacture, salt, derivative, mixture or preparation of a plant, part of a plant, resin or seed.¶

(2) When directed by the Department, an adult member or parenting teen in the need group (see OAR 461-110-0630), regardless of participation classification (see OAR 461-130-0310), must participate in:¶

(a) An assessment for substance abuse if:¶

(A) The individual has self-identified illegal use of a controlled substance; and¶

(B) The assessment is available and at no cost to the individual.¶

(b) Medically appropriate treatment for substance abuse if it is available and at no cost to the individual when:¶

(A) The individual reports a qualified and appropriate professional has diagnosed the individual with a substance abuse disorder within the previous twelve months; or¶

(B) An assessment resulted in a diagnosis requiring medically appropriate treatment for the individual to be successful in the workplace.¶

(3) When directed by the Department, an adult member or parenting teen in the need group (see OAR 461-110-0630), regardless of participation classification (see OAR 461-130-0310), must participate in medically appropriate treatment for mental health if it is available and at no cost to the individual when:¶

(a) The individual reports a qualified and appropriate professional has diagnosed the individual with a mental health disorder within the previous twelve months; or¶

(b) An evaluation resulted in a mental health diagnosis requiring medically appropriate treatment for the

individual to be successful in the workplace.¶¶

(4) An individual is responsible for providing information needed by the Department to determine whether the individual had good cause (see OAR 461-130-0327) for failing to meet the requirements of this rule. If a medical condition must be evaluated in regard to the requirements of this rule, the Department will assist the client in obtaining a medical opinion from an appropriate medical professional.¶¶

(5) An individual who refuses to participate in a required assessment, evaluation, or the medically appropriate treatment required by this rule is subject to disqualification in accordance with this section and OAR 461-130-0330 only after the individual has had an opportunity to participate in the re-engagement process (see OAR 461-190-0231) including a determination by the Department of whether the individual had good cause for non-participation. The penalties are progressive and, once imposed, continue as long as the individual refuses to participate. If there is a change in the participation classification (see OAR 461-130-0310) of the individual the penalty ends and the individual must have an opportunity to participate in the re-engagement process under OAR 461-190-0231 before applying a disqualification.

Statutory/Other Authority: ORS 411.060, 411.070, 411.816, 412.006, 412.009, 412.049, 412.089

Statutes/Other Implemented: ORS 411.060, 411.070, 411.816, 412.006, 412.009, 412.049, 412.089, 475.005

AMEND: 461-135-0405

RULE SUMMARY: OAR 461-135-0405 about children in the Head Start Program who are also in the ERDC or TANF program is being amended to remove contracted child care for TANF participants. The rule also needs to be amended to reduce the \$27 copay for ERDC participants placed in a Head Start contracted slot to a \$0 copay. This amendment aligns the rule with Integrated Eligibility/ONE.

CHANGES TO RULE:

461-135-0405

Children in the Head Start Program; ERDC and TANF ¶

(1) Initial eligibility (see OAR 461-001-0000) for the ERDC program (see OAR 461-135-0400) ~~or the TANF program (see OAR 461-135-0070)~~ must be met prior to receiving child care under a contract between a Head Start agency and the Department. ¶

(2) The following subsections apply when a child (see OAR 461-001-0000) in the ERDC ~~or TANF~~ programs receives child care under a contract between a Head Start agency and the Department. ¶

(a) The Head Start agency is considered the provider of child care. ¶

(b) If the Head Start agency uses another provider for the child care, that provider must meet the requirements in OAR 461-165-0160 and following. ¶

(c) The payment made by the Department on behalf of the child is made only to the Head Start agency. The child is ineligible for child care payments for care not provided under the contract between the Head Start agency and the Department. ¶

(d) Once the Department makes a child care payment for the child under the contract, the child may not lose child care benefits until the next August 31, unless any of the following paragraphs apply: ¶

(A) The child's caretaker (see OAR 461-001-0000) has been found ineligible for ERDC program benefits under OAR 461 135 0415 for failure to make a copayment. ¶

(B) The caretaker was found ineligible because of inaccurate information provided to the Department or because information was withheld from the Department when eligibility was determined. ¶

(C) The caretaker fails to meet the requirements of the locally-prepared agreement among the client and the Head Start program. ¶

(D) The child is no longer attending a Head Start contracted program. ¶

(E) The caretaker of the child voluntarily quits their job or causes their own dismissal and does not meet the "good cause" criteria set out in OAR 461-135-0070(2). ¶

(F) The caretaker of the child is no longer employed and enrolls in school, unless the caretaker is: ¶

(i) Continuing to actively seek employment during the hours the contracted Head Start program is operating; and ¶

(ii) Available to work during the operating hours of the contracted Head Start program. ¶

(G) ~~In the TANF program: ¶~~

~~(i) The case closes due to disqualification (see OAR 461-130-0330); or ¶~~

~~(ii) The caretaker is not actively participating in an open case plan (see OAR 461-001-0025). ¶~~

~~(H) The filing group (see OAR 461-110-0310 and 461-110-0350) no longer meets Oregon residency requirements under OAR 461-120-0010. ¶~~

~~(e) Except as provided in subsection (f) of this section, f~~For any month in which the child is eligible to be served under a contract covered by this rule ~~is receiving ERDC~~, the copayment is \$27. ¶

~~(f) For any month in which a child in a contract covered by this rule is eligible for and receiving TANF, the copayment is zero. ¶~~

(3) The Department will not make a child care payment for a child in a Head Start program if the child's caretaker has been found ineligible for ERDC program under OAR 461-135-0415 for failure to make a copayment.

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

Statutes/Other Implemented: ORS 409.010, 409.050, 409.610, 411.060, 411.116, 411.122, 412.049

AMEND: 461-135-0505

RULE SUMMARY: OAR 461-135-0505 about categorical eligibility in the SNAP program is being amended to define which programs fall under Title IV-A of the Social Security Act or by the state as part of the TANF maintenance of effort. It is also being amended to clearly define when a filing group cannot be categorically eligible, which includes participants with lottery or gambling winnings of \$3,500 or above and applicants who lost eligibility for SNAP due to receipt of such lottery or gambling winnings. The amendments also make clear how those participants can regain the ability to be categorically eligible. These changes align rule with federal regulations, bringing Oregon into federal compliance.

CHANGES TO RULE:

461-135-0505

Categorical Eligibility for SNAP ¶

(1) An individual. The following filing groups are not categorically eligible for SNAP benefits:¶

(a) Recipient filing groups (see OAR 461-110-0530) who receive lottery or gambling winnings in excess of the resource limit for a household with an elderly or disabled household member (see OAR 461-160-0015).¶

(b) Applicant filing group (see OAR 461-110-0530) who lost eligibility for SNAP due to receipt of lottery or gambling winnings in excess of the resource limit for a household with an elderly or disabled household member (see OAR 461-160-0015). Once the filing group is determined eligible, the filing group can be categorically eligible for any future determinations.¶

(2) An individual, except those listed in (7) of this rule, is categorically eligible for SNAP benefits if the individual:¶

(a) Receives or is authorized to receive GA or SSI benefits;¶

(b) Is deemed to be receiving SSI under Section 1619(a) or 1619(b) of the Social Security Act (42 U.S.C. 1382h(a) or (b)); or¶

(c) Receives or is authorized to receive cash, in-kind benefits, or services funded either under Title IV-A of the Social Security Act or by the state as part of the TANF maintenance of effort;¶¶

(~~e~~) Is deemed to be receiving SSI under Section 1619(a) or 1619(b) of the Social Security Act (42 U.S.C. 1382h(a) or (b)), which includes:¶

(A) Emergency Assistance (EA);¶

(B) Employment Related Day Care (ERDC);¶

(C) Temporary Assistance to Needy Families (TANF) cash assistance; TANF-related programs (Pre-TANF, Post-TANF, TA-DVS, TANF-JOBS Plus, TANF Transition Services, and TANF Retention Services is a group member is participating in JOBS or receiving JOBS support services;¶

