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TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

SSP 8-2020

CHAPTER 461
DEPARTMENT OF HUMAN SERVICES
SELF-SUFFICIENCY PROGRAMS

FILED
04/10/2020 2:14 PM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Adopting a TA-DVS program rule during the COVID-19 pandemic

EFFECTIVE DATE: 04/10/2020 THROUGH 10/06/2020

AGENCY APPROVED DATE: 04/10/2020

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NEED FOR THE RULE(S):

OAR 461-135-1240 about the TA-DVS program during the COVID pandemic need to be temporarily adopted to remove barriers for Oregonians in need of assistance from the TA-DVS program during the COVID-19 pandemic. The rule creates the ability, in the TA-DVS program, to establish a filing date, apply for benefits, as well as sign the application; by telephone.

JUSTIFICATION OF TEMPORARY FILING:

The Department finds that failure to act promptly by adopting OAR 461-135-1240 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 COVID-19 pandemic has created an emergent need to immediately implement methods of applying for TA-DVS benefits that allow applicants to remain at home. Failure to act immediately could delay or prevent eligible survivors of domestic violence from being able to swiftly apply for assistance during the current state of emergency. This rule adoption will enhance the ability for individuals in need of TA-DVS benefits to "Stay at Home, Stay Healthy" when that is best for them.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

Governor Kate Brown Executive Order 20-12 available here: https://www.oregon.gov/gov/admin/Pages/eo_20-12.aspx

ADOPT: 461-135-1240

RULE SUMMARY: OAR 461-135-1240 about the TA-DVS program during the COVID pandemic is being temporarily adopted to create the ability, in the TA-DVS program, to establish a filing date, apply for benefits, as well as sign the application; by telephone. The creation of this rule removes barriers for Oregonians in need of assistance from the TA-DVS program during the COVID-19 pandemic.

CHANGES TO RULE:

461-135-1240

TA-DVS Program; COVID-19

The provisions in this rule apply to the TA-DVS program.

(1) 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.

(b) The applicant's address.

(c) The applicant's request for TA-DVS benefits.

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

(e) The date the above occur.

(2) Any individual may apply for TA-DVS benefits using the Department approved "telephonic application" (see section (3) of this rule) and "narrated telephonic signature" (see section (4) of this rule) processes. An individual submitting a telephonic application must submit the application with a narrated telephonic signature.

(3) A telephonic application is accepted when 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 provides a narrated telephonic signature as defined in this rule.

(4) A narrated telephonic signature is accepted for an application for TA-DVS benefits when the Department makes record that the following requirements are met:

(a) The "Your Rights and Responsibilities" form is reviewed and provided to the applicant.

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

(A) "Information about all programs," and

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

(c) The applicant 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.

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

(5) 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 84.001 to 84.061, 409.050, 411.060, 411.117, 412.049

Statutes/Other Implemented: ORS 84.001 to 84.061, 411.060, 411.117, 412.049, 409.010, 45 CFR 260.50