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TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

SSP 7-2020

CHAPTER 461
DEPARTMENT OF HUMAN SERVICES
SELF-SUFFICIENCY PROGRAMS

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ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Amending the REF, REFM, and TANF programs COVID-19 rule

EFFECTIVE DATE: 04/08/2020 THROUGH 09/29/2020

AGENCY APPROVED DATE: 04/08/2020

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NEED FOR THE RULE(S):

OAR 461-135-0220 about the REF, REFM, and TANF programs during the COVID-19 pandemic need to be amended to remove the suspension of section (3) in OAR 461-135-0070 regarding work separation and work hour reduction penalties. The rule also needs to be amended to allow the Department to authorize limited payments for housing and utilities expenses through designated partner agencies for refugees that qualify for the payments.

JUSTIFICATION OF TEMPORARY FILING:

The Department finds that failure to act promptly by amending OAR 461-135-0220 will result in serious prejudice to the public interest, the Department, and clients of its programs. The Department needs to proceed by temporary rule because the Department needs to implement the ability to use funding to support the many refugees that are losing or unable to seek employment due to the COVID-19 pandemic. The Department also needs to proceed by temporary rule to immediately remove the suspension of a rule section that should remain in place.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

CFR 400 Refugee Resettlement Program, Title 45 CFR 400.155 (h) available at
<https://www.acf.hhs.gov/orr/resource/400-refugee-resettlement-program>

Office of Refugee Resettlement State Letter 16-06 available at: <https://www.acf.hhs.gov/orr/resource/guidance-on-refugee-social-services-funding>

Federal ACF guidance IM-ACF-OA-2020-1 - ACF COVID Flexibilities available at:

https://www.acf.hhs.gov/sites/default/files/ocs/im_acf_oa_2020_01_acf_covid_flexibilities_final_033020.pdf

ADOPT: 461-135-0220

SUSPEND: Temporary 461-135-0220 from SSP 6-2020

RULE SUMMARY: OAR 461-135-0220 about the REF, REFM, and TANF programs during the COVID-19 pandemic is being amended to remove the suspension of section (3) in OAR 461-135-0070 regarding work separation and work hour reduction penalties. The rule is also being amended to allow the Department to authorize limited payments for housing and utilities expenses through designated partner agencies for refugees that qualify for the payments.

CHANGES TO RULE:

461-135-0220

REF, REFM, and TANF Programs; COVID-19

The provisions in this rule apply to the REF, REFM, and TANF programs.

(1) The Department suspends the following rules or rule sections regarding the REF, REFM, or TANF programs:

(a) OAR 461-120-0340(4) and (5).

(b) OAR 461-130-0330(2) through (5).

(c) OAR 461-135-0070(1)(b).

(d) OAR 461-135-0085(3) through (5).

(e) OAR 461-135-0915(3) through (5), and

(f) OAR 461-160-0015(6) and (8).

(2) The Department amends the following rule sections regarding the REF, REFM, and TANF programs as provided in this rule:

(a) OAR 461-115-0040(2).

(b) OAR 461-120-0210(5), and

(c) OAR 461-135-0485(2) and (3).

(3) In addition to the methods listed under OAR 461-115-0040, the "filing date" may be established telephonically by the Department making record of:

(a) The name of the applicant, and their authorized representative (see OAR 461-115-0090) if one exists.

(b) The applicant's address.

(c) The applicant's request for REF, REFM, or TANF benefits.

(d) The applicant stating their full name as their signature, and

(e) The date the above occur.

(4) Any individual may apply for REF, REFM, or TANF benefits using the Department approved "telephonic application" (see section (5) of this rule) and "narrated telephonic signature" (see section (6) of this rule) processes. An individual submitting a telephonic application must submit the application with a narrated telephonic signature.

(5) A telephonic application is accepted if the following requirements are met:

(a) All questions on the application are answered.

(b) All information necessary to determine eligibility (see OAR 461-001-0000) and benefit amount is provided for each individual in the filing group (see OAR 461-110-0310).