(D) Housing Stabilization Program through Housing and Community Services; or¶

(~~E~~) Is a member of a financial group (see OAR 461-110-0530) with meeting all three of these conditions:¶

(i) Has countable income (see OAR 461-001-0000) income less than 185 percent of the federal poverty level as described in OAR 461-155-0180(4), does not have liquid assets from lottery or gambling winnings of \$3,500 or more, and has received a pamphlet about Information and Referral Services. L;¶

(ii) Has received a pamphlet about Information and Referral Services; and¶

(iii) Does not have liquid assets from lottery or gambling winnings in excess of the resource limit for a household with an elderly or disabled household member (see OAR 461-160-0015). For the purposes of this rule, liquid assets are assets that are easily accessible and do not need to be sold to access their value.¶

(23) For an entire filing group to be categorically eligible for SNAP benefits, it must contain only clients who are categorically eligible for SNAP benefits. For the purpose of determining who is categorically eligible for SNAP benefits, in the ERDC and TA-DVS programs all members of the filing group are considered receiving the benefits of the program even if not all members receive the benefit.¶

(34) A filing group that is eligible for transition services or the TA-DVS program is considered receiving benefits for the entire period of eligibility even if benefits are not received during each month of that period.¶

(45) An individual categorically eligible for the SNAP program is presumed to meet the eligibility requirements for

resources and countable and adjusted income limits. The individual is also presumed to meet the requirements for a social security number, sponsored alien information, and residency, if verified in a public assistance or medical assistance program.¶

(56) When a filing group contains both members who are categorically eligible for SNAP benefits and those who are not, a resource owned in whole or in part by a categorically eligible member is excluded.¶

(67) An individual may not be categorically eligible for SNAP benefits in either of the following circumstances:¶

(a) The individual is disqualified from receiving SNAP benefits because of an intentional program violation.¶

(b) The individual is a primary person (see OAR 461-001-0015) disqualified from receiving SNAP benefits for failure to comply with a SNAP employment and training requirement under OAR 461-130-0315.-

Statutory/Other Authority: ORS 411.816

Statutes/Other Implemented: ORS 411.816

AMEND: 461-135-0520

RULE SUMMARY: OAR 461-135-0520 about time limits and special requirements for able-bodied adults without dependents (ABAWD) in the SNAP program is being amended to adjust the areas considered "time limit areas" as well as the areas considered "time limit exempt areas." This amendment results in a drastic reduction of exempt counties and an increase to 30 counties being time limit areas. The amendment brings Oregon into alignment with federal changes which ended Oregon's ABAWD time limit area waiver effective March 31, 2020.

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 areas" means 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 areas" are Baker, Benton, Clackamas, Clatsop, Columbia, Coos, Deschutes, Douglas, Gilliam, Hood River, Jackson, Jefferson, Josephine, Lake, Lane, Lincoln, Linn, Malheur, Marion, Morrow, Multnomah, and Washington, Polk, Sherman, Tillamook, Umatilla, Union, Wasco, Washington, Wheeler, and Yamhill counties.¶¶

(c) "SNAP time-limit exempt areas" means 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 areas" are Baker, Clatsop, Columbia, Coos, Crook, Curry, Deschutes, Douglas, Gilliam, Grant, Harney, Hood River, Jackson, Jefferson, Josephine, Klamath, Lake, Lane, Lincoln, Linn, Malheur, Morrow, Polk, Sherman, Tillamook, Umatilla, Union, Wallowa, Wasco, Wheeler, and Yamhill counties.¶¶

(A) Crook, Curry, Grant, Harney, Klamath and Wallowa counties; and¶¶

(B) The following reservation lands: Burns Paiute Indian Reservation; Coos, Lower Umpqua, and Siuslaw Reservation; Grand Ronde Reservation; Klamath Reservation; Siletz Reservation; Umatilla Reservation and Warm Springs Reservation.¶¶

(2) Except as provided otherwise in this rule, an ABAWD who resides in one of the SNAP time-limit areas (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) Benefits were prorated for the month.¶¶

(b) The individual was exempt from the SNAP time limit for any part of the month for any of the following reasons:¶¶

(A) The individual resided for any part of the month in one of the SNAP time-limit exempt areas (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).¶¶

(c) 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~~ 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.¶¶

(d) 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 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)(c) or (3)(d) 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)(c) or (3)(d) 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)(c) or (3)(d) 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)(c) or (3)(d) of this rule for no more than a total of six countable months during January 1, 2019 to December 31, 2021. ¶¶

(7) This space is reserved for the use of discretionary exemptions, granted by the Food and Nutrition Service, for

ABAWDs residing in certain SNAP time-limit areas who are at risk of having their benefits closed or reduced. ¶
(8) An ABAWD involved in the activities specified in subsection (3)(c) or (3)(d) 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

AMEND: 461-135-0560

RULE SUMMARY: OAR 461-135-0560 about fleeing felon and violators of parole, probation, and post-prison supervision in the REF, REFM, SNAP, and TANF programs is being amended to clarify definitions of each term and make clearer the Department's processes. These amendments make clear which of the federal choices Oregon selected and aligns the rule with that choice as well as with Integrated Eligibility/ONE.

CHANGES TO RULE:

461-135-0560

Fleeing Felon and Violators of Parole, Probation, and Post-Prison Supervision; REF, REFM, SNAP, and TANF ¶

(1) An individual is ineligible for the REF, REFM, SNAP, and TANF programs if the individual is a fleeing felon or in violation of parole, probation, or post-prison supervision.¶

(2) ~~A fleeing felon is an individual who knowingly flees to avoid either of the following:¶~~

~~(a) Prosecution or custody for a crime or attempt to commit a crime that is classified in individual is considered as a felony.¶~~

~~(b) Confinement following conviction of a felony.¶~~

~~(3) For purposes of this rule, the crime must be considered a felony under the laws of the place from which the person is fleeing or, in the case of New Jersey, a high misdemeanor under the law of New Jersey.¶~~

~~(4) In the REF, REFM, and TANF programs:¶~~

~~(a) An individual is in violation of parole, probation, or post-prison supervision if the Department receives a report of this violation from a local, state, or federal corrections agency or court responsible for supervision of the individual. The violation continues until the Department receives a report from the corrections agency or court that the individual is no longer in violation.¶~~

~~(b) If there is a pending arrest warrant for an individual for a felony, a high misdemeanor under the law of New Jersey, or a violation of parole, probation, or post-prison supervision, the individual is ineligible under this rule if the individual is aware of the arrest warrant and has not provided the Department with evidence on request that the individual made a substantial effort within his or her ability to resolve the warrant.¶~~

~~(5) In the SNAP program: fleeing felon when a law enforcement officer acting in their official capacity presents a warrant conforming to one of the following National Crime Information Uniform Offense Classification (NCIC) Codes: ¶~~

~~(a) Escape (4901),¶~~

~~(b) Flight to Avoid (prosecution, confinement, etc.) (4902), or¶~~

~~(c) Flight-Escape (4999).¶~~

~~(a) An individual is in violation of parole, probation, or post-prison supervision if the Department verifies the receives a report of this violation from a local, state, or federal corrections agency or court responsible for supervision of the individual. The violation continues until the Department receives a report from the corrections agency or court that the individual is no longer in violation.¶~~

~~(b) If there is a pending arrest warrant for an individual for a felony, a high misdemeanor under the law of New Jersey, or a violation of parole, probation, or post-prison supervision, the individual is ineligible under this rule if a law enforcement officer acting in their official capacity presents a warrant conforming to one of the following National Crime Information Center Uniform Offense Classification (NCIC) Codes and is actively seeking the individual:¶~~

~~(A) Escape (4901);¶~~

~~(B) Flight to Avoid (prosecution, confinement, etc.) (4902); or¶~~

~~(C) Flight-Escape (4999), and the law enforcement agency is actively seeking the individual.¶~~

~~(4) For purposes of this rule, "actively seeking" is defined as one of the following: ¶~~

