



PERMANENT ADMINISTRATIVE ORDER

SSP 22-2020

CHAPTER 461
DEPARTMENT OF HUMAN SERVICES
SELF-SUFFICIENCY PROGRAMS

FILED

07/08/2020 8:53 AM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Amending Self-Sufficiency Program rules permanently for the launch of the ONE system

EFFECTIVE DATE: 07/08/2020

AGENCY APPROVED DATE: 07/08/2020

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

RULES:

461-105-0006, 461-115-0040, 461-135-0405, 461-135-0560, 461-145-0910, 461-145-0920, 461-155-0030

AMEND: 461-105-0006

NOTICE FILED DATE: 01/30/2020

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 ¶¶

Retroactively effective July 6, 2020:¶¶

(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.¶¶

(EB) 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: ORS 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

NOTICE FILED DATE: 01/30/2020

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 ¶

Retroactively effective July 6, 2020:¶

(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~~ method that includes the ~~the~~ applicant's name, address, and signature.

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: 461-135-0405

NOTICE FILED DATE: 01/30/2020

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 ¶

Retroactively effective July 6, 2020:¶

- (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: 461-135-0560

NOTICE FILED DATE: 01/30/2020

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 ¶

Retroactively effective July 6, 2020:¶

(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 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 considered in violation of parole, probation, or post-prison supervision if the Department verifies thereceives 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 (pro 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, confinement, etc.) (4902); or ¶¶~~

~~(C) Flight-Escape (4999). 2 of this rule; or ¶¶~~

~~(e) 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 the 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: 461-145-0910

NOTICE FILED DATE: 01/30/2020

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 ¶¶

Retroactively effective July 6, 2020:¶¶

(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) meets the requirements of one or more of (a), (b), or (c):¶¶~~

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

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

~~(b)(c) 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 employe~~not required by the business to complete an IRS W-4 form;¶¶~~~~

~~(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 the business;¶¶~~

~~(D) Meets at least one of the following:¶¶~~

~~(i) Creates or provides to perform the labor or services.¶¶~~

~~(D) 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.¶¶~~

~~(E) Is not covered under an employer's liability or workers' compensation insurance policy~~he products or services they sell, or¶¶~~~~

~~(ii) Sets the price for the products or services they sell;¶¶~~

~~(E) Is responsible for the business expense and losses; and¶¶~~

~~(F) Receives 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

NOTICE FILED DATE: 01/30/2020

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 and is retroactively effective July 6, 2020.¶¶

(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 (67) 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 expenses 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

NOTICE FILED DATE: 01/30/2020

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 ¶¶

Retroactively effective July 6, 2020:¶¶

(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 with income (must serve as the countable and adjusted income limits when the following requirements are met:¶¶~~

~~(a) The income of the benefit group includes earned income) above the standards in section (2) of this rule or upon restoring benefits to a TANF (see OAR 461-145-0120).¶¶~~

~~(b) The earned income was earned by an individual in the benefit group.¶¶~~

~~(c) The ELI Standards are used:¶¶~~

~~(A) During the certification period (see OAR 461-001-0000).¶¶~~

~~(B) When the filing date (see OAR 461-115-0040) is established on or before the last day of the certification period of the benefit group, or¶¶~~

~~(C) When TANF benefits of the benefit group after were closed due to earned income over and the standards in section (2) or (3) of this rule within the previous 30 days benefit group establishes a filing date within 30 days following the closure.¶¶~~

~~(ad) For each need group containing an adult, the following table is used: {see attached table}¶¶~~

~~(be) 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)

(d)

<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

(e)

<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+