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TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

SSP 25-2020

CHAPTER 461
DEPARTMENT OF HUMAN SERVICES
SELF-SUFFICIENCY PROGRAMS

FILED

07/28/2020 7:41 AM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Amending a temporary Self-Sufficiency rule about SNAP eligibility during COVID-19

EFFECTIVE DATE: 07/28/2020 THROUGH 10/11/2020

AGENCY APPROVED DATE: 07/27/2020

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NEED FOR THE RULE(S):

OAR 461-135-0660 about SNAP; COVID-19, needs to be amended to extend emergency SNAP supplements, the waiver of a required interview during the application process, and the waiver of the Department to provide an in-person interview if requested; to August 31, 2020. This amendment puts into place recent approvals from FNS and supports qualifying individuals to access food support and stay safer during the COVID-19 pandemic.

JUSTIFICATION OF TEMPORARY FILING:

The Department finds that failure to act promptly by amending 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 due to immediate nature of the pandemic in order to put into rule federal guidance and waivers that provides support to Oregonians in need. Failure to act immediately could delay or prevent eligible individuals in need of grocery support from receiving benefits. This rule amendment implements recent federal SNAP guidelines and extensions.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

Families First Coronavirus Response Act, available here: <https://www.congress.gov/bill/116th-congress/house-bill/6201/text>

7 CFR 273.24 section 6(o) as amended, available here: <https://www.federalregister.gov/documents/2019/02/01/2018-28059/supplemental-nutrition-assistance-program-requirements-for-able-bodied-adults-without-dependents>

Oregon: COVID-19 Waivers & Flexibilities, available here: <https://www.fns.usda.gov/disaster/pandemic/covid-19/oregon>

ADOPT: 461-135-0660

SUSPEND: Temporary 461-135-0660 from SSP 17-2020

RULE SUMMARY: RULE SUMMARY: OAR 461-135-0660 about SNAP; COVID-19 is being amended to permit the ability to allow emergency SNAP benefit supplements through the month of August. For those with a filing date established during a certain time period, the rule is also being amended to waive the requirement for an applicant to complete an annual interview and to suspend the requirement for the Department to grant a face to face interview.

CHANGES TO RULE:

461-135-0660

SNAP; COVID-19

The provisions in this rule apply to the SNAP program.

(1) The Department suspends the following rule sections regarding the SNAP program as provided in this rule:

(a) OAR 461-115-0230(3), and

(b) OAR 461-135-0520(2) and (6).

(2) The Department amends the following rules and rule sections regarding the SNAP program as provided in this rule:

(a) OAR 461-115-0020(2),

(b) OAR 461-115-0450(1) and (2), and

(c) OAR 461-170-0102.

(3) 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).

(4) 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.

(5) Notwithstanding OAR 461-115-0450, the Department may extend a certification period (see OAR 461-001-0000) before the certification period ends, not to exceed 6 months, when the certification period ends in the months of March, April, May, or June of 2020.

(6) Notwithstanding OAR 461-170-0102, the Department waives the requirement to submit an "Interim Change Report" or a "Mid-Certification Review" in order to continue receiving benefits when the Interim Change Report or Mid-Certification Review is due in the months of March, April, May, or June of 2020.

(7) The Department may issue an emergency supplement of SNAP benefits for the months of April, May, June, July, and August 2020, with the following limitations:

(a) The emergency supplement does not change the benefit level, calculated under OAR 461-160-0400, for the benefit group (see OAR 461-110-0750).

(b) The emergency supplement shall be issued on a date determined by the Department, not subject to OAR 461-165-0100.

(c) The amount of the emergency supplement shall be the difference between the benefit level calculated under OAR 461-160-0400 and the maximum Payment Standard for the number of individuals in the benefit group. If there is no difference, no emergency supplement shall be issued.

(8) For applications with a filing date (see OAR 461-115-0040):

(a) Established from March 23, 2020 to August 31, 2020, the Department waives the requirement under OAR 461-115-0020 section (1) to meet the interview requirements in order to complete the application process, and

(b) Established from March 23, 2020 to August 31, 2020, the Department suspends the requirement under OAR 461-115-0230(3)(b) to grant a face-to-face interview at the applicant's request.

(9) The provisions listed in sections (3) and (4) of this rule end on the last day of the month in which the public health emergency declaration made 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