~~(a) A Federal, State, or local law enforcement agency presents a felony arrest warrant conforming to one of the NCIC codes in section 2 of this rule; or ¶~~

~~(b) If an individual self-discloses an outstanding felony warrant or a violation of parole, probation, or post-prison~~

supervision, the following must be verified with law enforcement issuing the felony warrant:¶¶

(A) There is an outstanding felony warrant for the individual by a federal, state, or local law enforcement agency, and the underlying cause for the warrant is for committing or attempting to commit a crime that is a felony under the law of the place from which the individual is fleeing or a high misdemeanor under the law of New Jersey;¶¶

(B) The individual is aware of, or should reasonably have been able to expect that, the felony warrant has already or would have been issued;¶¶

(C) The individual has taken some action to avoid being arrested or jailed; and¶¶

(D) The federal, state, or local law enforcement agency is actively seeking the individual.¶¶

(6) An individual is no longer considered a fleeing felon if the arrest warrant is no longer pending or the individual provides the Department with evidence that the individual made a substantial effort within his or her ability to resolve the warrant. A court, Federal, State, or local law enforcement agency intends to arrest an individual for a parole or probation violation within:¶

(A) 20 days from date the Department was notified of the parole or probation violation, or¶

(B) 30 days from the date the Department requests information from the law enforcement agency verifying that they intend to arrest the individual.

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

Statutes/Other Implemented: ORS 409.010, 411.060, 411.816, 412.049, 7 CFR 272.1, 7 CFR 273.11

AMEND: 461-135-0575

RULE SUMMARY: OAR 461-135-0575 about SNAP expedited services is being amended to incorporate the definition of "destitute households" in the text of the rule rather than list a reference to the federal regulation. This amendment makes the rule clearer.

CHANGES TO RULE:

461-135-0575

SNAP Expedited Services ¶¶

In the SNAP program:¶¶

(1) For purposes of this rule only, a "liquid resource" includes cash on hand, a checking or savings account, a savings certificate, and a lump sum payment.¶¶

(2) An applicant is screened for expedited services except when a filing group (see OAR 461-110-0370) applies for SNAP benefits before the end of its current certification. If a filing group meets the expedited services criteria and the Department determines the filing group is eligible for SNAP benefits, the filing group qualifies to receive benefits within seven days following the filing date.¶¶

(23) The filing group meets expedited services criteria if the filing group:¶¶

(a) Has countable income less than \$150 a month and liquid resources that do not exceed \$100;¶¶

(b) Has gross income and liquid resources that total less than the total monthly rent, or mortgage, and utilities of the household; or¶¶

(c) Is a "destitute household," ~~as described in 7 CFR 273.10(e)(3) (covering m~~To be a destitute household, the financial group (see OAR 461-110-0530) must meet the following:¶¶

(A) Include a Migrant and/or Seasonal Farmworker households) and has liquid resources that do not exceed \$100.; and¶¶

(B) All sources of income of the financial group meet at least one of the following:¶¶

(d) For purposes of this rule only, a liquid resource includes cash on hand, a checking or savings account, a savings certificate, and a lump sum payment. The source of income is from a terminated source and all income from the source was received before the filing date, or¶¶

(ii) The income is from a new source and any income from the new source greater than \$25 will be received after the tenth calendar day following the filing date.¶¶

(34) There is no limit to the number of times a benefit group (see OAR 461-110-0750) may receive expedited services. However, all eligibility factors from the last expedited issuance must be verified or the benefit group must have been certified under normal processing standards since the last expedited certification before the client is eligible to receive expedited services again.¶¶

(45) An eligibility process interview for an expedited services client is conducted in accordance with OAR 461-115-0690.¶¶

(56) The application processing timeframe for an expedited services client is determined under OAR 461-115-0210.¶¶

(67) Application information for an expedited services client is verified as required under OAR 461-115-0690.

Statutory/Other Authority: ORS 411.060, 411.816

Statutes/Other Implemented: ORS 411.060, 411.816, 7 CFR 273.10

AMEND: 461-135-1270

RULE SUMMARY: OAR 461-135-0270 about eligibility for Employment Payments is being amended to add that a member of a REF, Pre-TANF, SFPSS, or TANF filing group is not eligible for employment payments and to clarify when loss of unsubsidized employment impacts eligibility. These amendments add clarity to the rule and aligns with Integrated Eligibility/ONE.

CHANGES TO RULE:

461-135-1270

Specific Requirements; Employment Payments ¶¶

(1) Effective April 1, 2016, a benefit group (see OAR 461-110-0630) that includes an individual who meets the requirements in section (2) of this rule is eligible to receive \$225 in Employment Payments (see OAR 461-001-0025) paid over three months as provided in section (3) of this rule.¶¶

(2) To be eligible for three months of Employment Payments, an individual in the benefit group (see OAR 461-110-0750) or an individual not in the benefit group due to the time limit in OAR 461-135-0071 must meet all of the following requirements:¶¶

(a) Have obtained unsubsidized paid employment and reported it timely.¶¶

(b) Have been a JOBS eligible (see OAR 461-130-0310) individual who closed TANF for one of the following reasons:¶¶

(A) Became ineligible for the Pre-TANF, SFPSS or TANF programs due to income above the applicable income standard in OAR 461-155-0030.¶¶

(B) Voluntarily closed TANF to avoid accruing time toward the time limit in OAR 461-135-0071.¶¶

(C) Voluntarily closed TANF to be eligible for TBA (see OAR 461-135-0506).¶¶

(c) Meet the TANF residency requirements in OAR 461-120-0010.¶¶

(d) Remain at or below 350 percent FPL in OAR 461-155-0180.¶¶

(3) Employment Payments begin the month following the month in which Pre-TANF, SFPSS, or TANF benefits close. Payments are limited to one payment per month per benefit group. Payments may not be prorated and are paid in the following amounts and order:¶¶

(a) \$100 the first month after benefits close.¶¶

(b) \$75 the second month after benefits close.¶¶

(c) \$50 the third month after benefits close.¶¶

(4) An individual receiving Employment Payments is not eligible for JOBS Plus or JPI (see OAR 461-135-1260).¶¶

(5) Employment Payments end when an individual:¶¶

(a) Is approved for REF, Pre-TANF, SFPSS, or TANF program benefits or when the loss of unsubsidized paid employment is reported and verified;¶¶

(b) Is a member of a filing group (see OAR 461-110-0330) approved for REF, Pre-TANF, SFPSS, or TANF program benefits; or¶¶

(c) Loses unsubsidized paid employment and the loss is verified by the Department.

Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 412.049, 412.124

Statutes/Other Implemented: ORS 409.050, 411.060, 411.070, 412.049, 412.124

AMEND: 461-145-0910

RULE SUMMARY: OAR 461-145-0910 about self-employment for programs other than OSIP, OSIPM, and QMB is being amended to include the SNAP program in this rule and add a self-employment tax filing provision to the definition of self-employment. It is also being amended to change four criteria used as another way to evaluate whether someone is treated as self-employed. These changes closer align the programs subject to the rule and align the rule with Integrated Eligibility.

