

OFFICE OF THE SECRETARY OF STATE

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ARCHIVES DIVISION

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NOTICE OF PROPOSED RULEMAKING INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 461
DEPARTMENT OF HUMAN SERVICES
SELF-SUFFICIENCY PROGRAMS

FILED

07/31/2020 4:33 PM

ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Amending Eight Self-Sufficiency Program Rules

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 09/18/2020 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

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500 Summer St NE

Salem, OR 97301

Filed By:

Meorah Solar

Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 08/24/2020

TIME: 1:00 PM - 2:30 PM

OFFICER: Meorah Solar

ADDRESS: No Physical Location due to

COVID-19

By phone 1(971) 673-8888, code

46101139#

or 1 (503) 934-1400, code 46101139#

Salem, OR 97301

SPECIAL INSTRUCTIONS:

Everyone has a right to know about
and use DHS programs and services.

DHS provides free help. Some
examples of the free help DHS can
provide are: sign language and spoken
language interpreters, written
materials in other languages, braille,
large print, audio and other formats. If
you need help or have questions,
please contact Meorah Solar at (503)
602-7545, 711 TTY, or
meorah.a.solar@dhsisha.state.or.us at
least 48 hours before the meeting.

NEED FOR THE RULE(S):

OAR 461-135-0660 about SNAP; COVID-19, needs to be adopted permanently to allow the Department to adopt rule provisions regarding the SNAP program in the event of a pandemic.

OAR 461-135-1200 about Specific Requirements; TA-DVS program needs to be amended to absorb provisions of OAR 461-135-1240 that permit, for the TA-DVS program; telephonic filing date, application completion, and application signature for individuals with cases maintained in the DHS mainframe systems. It also needs to be changed to update terminology.

OAR 461-135-1240 about TA-DVS; COVID-19 needs to be adopted permanently to serve as a rule placeholder in the event of a future pandemic. The provisions in the rule, with the exception of the provision for the rule to sunset at the end of the Governor's Executive Order 20-03, are being absorbed into OAR 461-135-1200.

OAR 461-155-0180 about income standards affecting self-sufficiency programs; OAR 461-155-0190 about Income and Payment Standards; SNAP and DSNAP; OAR 461-160-0015 about resource limits affecting self-sufficiency programs; OAR 461-160-0420 about shelter cost, SNAP; and OAR 461-160-0430 about income deductions, SNAP; need to be amended to align the rules regarding income standards, income and payment standards, resource limits, shelter deductions, and income deductions; with annual adjustments set forth by Food and Nutrition Services.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

SNAP – Oregon Request to Extend Certification Periods and Adjust Reporting Requirements Due to COVID-19 – Approval; Adjustment serial number: COV-021, available here: <https://fns-prod.azureedge.net/sites/default/files/resource-files/OR-SNAP-COV21-ExtendCertPeriods-Approval.pdf>

SNAP - COVID-19: OR Emergency Allotments Approval, available here: <https://fns-prod.azureedge.net/sites/default/files/resource-files/OR-SNAP-COV-EmergencyAllotments-Approval.pdf>

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

Written communication between TA-DVS Policy Analysts, DHS staff, and partners; available from TA-DVS Policy.

U.S. Department of Health and Human Services Poverty Guidelines, available here: <https://aspe.hhs.gov/poverty>

guidelines

SNAP Cost of Living Adjustments,, available here: <https://www.fns.usda.gov/snap/cost-living-adjustment-cola-information> (to be updated with new amounts effective 10/01/20)

The PUC data was used to project 2020 rates for phones, gas, and electricity. The EIA data was used for heating oil and to split out the gas and electricity rates for heating costs and others. The PUC data used is available here: <http://www.puc.state.or.us/Pages/Index.aspx>. The EIA website is available here: <http://www.eia.doe.gov>.