(c) The applicant or their authorized representative provides a narrated telephonic signature as defined in this rule.

(6) A narrated telephonic signature is accepted for an application for REF, REFM, or TANF benefits if the following requirements are met:

(a) The "Your Rights and Responsibilities" form is reviewed and sent to the mailing address of the applicant.

(b) The following sections at the end of the application form are reviewed and sent to the mailing address of the applicant:

(A) "Information about cash benefits,"

(B) "Information about TANF program penalties,"

(C) "Information about all programs," and

(D) "Information about your rights and responsibilities."

(c) The "Cooperating with Child Support Enforcement" form, is reviewed, including the good cause for non-

cooperation with Child Support section, and sent to the mailing address of the applicant.¶

(d) The "Your Rights and Responsibilities While in JOBS, JOBS Plus, and Refugee Employment Services" form is sent to the mailing address of the applicant.¶

(e) The applicant or their authorized representative affirms that they:¶

(A) Have heard and understand their rights and responsibilities; ¶

(B) Agree to their rights and responsibilities;¶

(C) Have given true, correct, and complete information to the Department; and¶

(D) States their full name as their signature.¶

(f) The Department makes record of the narrated telephonic signature.¶

(7) The Department determines eligibility (OAR 461-001-0000) at least once every six months when:¶

(a) Telephonic application and narrated telephonic signature are used, or¶

(b) The requirement to provide or apply for an SSN is temporarily waived under section (10) of this rule. ¶

(8) The Department waives the following for individuals that apply for benefits using a telephonic application and narrated telephonic signature:¶

(a) The requirement to complete the "employability screening" (see OAR 461-135-0485) before eligibility can be determined, and¶

(b) The requirement to offer the "employability screening" and "overview of the JOBS program" (see OAR 461-135-0485) before eligibility can be determined.¶

(9) Effective March 8, 2020, the Department suspends the following penalties and disqualifications:¶

(a) JOBS disqualification (see OAR 461-130-0330); ¶

(b) Child Support penalty (see OAR 461-120-0340); and¶

(c) Assessment, evaluation, and treatment disqualification (see OAR 461-135-0085).¶

(10) Notwithstanding the provisions listed under OAR 461-120-0210(5), the Department shall waive the requirement to:¶

(a) Provide an SSN if an applicant states they do not know it.¶

(b) Apply for an SSN if an applicant states they do not have one.¶

(11) In the REF, REFM, and TANF programs, the resource limit is:¶

(a) \$2,500 for a need group (see OAR 461-110-0630) with every caretaker relative (see OAR 461-001-0000) serving an intentional program violation (see OAR 461-195-0601). ¶

(b) \$10,000 for new applicants and all other need groups (see OAR 461-110-0630).¶

(12) Notwithstanding the provisions in OAR 461-190-0211(1)(d) and (8), the Department may authorize payments for housing and utilities expenses for individuals who are within 12 months of being granted an eligible refugee status (see OAR 461-120-0215). Eligibility for payments are subject to the following requirements:¶

(a) The assets of the financial group (see OAR 461-110-0530) must meet the income standards listed under OAR 461-155-0030 and resource limit under section (11) of this rule.¶

(b) Individuals must be enrolled in REP or receiving House Bill 2508 services through a Refugee Resettlement Agency. ¶

(c) Individuals shall receive housing and utilities expenses payments from only one agency and the total amount of all payments may not exceed \$500 per filing group (see OAR 461-110-0430), and¶

(d) Payments shall be made through partner agencies designated by the Department and are subject to availability of funding.¶

(13) The provisions in this rule end the last day of the month in which the Governor of Oregon ends the COVID-19 state of emergency period initiated by Executive Order 20-03.

Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 411.083, 412.006, 412.009, 412.024, 412.049, 412.064, 412.089

Statutes/Other Implemented: ORS 409.010, 411.060, 411.070, 411.081, 411.083, 411.087, 412.006, 412.009, 412.024, 412.049, 412.064, 412.089, 45 CFR 206.10, 45 CFR 263.2, 45 CFR 400.155