CHANGES TO RULE:

461-145-0910

Self-Employment; General; Not OSIP, OSIPM, or QMB ¶¶

(1) Self-employment income is income resulting from an individual's business, trade, or profession, rather than from a salary or wage paid by an employer. An individual is considered self-employed if the individual meets the criteria in sections (2) or (3) of this rule. Except as noted in section (3) of this rule, ~~for all programs except SNAP,~~ when an individual has established a corporation, determine if the individual is self-employed according to section (2) of this rule. If the individual has more than one self-employment business, trade, or profession, the income from each is determined separately. ¶¶

(2) Except as provided in OAR 461-145-0250(1), an individual is self-employed for the purposes of this division of rules if the individual: ¶¶

(a) ~~Files personal income taxes as self-employed for the business on their personal taxes.~~ ¶¶

(b) ~~Is considered an independent contractor by the business that employs the individual; or~~ ¶¶

(b) ~~Meets at least four~~ ¶¶ of the following criteria: ¶¶

(A) ~~Is engaged in an enterprise for the purpose of producing income.~~ ¶¶

(B) ~~Is responsible for obtaining or providing a service or product by retaining control over the means and manner of providing the work or services offered.~~ ¶¶

(C) ~~Is principally responsible for the success or failure of the business operation by assuming the necessary business expenses and profit or loss risks connected with the operation of the business, and has the authority to hire and fire employees~~ not required to complete an IRS W-4 form for their employer. ¶¶

(B) Is not required to pay federal income tax or FICA payments from their paycheck(s). ¶¶

(C) Liability or worker's compensation insurance for the individual is not paid by their employer. ¶¶

(D) Creates or provides the products or services they sell, or sets to per he price form the labor products or services they sell. ¶¶

(DE) Is not required to complete an IRS W-4 form for an employer and is not required to have federal income tax or FICA payments withheld from a pay check responsible for the business expense and losses. ¶¶

(EF) ~~Is not covered under an employer's liability or workers' compensation insurance policy~~ Receives the profits from the business. ¶¶

(3) Notwithstanding section (2) of this rule: ¶¶

(a) Homecare Workers (see OAR 411-031-0020) paid by the Department are not self-employed. ¶¶

(b) Child care providers (see OAR 461-165-0180) paid by the Department, adult foster home providers (see OAR 411-050-0602) paid by the Department, realty agents, and individuals who sell plasma, redeem beverage containers, pick mushrooms for sale, or engage in similar enterprises are considered to be self-employed. ¶¶

(4) In the ERDC, REF, SNAP, and TANF programs, self-employment income, including income from a microenterprise (see OAR 461-001-0000), is counted prospectively to determine eligibility (see OAR 461-001-0000) as follows: ¶¶

(a) Self-employment income is annualized when it is: ¶¶

(A) Received during less than a 12-month period but is intended as a full year's income. ¶¶

(B) From a business that has operated for a full year and the previous year is representative of what the income and costs will be during the budget month. ¶¶

(b) Except in the ERDC program, self-employment income is treated as anticipated income when a financial group

(see OAR 461-110-0530) begins self-employment and is unable to determine what the income and costs will be during the budget month.¶

(5) In the REFM program:¶

(a) Self-employment income is counted only if received in the month of application.¶

(b) If self-employment income counted in the month of application puts the applicant over the income limits for REFM, the income is calculated according to section (4) of this rule.¶

(6) When determining the amount of countable (see OAR 461-001-0000) self-employment income, use gross receipts and sales, including mileage reimbursements, before costs.

Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 411.404, 411.816, 412.006, 412.049, 413.085, 414.685

Statutes/Other Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.404, 411.816, 412.006, 412.049, 413.085, 414.685

AMEND: 461-145-0920

RULE SUMMARY: OAR 461-145-0920 about self-employment costs that are excluded to determine countable income is being amended to include DSNAP costs for self-employment. This amendment aligns the rule with Integrated Eligibility.

CHANGES TO RULE:

461-145-0920

Self-Employment; Costs That Are Excluded To Determine Countable Income ¶¶

(1) This rule explains how to determine which costs are excluded from gross self-employment income.¶¶

(2) In all programs except the DSNAP, OSIP, OSIPM, and QMB programs, unless prohibited by section (4) of this rule, and subject to the provisions of sections (67) and (78) of this rule and OAR 461-145-0930, the necessary costs of producing self-employment income are excluded from gross sales and receipts including, but not limited to:¶¶

(a) Labor (wages paid to an employee or work contracted out).¶¶

(b) Materials used to make a product.¶¶

(c) In the SNAP program - principal and interest paid to purchase income-producing property (see OAR 461-001-0000), such as real property, equipment, or capital assets. In all other programs, interest paid to purchase income-producing property, such as equipment or capital assets.¶¶

(d) Insurance premiums, taxes, assessments, and utilities paid on income-producing property.¶¶

(e) Service, repair, and rental of business equipment, including motor vehicles, and property that is owned, leased, or rented.¶¶

(f) Advertisement and business supplies.¶¶

(g) Licenses, permits, legal, or professional fees.¶¶

(h) Transportation costs at 20 cents per mile, if the cost is part of the business expense. Commuting expenses to and from the worksite are not part of the business expense.¶¶

(i) Charges for telephone service that are a necessary cost for self-employment.¶¶

(j) Meals and snacks provided by family day care providers for children in their care, except the provider's own children. The actual cost of the meals is used if the provider can document the cost. If the provider cannot document the actual cost, the USDA meal reimbursement rates are used.¶¶

(k) Materials purchased for resale, such as cosmetic products.¶¶

(L) For newspaper carriers, the cost of newspapers, bags, and rubber bands.¶¶

(3) In the OSIP, OSIPM, and QMB programs, unless prohibited by section (5) of this rule, and subject to the provisions of sections (67) and (78) of this rule and OAR 461-145-0930, the necessary costs of producing self-employment income are excluded from gross sales and receipts including, but not limited to:¶¶

(a) Advertising.¶¶

(b) Car and truck expenses.¶¶

(c) Commissions and fees.¶¶

(d) Contract labor.¶¶

(e) Depletion.¶¶

(f) Depreciation.¶¶

(g) Employee benefit programs.¶¶

(h) Insurance, other than health.¶¶

(i) Mortgage interest.¶¶

(j) Legal and professional services.¶¶

(k) Office expenses.¶¶

(L) Pension and profit-sharing plans.¶¶

(m) Rent or lease of vehicles, machinery, equipment, and other business property.¶¶

(n) Repairs and maintenance.¶¶

- (o) Supplies.¶¶
 - (p) Taxes and licenses.¶¶
 - (q) Travel, meals, and entertainment.¶¶
 - (r) Utilities.¶¶
 - (s) Wages, less employment credits.¶¶
 - (t) Meals and snacks provided by family day care providers for children in their care, except the provider's own children. The actual cost of the meals is used if the provider is able to document the cost. If the provider is unable to document the actual cost, the USDA meal reimbursement rates are used.¶¶
 - (u) Materials purchased for resale, such as cosmetic products.¶¶
 - (v) For newspaper carriers, the cost of newspapers, bags, and rubber bands.¶¶
 - (4) In all programs except the OSIP, OSIPM, and QMB programs, the following costs are not excluded from gross sales and receipts:¶¶
 - (a) Business losses from previous months.¶¶
 - (b) Except in the SNAP program, payments on the principal of the purchase price of income-producing real estate and capital assets, equipment, machinery, and other durable goods.¶¶
 - (c) Federal, state, and local income taxes, draws or salaries paid to any financial group member, money set aside for personal retirement, and other work-related personal expenses, such as transportation, personal business, and entertainment expenses.¶¶
 - (d) Depreciation. For purposes of this section, "depreciation" means a prorated lessening of value assigned to a capital asset (see OAR 461-001-0000) based on its useful life expectancy and initial cost.¶¶
 - (e) Costs related to traveling to another area to seek business when there is no reasonable possibility of deriving income from the trip.¶¶
 - (f) Interest or fees on personal credit cards.¶¶
 - (g) Personal telephone charges.¶¶
 - (h) Shelter or utility costs associated with the individual's home, except as authorized by section (67) of this rule.¶¶
 - (5) In the OSIP, OSIPM, and QMB programs, the following costs are not excluded from gross sales and receipts:¶¶
 - (a) Federal, state, and local income taxes.¶¶
 - (b) Costs related to traveling to another area to seek business when there is no reasonable possibility of deriving income from the trip.¶¶
 - (c) Interest or fees on personal credit cards.¶¶
 - (d) Personal telephone charges.¶¶
 - (e) Shelter or utility costs associated with the individual's home, except as authorized by section (6) of this rule.¶¶
- (6)¶¶
- In the DSNAP (461-101-0010) program, self-employment costs include out of pocket disaster-related expenses the household has paid or is expected to pay during the disaster benefit period authorized by FNS and where the expenses are not expected to be reimbursed during the disaster period. If the household has received or reasonably anticipates receiving a reimbursement for part or all of the expense during the disaster benefit period, only the net expense to the household is deductible. The necessary costs of producing self-employment income are excluded from gross sales and receipts including, but not limited to:¶¶
- (a) Damage or destruction to self-employment business.¶¶
 - (b) Equipment and supplies.¶¶
 - (c) Disaster-damaged vehicle expenses.¶¶
 - (d) Business property protection.¶¶
 - (e) Storage.¶¶
 - (f) Clean-up.¶¶
 - (g) Costs paid by credit card are excluded unless the bill is also paid during the benefit period.¶¶
 - (h) Costs listed in (2) that are incurred during the disaster benefit period.¶¶
- (7) The exclusions for items used for both business and personal purposes, such as automobiles and a residence,

including utilities, are limited by the following subsections:¶¶

(a) In the ERDC, OSIP, OSIPM, and QMB programs, the portion of the expense that is for business use only is excluded.¶¶