FISCAL AND ECONOMIC IMPACT:

The Department estimates that adopting OAR 461-135-0660 will positively impact individuals receiving SNAP at the rate of \$32.8 million in benefits per month, while its provisions are in place. The Department estimates no fiscal impact on the Department, the public, the Department, other state agencies, local government, and business, including small business. There is no cost of compliance for small businesses. No small businesses are subject to this rule.

The Department estimates that amending OAR 461-135-1200 will positively impact individuals that qualify for TA-DVS, but would not be able to come into the office to apply for benefits. The maximum positive impact is \$1200 to the qualifying group. The Department estimates no fiscal impact on the Department, the public, the Department, other state agencies, local government, and business, including small business. There is no cost of compliance for small businesses. No small businesses are subject to this rule.

The Department estimates that amending OAR 461-135-1240 will have no fiscal impact on the Department, clients, the public, the Department, other state agencies, local government, and business, including small business. There is no cost of compliance for small businesses. No small businesses are subject to this rule.

The Department is unable to estimate the fiscal impact of amending OAR 461-155-0180, OAR 461-155-0190, OAR 461-160-0015, OAR 461-160-0420, or OAR 461-160-0430 on clients or applicants because the annual adjustments set forth by Food and Nutrition Services are not yet known. The Department estimates that these amendments will have no fiscal impact on the Department, other state agencies, local government, and business including small business. There is no cost of compliance for small business.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

See Fiscal and Economic Impact

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Small businesses were not involved in the development of these rules but are invited to provide input during the public comment period.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

A RAC was not consulted for amendments to the following OARs: 461-155-0180, 461-155-0190, 461-160-0015, 461-160-0420, and 461-160-0430; as the amendments involve routine federal annual adjustments.

RULES PROPOSED:

461-135-0660, 461-135-1200, 461-135-1240, 461-155-0180, 461-155-0190, 461-160-0015, 461-160-0420, 461-160-0430

ADOPT: 461-135-0660

RULE SUMMARY: OAR 461-135-0660 about SNAP; COVID-19, is being adopted permanently to allow the Department to adopt rule provisions regarding the SNAP program in the event of a pandemic.

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 2015, 7 USC 2029, 7 CFR 273.7, 7 CFR 273.24, Pub. L. 116-127, ORS 409.050, 7 CFR 273.10, 7 CFR 273.14

AMEND: 461-135-1200

RULE SUMMARY: OAR 461-135-1200 about Specific Requirements; TA-DVS program is being amended to absorb provisions of OAR 461-135-1240 that permit, for the TA-DVS program; telephonic filing date, application completion, and application signature for individuals with cases maintained in the DHS mainframe systems. It is also being changed to update terminology.

CHANGES TO RULE:

461-135-1200

Specific Requirements; TA-DVS ¶

- (1) The TA-DVS program addresses temporary needs of individuals -- ¶
(a) Who are currently victims of domestic violence (see OAR 461-001-0000), have been victims of domestic violence, or are at risk of victimization by domestic violence; ¶
(b) Whose safety is at risk because of domestic violence or the current threat of domestic violence; and ¶
(c) Who meet the financial and non-financial requirements of this rule. ¶
- (2) In the TA-DVS program, an individual must complete an application process as defined in OAR 461-115-0020. The Department is to follow the application time frames outlined in OAR 461-115-0190. ¶
- (3) For cases maintained in the DHS mainframe systems, in the TA-DVS program: ¶
(a) 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. ¶
(b) Any individual may apply for TA-DVS benefits using the Department approved "telephonic application" (see section (c) of this rule) and "narrated telephonic signature" (see section (d) of this rule) processes. An individual submitting a telephonic application must submit the application with a narrated telephonic signature. ¶
(c) 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. ¶
(d) 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: ¶
(i) "Information about all programs," and ¶
(ii) "Information about your rights and responsibilities." ¶
(C) The applicant affirms that they: ¶
(i) Have heard and understand their rights and responsibilities; ¶
(ii) Agree to their rights and responsibilities; ¶
(iii) Have given true, correct, and complete information to the Department; and ¶
(iv) States their full name as their signature. ¶
(D) The Department makes record of the narrated telephonic signature. ¶
(4) The Department is authorized by ORS 411.117 to waive or modify requirements of the TANF program that make it more difficult for applicants to escape domestic violence or put them at risk of further or future domestic violence. ¶
(45) The Department waives the TANF requirement in OAR 461-135-0070(1)(e) for a pregnant woman to have

reached late pregnancy if an applicant is at risk of further or future domestic violence.¶

