

OFFICE OF THE SECRETARY OF STATE
BEV CLARNO
SECRETARY OF STATE

JEFF MORGAN
INTERIM DEPUTY SECRETARY OF STATE



ARCHIVES DIVISION
STEPHANIE CLARK
DIRECTOR

800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701

TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

SSP 10-2020
CHAPTER 461
DEPARTMENT OF HUMAN SERVICES
SELF-SUFFICIENCY PROGRAMS

FILED
04/17/2020 8:01 AM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

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

EFFECTIVE DATE: 04/17/2020 THROUGH 10/11/2020

AGENCY APPROVED DATE: 04/17/2020

CONTACT: Meorah Solar 500 Summer St NE
503-602-7545 Salem, OR 97301
meorah.a.solar@dhsosha.state.or.us

Filed By:
Meorah Solar
Rules Coordinator

NEED FOR THE RULE(S):

OAR 461-135-0660 about the SNAP program during the COVID-19 pandemic needs to be adopted to put certain provisions of the Families First Coronavirus Response Act into Oregon Administrative Rule and to make the granting of good cause clear. The rule need to be adopted to temporarily suspend SNAP time limits for individuals identified as an Able-Bodied Adults Without Dependents (ABAWD). It also needs to be adopted to ensure good cause is granted when certain individuals are not able to meet specific employment criteria due to the pandemic.

JUSTIFICATION OF TEMPORARY FILING:

The Department finds that failure to act promptly by adopting OAR 461-135-0660 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 provisions of the Families First Coronavirus Response Act and to make it clear when good cause should be granted. Failure to act immediately could result in ABAWDs being issued counting months for April 2020 and subsequent months that fall within the Secretary of Health and Human Services COVID-19 emergency declaration period. Failure to act could also result in good cause not being granted, when appropriate, which could prevent eligible applicants from receiving SNAP benefits. This rule adoption will increase the ability to access SNAP benefits for certain individuals during the pandemic.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

USDA March 20, 2020 Letter titled "Supplemental Nutrition Assistance Program (SNAP) – Families First Coronavirus Response Act and Impact on Time" available here: <https://fns-prod.azureedge.net/sites/default/files/resource-files/FFCRA-Impact-on-ABAWD-TimeLimit.pdf>

ADOPT: 461-135-0660

RULE SUMMARY: OAR 461-135-0660 about the SNAP program during the COVID-19 pandemic is being adopted to temporarily suspend SNAP time limits for individuals identified as an Able-Bodied Adults Without Dependents (ABAWD). It is also being adopted to ensure good cause is granted when certain individuals are not able to meet

specific employment criteria due to the pandemic. This adoption puts certain provisions of the Families First Coronavirus Response Act into Oregon Administrative Rule and makes the granting of good cause clear.

CHANGES TO RULE:

461-135-0660

SNAP; COVID-19

The provisions in this rule apply to the SNAP program and are retroactively effective as of April 1, 2020.

(1) The Department suspends OAR 461-135-0520(2) and (6).

(2) Per the Families First Coronavirus Act, Title 3, Section 2301:

(a) SNAP time limit work requirements for ABAWDs (see OAR 461-135-0520) are temporarily waived.

(b) ABAWDs will not be subject to earning countable months (see OAR 461-135-0520).

(3) An individual who the Department has determined is mandatory (see OAR 461-130-0305) will be granted "good cause" (see OAR 461-130-0327) if the reason for not accepting employment or for leaving a job was due to the individual's concerns regarding their health due to the COVID-19 pandemic.

(4) The provisions of this rule will remain in place until the month after the public health emergency declaration by the Secretary of Health and Human Services under section 319 of the Public Health Service Act based on an outbreak of coronavirus disease 2019 (COVID-19) is lifted.

Statutory/Other Authority: ORS 411.060, 411.070, 411.121, 411.816, ORS 409.050

Statutes/Other Implemented: ORS 409.010, ORS 411.060, 411.070, 411.121, 411.816, 411.825, 411.837, 7 USC 2015, 7 USC 2029, 7 CFR 273.7, 7 CFR 273.24, Pub. L. 116-127, ORS 409.050