(b) In the SNAP program, costs are excluded for a separate office or shop located on the property used as a home, if the costs are billed separately from the residence. Costs for other items used for both business and personal use are excluded.¶¶

(78) If no member of the financial group (see OAR 461-110-0530) has been self-employed for a sufficiently long period to ascertain the costs of self-employment, the costs may be estimated.¶¶

(89) For an individual participating in the microenterprise component (see OAR 461-190-0197) of the JOBS program, costs are excluded according to this rule and general accounting principles, as applied by a certified public accountant, bookkeeping firm, or other entity approved by the Department.

Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 411.404, 411.816, 412.006, 412.049, 413.085, 414.685

Statutes/Other Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.404, 411.816, 412.006, 412.049, 413.085, 414.685, 414.839

AMEND: 461-155-0030

RULE SUMMARY: OAR 461-155-0030 about income and payment standards in the REF and TANF programs is being amended to clarify that the Exit Limit Increase (ELI) standards chart is used for open TANF cases both during the certification period and at re-certification. This amendment makes the policy clear and aligns the rule with Integrated Eligibility.

CHANGES TO RULE:

461-155-0030

Income and Payment Standards; REF, TANF ¶¶

(1) In the REF and TANF programs, the standards in this rule are applied to determine eligibility (see OAR 461-001-0000) and benefit amount as provided in OAR 461-160-0100.¶¶

(2) The Countable Income Limit Standards in this section apply to all individuals applying for or receiving REF or TANF benefits who are not eligible for the Exit Limit Increase (ELI) Standards in section (3) of this rule.¶¶

(a) For each need group (see OAR 461-110-0630) containing an adult, the following table is used: [see attached table]¶¶

(b) For each need group containing no adult, the following table is used: [see attached table]¶¶

(c) In the TANF program, a caretaker relative (see OAR 461-001-0000) other than a parent (see OAR 461-001-0000) who chooses not to be included in the need group is subject to the "non-needy caretaker relative countable income limit standard" for the filing group which is set at 185 percent of the federal poverty level (see OAR 461-155-0180).¶¶

(3) The ELI Standards in this section apply to an open TANF benefit group, during the certification period (see OAR 461-001-0000) or when the Department redetermines eligibility and the filing date (see OAR 461-115-0040) is established on or before the last day of the certification period, with income (must include earned income) above the standards in section (2) of this rule or upon restoring benefits to a TANF benefit group after closure due to earned income over the standards in section (2) or (3) of this rule within the previous 30 days.¶¶

(a) For each need group containing an adult, the following table is used: [see attached table]¶¶

(b) For each need group containing no adult, the following table is used: [see attached table]¶¶

(4) The Adjusted Income Limit Standards in this section apply to all individuals applying for or receiving REF or TANF benefits who are not eligible for the ELI Standards in section (3) of this rule.¶¶

(a) For each need group containing an adult, the following table is used: [see attached table]¶¶

(b) For each need group containing no adult, the following table is used: [see attached table]¶¶

(5) The Payment Standards in this section are used to calculate benefit amounts for individuals receiving REF or TANF benefits.¶¶

(a) For each benefit group containing an adult, the following table is used: [see attached table]¶¶

(b) For each benefit group containing no adult, the following table is used: [see attached table]¶¶

[see attached table]

Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 412.006, 412.049, 412.124

Statutes/Other Implemented: ORS 409.010, 409.050, 411.060, 411.070, 412.006, 412.049, 412.124

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

461-155-0030 Charts

(2)

(a)

<u>No. in Need Group</u>	<u>Amount</u>
1	\$ 345
2	499
3	616
4	795
5	932
6	1,060
7	1,206
8	1,346
9	1,450
10	1,622
Each additional individual	172

(b)

<u>No. in Household</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>9</u>	<u>10+</u>	<u>No. in Benefit Group</u>
	\$249	\$205	\$198	\$186	\$176	\$172	\$168	\$161	\$162	1
		410	396	372	352	344	336	322	324	2
			594	558	528	516	504	483	486	3
				744	704	688	672	644	648	4
					880	860	840	805	810	5
						1,032	1,008	966	972	6
							1,176	1,127	1,134	7
								1,288	1,296	8
									1,458	9+

(3)

(a)

<u>No. in Need Group</u>	<u>Amount</u>
1	\$678
2	864
3	1,012
4	1,242
5	1,442
6	1,666
7	1,846
8	2,060
9	2,186
10	2,408
Each additional individual	+220

(b)

<u>No. in Household</u>	2	3	4	5	6	7	8	9	10+	<u>No. in Benefit Group</u>
	\$456	\$360	\$334	\$312	\$300	\$286	\$280	\$266	\$264	1
		696	644	600	576	548	536	508	504	2
			954	888	852	810	792	750	744	3
				1,176	1,128	1,072	1,048	992	984	4
					1,404	1,334	1,304	1,234	1,224	5
						1,596	1,560	1,476	1,464	6
							1,816	1,718	1,704	7
								1,960	1,944	8
									2,184	9+

(4)

(a)

<u>No. in Need Group</u>	<u>Amount</u>
1	\$ 326
2	416
3	485
4	595
5	695
6	796
7	886
8	976

9 1,039
10 1,150
Each additional individual 110

(b)

No. in Household	2	3	4	5	6	7	8	9	10+	No. in Benefit Group
	\$220	\$173	\$160	\$151	\$144	\$138	\$134	\$127	\$127	1
		334	308	290	276	264	256	242	242	2
			456	429	408	390	378	357	357	3
				568	540	516	500	472	472	4
					672	642	622	587	587	5
						768	744	702	702	6
							866	817	817	7
								932	932	8
									1,047	9+

(5)

(a)

<u>No. in Benefit Group</u>	<u>Amount</u>
1	\$ 339
2	432
3	506
4	621
5	721
6	833
7	923
8	1,030
9	1,093
10	1,204
Each additional individual	110

(b)

No. in Household	2	3	4	5	6	7	8	9	10+	No. in Benefit Group
	\$228	\$180	\$167	\$156	\$150	\$143	\$140	\$133	\$132	1
		348	322	300	288	274	268	254	252	2
			477	444	426	405	396	375	372	3
				588	564	536	524	496	492	4
					702	667	652	617	612	5
						798	780	738	732	6

908	859	852	7
	980	972	8
		1,092	9+

AMEND: 461-160-0010

RULE SUMMARY: OAR 461-160-0010 about the use of resources in determining financial eligibility is being amended to make clear who is subject to the resource limit. This amendment makes current policy more understandable and concise.