(56) The filing group requirements in the TA-DVS program are the same as for the TANF program (see OAR 461-110-0330), except the abuser is not considered in the filing group.¶

(67) The financial eligibility requirements in the TA-DVS program are the same as for the TANF program except that:¶

(a) A TANF grant does not count as income.¶

(b) Income received during the budget month is not counted if the client does not have reasonable access to the money or cannot access the money independently of the abuser.¶

(c) Income received during the budget month is not counted if the client needs the money for expenses made necessary to flee from abuse.¶

(d) There is no resource limit.¶

(e) The income limit is the applicable TANF Countable Income Limit Standard (OAR 461-155-0030), but the TA-DVS program uses net income, minus living deductions on the DHS Form 1542, against the amounts set out under the TANF Countable Income Limit.¶

(f) SSI income is countable (see OAR 461-001-0000), if available in time to meet the emergent need (the immediate safety need) of the applicant.¶

(78) The non-financial requirements in the TA-DVS program are the same as for the TANF program except that:¶

(a) Citizenship and alien/non-citizen status requirements (OAR 461-120-0110) are waived.¶

(b) There are no requirements to assign support rights.¶

(c) There are no requirements to pursue assets (see OAR 461-120-0330).¶

(d) There is no requirement of regular school attendance (OAR 461-120-0510), except that if the only dependent child (see OAR 461-001-0000) is at least the age of 18, the dependent child must meet requirements of OAR 461-120-0510¶

(e) The recipient is not required to participate in an employment program.¶

(f) The TANF program requirement for a caretaker relative (see OAR 461-001-0000) in the need group (see OAR 461-110-0630) to not have been separated from their most recent employment (see OAR 461-135-0070) is waived when there is risk of further or future domestic violence.¶

(89) Verification in the TA-DVS program is required as in the TANF program. Verification of financial or non-financial eligibility factors is postponed if the delay in finding the applicant eligible would prevent the applicant from meeting an emergent need.¶

(910) No verification is required that the client is a victim of domestic violence or needs to flee from abuse unless:¶

(a) The individual has been arrested for or convicted of an act of domestic violence in the past and it is uncertain whether the individual is a victim of domestic violence. In this situation, the Department verifies that the individual is not or was not a perpetrator of domestic violence.¶

(b) It is unclear who the abuser is because multiple individuals list each other as the perpetrator during overlapping applications or eligibility periods.¶

(101) Verification as needed in situations described in subsections (9)(a) and (9)(b) of this rule includes, but is not limited to, a statement from a law enforcement officer, a district attorney, the court, a batterer intervention program, a victim's advocate, a Child Welfare staff person, a mental health provider, a health care or other medical provider, a member of the clergy, or other professional from whom the individual has requested assistance to address the alleged domestic violence indicating that the individual is not a perpetrator of domestic violence or is a self-defending victim. This statement is adequate verification. If no verification is available, the Department's central office DV Policy Analyst may assist field in determining what other verification is acceptable.¶

(112) The following TANF requirements remain in effect as described even if an individual is a victim of domestic violence or at risk of victimization by domestic violence:¶

(a) The TANF requirements in OAR 461-135-0070 to be a dependent child, a caretaker relative, or a parent (see OAR 461-001-0000).¶

(b) The TANF requirement in OAR 461-120-0630 that a dependent child live with a caretaker relative, except the

latter requirement may be waived while the caretaker relative escapes from further or future domestic violence if the dependent child is expected to return within the 90-day eligibility period.¶

(c) The TANF requirement of residency (see OAR 461-120-0010) except when an individual does not intend to stay in Oregon if the reason for leaving is due to their current domestic violence situation.¶

(d) Income or resource limits except as specifically provided in OAR 461-140-0020 and OAR 461-140-0040.