CHANGES TO RULE:

461-160-0010

Use of Resources in Determining Financial Eligibility ¶

Countable (see OAR 461-001-0000) resources are used to determine eligibility (see OAR 461-001-0000) as follows:¶

(1) In the EA program, the countable resources of a financial group (see OAR 461-110-0530) are used to reduce benefits.¶

(2) In the ERDC, QMB-DW, REF, REFM, ~~SNAP~~, and TANF programs, a need group (see OAR 461-110-0630) is not eligible for benefits if the financial group has countable resources above the resource limit (see OAR 461-160-0015).¶

(3) In the SNAP program, unless categorically eligible (see OAR 461-135-0505), a need group is not eligible for benefits if the financial group has countable resources above the resource limit (see OAR 461-160-0015).¶

(4) In the OSIP (except OSIP-EPD) and OSIPM (except OSIPM-EPD) programs:¶

(a) An individual is not eligible for benefits if the financial group has countable resources above the resource limit (see OAR 461-160-0015).¶

(b) The following provisions apply when a child (see OAR 461-001-0000) who is not assumed eligible (see OAR 461-135-0010) is applying:¶

(A) As used in the subsection, "ineligible parent" means a parent (see OAR 461-001-0000) who is not receiving SSI or TANF.¶

(B) As used in this section, "parental resources" means the countable resources of:¶

(i) Each ineligible parent (see paragraph (A) of this subsection) in the financial group of the child; and¶

(ii) Each spouse (see OAR 461-001-0000) of an ineligible parent in the financial group of the child.¶

(C) The parental resources (see paragraph (B) of this subsection) are deemed available to the child. The amount deemed available to the child is the amount the parental resources exceed the resource limit (see OAR 461-160-0015) of:¶

(i) A one-person need group, if one parent (see OAR 461-001-0000) lives in the household of the child; or¶

(ii) A two-person need group, if two parents (or one parent and the spouse (see OAR 461-001-0000) of that parent) live in the household of the child.¶

(D) If more than one child is applying, the value of the deemed resources is divided evenly between the applying children. If an applying child is determined to be ineligible for OSIPM for any reason including excess resources resulting from deeming, no resources are deemed to that child. Any resources deemed to an applying child determined to be ineligible for OSIPM are deemed equally to other applying children. ¶

(E) The parental resources are not deemed available to a non-applying child.¶

(F) The value of the parental resources is subject to deeming whether or not those resources are available to the child.¶

(45) In the OSIP-EPD and OSIPM-EPD programs:¶

(a) A need group is not eligible for benefits if the financial group has countable resources above the resource limit (see OAR 461-160-0015).¶

(b) Any money in an approved account (see OAR 461-001-0035) is excluded during the determination of eligibility.¶

(c) Assets purchased from moneys in an approved account are excluded, provided they meet the requirements of OAR 461-145-0025.¶

(d) Assets purchased as employment and independence expenses (see OAR 461-001-0035) are excluded,

provided they meet the requirements of OAR 461-145-0025.¶

(56) In the QMB-BAS, QMB-SMB, and QMB-SMF programs, all resources are excluded and have no effect on eligibility (see OAR 461-160-0015).

Statutory/Other Authority: ORS 329A.500, 409.050, 411.060, 411.070, 411.400, 411.404, 411.816, 412.049, 413.085, 414.685

Statutes/Other Implemented: ORS 329A.500, 409.010, 411.060, 411.070, 411.117, 411.400, 411.404, 411.816, 412.049, 413.085, 414.685, 414.839

AMEND: 461-160-0015

RULE SUMMARY: OAR 461-160-0015 about resource limits is being amended to make clear who is subject to the resource limit. This amendment makes current policy more understandable and concise.

CHANGES TO RULE:

461-160-0015

Resource Limits ¶¶

- (1) In the EA program, all countable (see OAR 461-001-0000) resources must be used to meet the emergent need.¶¶
- (2) In the ERDC program, the limit is \$1,000,000.¶¶
- (3) In the OSIP and OSIPM programs, the resource limit is as follows:¶¶
 - (a) \$2,000 for a one-person need group (see OAR 461-110-0630) and \$3,000 for a two-person need group.¶¶
 - (b) \$5,000 for the OSIP-EPD and OSIPM-EPD programs (see OAR 461-001-0035 and 461-145-0025 for funds that may be excluded as approved accounts).¶¶
- (4) In the QMB-BAS, QMB-SMB, and QMB-SMF programs, all resources are excluded.¶¶
- (5) In the QMB-DW program, the resource limit is \$4,000 for a one-person need group and \$6,000 for a need group containing two or more individuals.¶¶
- (6) In the REF and REFM programs, the resource limit is:¶¶
 - (a) \$2,500 for any of the following:¶¶
 - (A) A new REF or REFM applicant for benefits.¶¶
 - (B) In the REF program, the need group that has at least one mandatory (see OAR 461-130-0305) participant in an employment program who is:¶¶
 - (i) Receiving REF and not progressing in a required activity of an open case plan; or¶¶
 - (ii) Serving a current employment program disqualification (see OAR 461-130-0330).¶¶
- (b) \$10,000 for an REF need group not covered under subsection (a) of this section.¶¶
- (7) In the SNAP, unless categorically eligible (see OAR 461-135-0505), the program, the resource limit is:¶¶
 - (a) \$3,500 for a financial group (see OAR 461-110-0530) with at least one member who is elderly (see OAR 461-001-0015) or an individual with a disability (see OAR 461-001-0015).¶¶
 - (b) \$2,250 for all other financial groups.¶¶
- (8) In the TANF program, the resource limit is:¶¶
 - (a) \$2,500 for any of the following:¶¶
 - (A) A new TANF applicant for benefits.¶¶
 - (B) TANF need group that does not have at least one caretaker relative (see OAR 461-001-0000) or parent (see OAR 461-001-0000) who is receiving TANF.¶¶
 - (C) TANF need group that has at least one JOBS participant who is serving a current JOBS disqualification (see OAR 461-130-0330).¶¶
 - (b) \$10,000 for a need group not covered under subsection (a) of this section.

Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 411.083, 411.404, 411.706, 411.816, 412.049, 413.085, 414.685

Statutes/Other Implemented: ORS 409.010, 411.060, 411.070, 411.083, 411.404, 411.704, 411.706, 411.816, 411.837, 412.049, 413.085, 414.685, 414.839

AMEND: 461-165-0100

RULE SUMMARY: OAR 461-165-0100 about the issuance date of benefits is being amended to absorb some of the provisions of OAR 461-165-0105, which addresses when SNAP benefits can be issued in a way other than on the day of the month corresponding to the last digit of the client's case number or social security number. The amendment also makes possible the issuance of more than one month of benefits under certain circumstances, adds a provision for staggered SNAP benefit issuance, and inserts the possibility that benefits issued through the ONE system may be issued in a unique way. This amendment aligns the rule with Integrated Eligibility and makes the rule more clear and accurate.

CHANGES TO RULE:

461-165-0100

Issuance Date of Benefit ¶¶

(1) For all programs except the EA and SNAP programs:¶¶

(a) An authorized cash payment check is dated on the first day of the payment period or as soon as practicable thereafter.¶¶

(b) Checks are mailed so they can be delivered to the client on the first day of each month except in the following cases:¶¶

(A) Initial month benefits for cases that are new, reopened, or restored.¶¶

(B) If the first day of the month falls on Sunday or a holiday, the check is mailed in time for the client to receive it on Saturday or the mail day preceding the holiday.¶¶

(C) Checks redirected to the branch office may be released during the last workday preceding a weekend or holiday.¶¶

(c) Benefits issued by EBT will be available on the first day of each month, except for the following:¶¶

(A) Initial month benefits for cases that are new, reopened, or restored.¶¶

(B) Benefits held by the branch office.¶¶

(2) EA clients must receive their checks, either direct or vendor, in time to meet their emergent needs.¶¶

(3) SNAP benefits are available as follows:¶¶

(a) SNAP benefits issued by EBT for ongoing cases are available in the EBT account on the day of the month corresponding to the last digit of the ~~client's~~ head of household's Social Security Number or case number except for the following:¶¶

(A) The benefits for the initial month of eligibility for a new or re-opened case.¶¶

(B) The benefits for the seventh month of the certification period for a case in the semi-annual reporting system shall be issued upon determination of eligibility. Initial and second month allotments may be combined. Second month's allotments that are not combined will be issued in accordance with (a) above. Second month benefits are available in the EBT account on the first day of the month when not issued as a combined allotment with initial month's benefits.¶¶

(B) The second month's allotment of SNAP benefits is not subject to staggered issuance if the filing group applies after the 15th of the month and the application is not for a redetermination of eligibility. Once eligibility for SNAP benefits is established for these groups, benefits are issued as follows:¶¶

(i) If the case is opened on FSMIS by the last day of the initial month of eligibility, the computer will prorate benefits for the initial month and will automatically issue benefits for the second month on the first of that month; or¶¶

(ii) If the case is opened after the initial month of eligibility, the computer will prorate benefits for the initial month and will automatically issue benefits for the second month on the same day.¶¶

(b) SNAP benefits issued through the SNAP cash-out are available as follows:¶¶

(A) Benefits accessed through an EBT account are available on the first day of the month.¶¶

(B) Checks are mailed on the first day of the month.¶¶

(C) Direct-deposit funds are available on the third working day of the month.¶¶

~~(4) For SNAP changes that could not be made in time to adjust the monthly allotment, a supplement is issued within 10 days of the date the change was reported.~~

Statutory/Other Authority: ORS 411.060, 411.070, 411.404, 411.704, 411.706, 411.816, 412.014, 412.049

Statutes/Other Implemented: ORS 411.060, 411.070, 411.404, 411.704, 411.706, 411.816, 412.014, 412.049

REPEAL: 461-165-0105

RULE SUMMARY: OAR 461-165-0105 about the issuance date of benefits is being repealed to incorporate the exceptions to staggered issuance for SNAP benefits into OAR 461-165-0100. This incorporation will make the rules around benefits issuance easier to understand.

CHANGES TO RULE:

~~461-165-0105~~

~~Exception to Staggered Issuance; SNAP~~

~~The second month's allotment of SNAP benefits is not subject to staggered issuance if the filing group applies after the 15th of the month and the application is not for a redetermination of eligibility. Once eligibility for SNAP benefits is established for these groups, benefits are issued as follows:~~

- ~~(1) If the case is opened on SNAPMIS by the last day of the initial month of eligibility, the computer will prorate benefits for the initial month and will automatically issue benefits for the second month on the first of that month;~~
- ~~or~~
- ~~(2) If the case is opened after the initial month of eligibility, the computer will prorate benefits for the initial month and will automatically issue benefits for the second month on the same day.~~

~~Statutory/Other Authority: ORS 411.060~~

~~Statutes/Other Implemented: ORS 418.047~~

AMEND: 461-170-0102

RULE SUMMARY: OAR 461-170-0102 about required reports for the simplified reporting system (SRS) in the SNAP program is being amended to incorporate the terminology "periodic report" and to clarify when a periodic report is due based on the length of an individual's certification period. This amendment aligns the rule with Integrated Eligibility.

CHANGES TO RULE:

461-170-0102

Required Periodic Reports for the Simplified Reporting System (SRS); SNAP ¶¶

In the SNAP program, ~~the following two reports are required of some filing groups while in SRS:¶¶~~

~~(1) Interim Change Report. During the sixth month of a certification period (see OAR 461-001-0000), a periodic report must be completed in a method approved by the Department when a filing group (see OAR 461-110-0370) participating in SRS and is certified for benefits for in SRS for a period longer than six months but no more than 12 months must submit to the Department, on a form designated by the Department, an Interim Change Report of household circumstances, unless the household has no earned income and each adult member is elderly (see OAR 461-001-0015) or an individual with a disability (see OAR 461-001-0015). The required.¶¶~~

(1) An Interim Change Periodic Report is required when a filing group is assigned a 12 month certification period. An Interim Change Periodic Report form is considered complete when it is received by the Department by the last day of the sixth month of the certification period and:¶¶

(a) The individual filing group completely and accurately answers all questions necessary to determine eligibility (see OAR 461-001-0000) and benefit amounts;¶¶

(b) The individual filing group provides all required verification; and¶¶

(c) The form contains the signature of the primary person (see OAR 461-001-0015) or the authorized representative (see OAR 461-001-0000 and OAR 461-115-0090).¶¶

~~(2) A Mid-Certification Review. During the 12th month of a certification period, a filing group participating in SRS and certified for benefits for longer than 12 months must complete a Mid-Certification Review in a method approved by the Department. The required Mid-Certification Review must occur during Periodic Report is required when a filing group is assigned a 24-month certification period under OAR 461-115-0450. A Mid-Certification Periodic Report is considered complete when it is received by the Department between the 1st and 15th day of the 12th month 12 of their certification period in order to continue receiving benefits, if eligible.¶¶~~

~~(a) The Mid-Certification Review has been completed when t and: ¶¶~~

(a) The filing group has provided the Department with updated information and all required verification about their income, shelter and utility costs, and medical expenses.¶¶

(b) Contact between the filing group and the Department occurring after the 15th of the 12th month can result in a delay in receiving the full month allotment for the 13th month. ¶¶

(c) The Department follows the process outlined in OAR 461-180-0006 to meet verification requirements and adjust benefits based on this information determine eligibility and benefit amounts.

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

Statutes/Other Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.081, 411.087, 411.816

AMEND: 461-175-0340

RULE SUMMARY: OAR 461-175-0340 about voluntary closure of benefits is being amended to clarify that when a TANF or REF recipient requests closure of program benefits, support services will close in alignment with program benefits. This amendment aligns the rule with current policy and Integrated Eligibility.

CHANGES TO RULE:

461-175-0340

Notice Situation; Voluntary Action ¶¶

(1) Unless the Department chooses to proceed as described in section (2) of this rule:¶¶

(a) For all programs except the SNAP program, if the primary person (see OAR 461-001-0000), another adult member of the filing group, or the authorized representative:¶¶

(A) Makes an oral request to end or reduce benefits, a timely continuing benefit decision notice (see OAR 461-001-0000) is sent.¶¶

(B) Makes a signed, written request to withdraw, end, or reduce benefits, a basic decision notice (see OAR 461-001-0000) is sent.¶¶

(C) Makes an oral request to withdraw an application for benefits, a basic decision notice is sent.¶¶

(b) In the SNAP program, when the filing group (see OAR 461-110-0370) states it wishes to withdraw its benefits request, or states it wishes to reduce or no longer receive benefits:¶¶

(A) If the request is made by phone to end or reduce benefits, a timely continuing benefit decision notice is sent.¶¶

(B) If the request is made in person to reduce benefits, a basic decision notice is sent.¶¶

(C) If the request to reduce benefits is signed by the primary person (see OAR 461-001-0000), another adult member of the filing group, or the authorized representative, a basic decision notice is sent.¶¶

(D) If the request to end benefits is signed by the primary person, another adult member of the filing group, or the authorized representative in the presence of a worker, no notice is required. If it is not signed in the presence of a worker, a basic decision notice is sent.¶¶

(E) If the client withdraws a signed request for benefits, a basic decision notice is sent.¶¶

(2) The Department may reduce or terminate benefits to an individual, and in the OSIPM and QMB programs, an individual may withdraw an application, when the individual completes a voluntary agreement on a Department form used for this purpose.¶¶

(a) The Department provides the individual with a copy of the completed agreement and except to the extent provided by OAR 461-175-0220(4) no other notice is required.¶¶

(b) The individual may request a hearing to set aside this agreement on the grounds of fraud, duress, or reliance on misinformation provided by the Department, subject to the time limits for hearing requests in OAR 461-025-0310.¶¶

(3) In the SNAP program, a timely continuing benefit decision notice is sent if the filing group returns a signed Change Report form with information that requires a reduction or closure of benefits.¶¶

(4) In the TANF and REF programs, a voluntary request to end TANF or REF benefits is a voluntary request to close all support services (see OAR 461-001-0025 and OAR 461-001-0027) as well.