Statutory/Other Authority: ORS 409.050, 411.060, 411.117, 412.049

Statutes/Other Implemented: ORS 409.010, 411.060, 411.117, 412.049

ADOPT: 461-135-1240

RULE SUMMARY: OAR 461-135-1240 about TA-DVS; COVID-19 is being amended to serve as a rule placeholder in the event of a future pandemic. The provisions in the rule, with the exception of the provision for the rule to sunset at the end of the Governor's Executive Order 20-03, are being absorbed into OAR 461-135-1200.

CHANGES TO RULE:

461-135-1240

TA-DVS Program; Pandemic

This rule applies to the TA-DVS program and is reserved for use in case of a pandemic.

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

AMEND: 461-155-0180

RULE SUMMARY: OAR 461-155-0180 about income standards affecting self-sufficiency programs is being amended for a few federal poverty level income standards to align financial eligibility guidelines with the annual adjustments set forth by Food and Nutrition Services.

CHANGES TO RULE:

461-155-0180

Income Standards; Not OSIP, OSIPM, QMB ¶

THIS RULE WILL BE AMENDED TO REFLECT FEDERAL ADJUSTMENTS PUBLISHED ANNUALLY ¶

- (1) A Department program may cite this rule if the program uses a monthly income standard based on the federal poverty level or state median income. The standards in this rule are effective as of ~~March~~October 1, 2020, except as provided otherwise.¶
- (2) A monthly income standard set at 100 percent of the ~~2019~~2020 federal poverty level is set at the following amounts: ¶
- (3) A monthly income standard set at 130 percent of the ~~2019~~2020 federal poverty level is set at the following amounts: ¶
- (4) A monthly income standard set at 165 percent of the ~~2019~~2020 federal poverty level is set at the following amounts: ¶
- (5) A monthly income standard set at 185 percent of the 2020 federal poverty level is set at the following amounts: ¶
- (6) A monthly income standard set at 200 percent of the ~~2019~~2020 federal poverty level is set at the following amounts: ¶
- (7) A monthly income standard set at 250 percent of the 2020 federal poverty level is set at the following amounts: ¶
- (8) A monthly income standard set at 350 percent of the ~~2019~~2020 federal poverty level is set at the following amounts: ¶
- (9) A monthly income standard set at 85 percent of the 2020 state median income is set at the following amounts: ¶
- (10) A monthly Disaster Supplemental Nutrition Assistance Program (DSNAP) income standard is set at the following amounts for the household (see OAR 461-135-0491):
- Statutory/Other Authority: ORS 329A.500, 409.050, 411.060, 411.070, 411.816, 412.049
Statutes/Other Implemented: ORS 329A.500, 409.010, 411.060, 411.070, 411.816, 412.014, 412.049, 7 CFR 280.1

RULE ATTACHMENTS DO NOT SHOW CHANGES. PLEASE CONTACT AGENCY REGARDING CHANGES.

(2)

Size of Group	Standard
1	\$ 1,041
2	1,410
3	1,778
4	2,146
5	2,515
6	2,883
7	3,251
8	3,620
9	3,989
10	4,358
+1	+369

(3)

Size of Group	Standard
1	\$1,354
2	1,832
3	2,311
4	2,790
5	3,269
6	3,748
7	4,227
8	4,705
9	5,184
10	5,663
+1	+479

(4)

Size of Group	Standard
1	\$1,718
2	2,326
3	2,933
4	3,541
5	4,149
6	4,757
7	5,364
8	5,972
+1	+608

(5)

Size of Group	Standard
1	\$1,968
2	2,658
3	3,349
4	4,040
5	4,730
6	5,421
7	6,112
8	6,802
9	7,493
10	8,184
+1	+691