Statutory/Other Authority: ORS 329A.500, 409.050, 411.060, 411.404, 411.816, 412.014, 412.049, 413.085, 414.685

Statutes/Other Implemented: ORS 329A.500, ORS 183.417, 329A.500, 409.010, 411.060, 411.404, 411.816, 412.014, 412.049

AMEND: 461-190-0211

RULE SUMMARY: OAR 461-190-0211 about case plan activities and standards for support service payments in the JOBS, Post-TANF, Pre-TANF, REF, REP, SFPSS, TADVS, and TANF program is being amended to remove programs that are currently closed or don't offer support services, to make clear that medical payments are not allowed, and to elaborate on parameters around program funding availability. The rule is also being amended to restructure how available support services are listed in the rule, make clear which programs are eligible for support services, give guidance regarding which support payments are available and under which circumstances, and to allow for recurrent fuel and public transportation payments. These amendments allow greater flexibility in some areas and make clear certain limitations and restrictions around payments, participants, and programs. The amendments also bring the rule into alignment with federal requirements and Integrated Eligibility.

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-DV~~~~re-TANF~~, SFPSS, and TANF programs, notwithstanding any other administrative rule in chapter 461 and subject to the limitations of state availability of state and federal funding, the following special provisions apply:¶¶

(1) Participation in an activity Support service (see OAR 461-001-0025) is payments are 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, or participants, who are eligible (see OAR 461-130-0310) to engage in a case plan (see OAR 461-001-0025):.¶¶

(ea) 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 RE 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.¶¶

(2b) 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.¶¶
An individual who is a recipient of the Pre-TANF program.¶¶

(c) An individual who is a recipient of the SFPSS program.¶¶

(cd) Work experience (see OAR 461-001-0025).¶¶

(d) Supported work (see OAR 461-001-0025).¶¶

(e) High School or GED Completion Attendance.¶¶
An individual who is a JOBS volunteer (see OAR 461-001-0025).¶¶

(f) Parents as Scholars (see OAR 461-001-0025).¶¶

(g) Limited family stability (see OAR 461-001-0000) activity 130-0310) and has a JOBS case plan.¶

(Ae) 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 Subject to the limitations in (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 (8) of this rule, an individual who is receiving REF and participating in REP, who is not otherwise exempt (see OAR 461-001-0000).¶

(c) Post-TANF.¶

(4130-0305).¶

(2) 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.¶

(53) 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.¶

(64) ~~Payments for support services for JOBS participants are subject to the following limita~~All Department approved activities are eligible for support service payments, except for the following:¶

(a) Family Support & Connections:¶

(ab) ~~Child Care. Payments for child care may be authorized, as limited by OAR 461-160-0040, if necessary to enable individuals to participate~~Family Stability.¶

(c) Microenterprise (see OAR 461-001-0000).¶

(d) Program Entry (see OAR 461-001-0025).¶

(5) In the JOBS, Pre-TANF, SFPSS, and TANF programs, the Department may provide payments for support services for eligible participants engaged 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 ~~subject to provisions in section (1)(a) through (1)(d) of this rule.~~ Support services are subject to the following limitations:¶

(a) JOBS Incidentals: In kind goods or items provided to participants by the branch to support the goals of the family while participating in the JOBS program.¶

(b) Bus Pass/Tickets: Bus tickets or pass that are issued in person out of office.¶

(c) Bus Payment: Payment issued to the participant to pay for public thr~~an-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. Transportation. Requests for recurring bus payments may not exceed 6 consecutive months of issuance per request. If the individual's eligibility changes during the 6 months of recurring payments, closure notice must be sent timely.

(bd) Transportation. The Department may provide pGas Payment: Payments for an individual to pay 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. P. Requests for recurring gas 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) y not exceed 6 consecutive months of issuance per request. If the individual's eligibility changes during the 6 months of recurring payments, closure notice must be sent timely.

(e) Child Care: Payments 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 child care, as limited by OAR 461-160-0040, if necessary to enable individuals to participate in an approved activity specified in the individual's case and vehicle insurance and either of the following is trueplan. If authorized, payment for child care is:

(iA) No public transportation is availableThe lesser of the participant is unable to use public transportation because of a verifiable medical condition or disability for which no accommodation is available.

(ii) Publicactual rate charged by the care provider and the rate established in OAR 461-155-0150. The Department rate for children in care less transportation is available but is more costly than the cost of fuel, 158 hours in a month is limited by OAR 461-155-0150.

(CB) Payment for vehicle repairs may be authorized at the discretion of the district if the following are true:The minimum hours necessary, including meal and commute time, for the individual to participate in an approved activity.

(if) 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 necessaryClothing: Payments for clothing items to support the participant to engage in the JOBS program.

(eg) Housing and Utilities. Subject to local services and budget, the Department may provide pMoving Expense/Relocation: Payments for an individual regarding housing and utilities expenses. Payments are subject to the following:

(A) The individual is engaged in a JOBScase 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.

(dh) 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 ruleGrooming Needs: Payments for grooming needs for employment related activities.

(i) Professional Fees: Payment for professional fees to support the case plan.

- ~~(j) Tools/Equipment: Payment for equipment or tools a participant needs to accept a job offer, or for a work-related activity.~~
- ~~(k) Books/Supplies: Payments for books and supplies a participant needs to engage in an educational activity.~~
- ~~(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, vocational training (see OAR 461-001-0025) and self-initiated training (see OAR 461-001-0025). Excludes payments described in paragraph (k) of this subsection.~~
 - ~~(G) ERDC co-payments.~~
- ~~(7) JOBS support services, including child care~~
- ~~Auto Expenses: Payments for auto expenses, 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 participant pairs, or car insurance to support the goals specified in the individual's case plan. Payments for Auto Expenses are subject to the following limitations:~~
 - ~~(a) Transportation. Payment for vehicle repair may be authorized at the discretion of the district 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 to repair the participant's vehicle is reasonable in relation to the cost of fuel, or for minimal vehicle value of the vehicle and the minimum necessary repairs.~~
 - ~~(b) Payments are subject to the following considerations: for car insurance may be authorized for no more than two months in a 12-month period.~~
 - ~~(a) Other 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: 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) Other payments with manager approval that are not otherwise restricted by rule.~~
- ~~(o) None of the following is true payments are allowed:~~
 - ~~(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 Medical Assistance or medical services.~~
 - ~~(B) Mental health services.~~
 - ~~(C) Alcohol and drug treatment services.~~
 - ~~(D) Professional Services.~~
 - ~~(E) Non-essential items.~~
 - ~~(F) Television and cable.~~
 - ~~(G) Fines, reinstatement fees, restitution, legal fees, civil fees, court costs, or other cost of fuels associated with a penalty.~~
 - ~~(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~~
 - ~~Purchase of a car, recreational vehicle, or motor home.~~

(I) Any payments described in this rule for participants employed in, seeking employment in, or engaged in an illegal activity (see OAR 461-120-0215).

(J) Pet-related costs.

~~(K) All other payments are not allowed~~ERDC co-payments.

~~(96)~~ 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.

~~(107)~~ 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 purpose for the payment is not related to the individual's case plan.~~

~~(b) The individual is failing to comply with a the case plan or disqualified,~~ unless the payment in question is necessary for the individual to demonstrate cooperation with the individual's case plan.

~~(b) The purpose for the pay individual disagrees with a support services payment offered or made by the Department is not related to~~in the individual's case plan.

~~(e8) The individual disagrees with a s~~In the REF and REP programs, the Department may provide payments for support services for eligible REP participants engaged in an approved activity specified in the individual's case plan, subject to provisions in section (1)(e) or this rule. 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 Scholar~~are subject to the following limitations:

(a) Transportation. The Department may provide payments to a participant when transportation costs is for travel to and from an approved REP activity. Payment is only for the cost of public transportation or fuel costs. For fuel costs, the individual or participant providing the transportation must report having a valid driver's license and vehicle insurance.

(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 available~~allowed.~~

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