(6)

Size of Group	Standard
1	\$2,082
2	2,818
3	3,555
4	4,292
5	5,028
6	5,765
7	6,502
8	7,238
+1	+737

(7)

Size of Group	Standard
1	\$2,658
2	3,592
3	4,525
4	5,458
5	6,392
6	7,325
7	8,258
8	9,192

(8)

Size of Group	Standard
1	\$3,643
2	4,933
3	6,222

4	7,511
5	8,800
6	10,089
7	11,378
8	12,668
9	13,958
10	15,248
+1	+1,290

(9)

Size of Group	Standard
2	\$4,012
3	4,956
4	5,899
5	6,843
6	7,787
7	7,964
8	8,141

(10)

Group Size	Standard
1	\$1,777
2	2,146
3	2,514
4	2,893
5	3,293
6	3,692
7	4,060
8	4,429
+1	+369

AMEND: 461-155-0190

RULE SUMMARY: OAR 461-155-0190 about Income and Payment Standards; SNAP and DSNAP, is being amended to update SNAP and DSNAP income and payment standards with the annual adjustments set forth by Food and Nutrition Services.

CHANGES TO RULE:

461-155-0190

Income and Payment Standards; SNAP and DSNAP ¶

THIS RULE WILL BE AMENDED TO REFLECT FEDERAL COST OF LIVING ADJUSTMENTS PUBLISHED ANNUALLY¶

(1) The monthly SNAP Countable Income Limit is set at 130 percent of the federal poverty level under OAR 461-155-0180 for the number of individuals in the need group. The monthly SNAP Adjusted Income Limit is set at 100 percent of the federal poverty level under OAR 461-155-0180 for the number of individuals in the need group.¶
(2) The SNAP and full month Disaster SNAP (DSNAP) Payment Standard (Thrifty Food Plan) is: [see attached table]¶

(3) The DSNAP Gross Income Limit is set under OAR 461-155-0180 for the number of individuals in the household (see OAR 461-135-0491) group.

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

Statutes/Other Implemented: ORS 411.070, 411.816, 411.825, 411.837, ORS 409.010, 409.050, 411.060, 7 CFR 273.1, 7 CFR 273.10, 7 CFR 280.1

RULE ATTACHMENTS DO NOT SHOW CHANGES. PLEASE CONTACT AGENCY REGARDING CHANGES.

(2)

SNAP Payment Standard (TFP)	
No. in Benefit Group	Monthly Amount
1	\$ 194
2	355
3	509
4	646
5	768
6	921
7	1,018
8	1,164
Each additional individual	+146

RULE SUMMARY: OAR 461-160-0015 about resource limits affecting self-sufficiency programs is being amended to align resource limit eligibility guidelines for SNAP with the annual adjustments set forth by Food and Nutrition Services.

CHANGES TO RULE:

461-160-0015

Resource Limits ¶

THIS RULE WILL BE AMENDED TO REFLECT FEDERAL COST OF LIVING ADJUSTMENTS PUBLISHED ANNUALLY, TO BE DETERMINED (TBD).¶

- (1) In the EA program, all countable (see OAR 461-001-0000) resources must be used to meet the emergent need.¶
- (2) In the ERDC program, the limit is \$1,000,000.¶
- (3) In the OSIP and OSIPM programs, the resource limit is as follows:¶
- (a) \$2,000 for a one-person need group (see OAR 461-110-0630) and \$3,000 for a two-person need group.¶
- (b) \$5,000 for the OSIP-EPD and OSIPM-EPD programs (see OAR 461-001-0035 and 461-145-0025 for funds that may be excluded as approved accounts).¶
- (4) In the QMB-BAS, QMB-SMB, and QMB-SMF programs, all resources are excluded.¶
- (5) In the QMB-DW program, the resource limit is \$4,000 for a one-person need group and \$6,000 for a need group containing two or more individuals.¶
- (6) In the REF and REFM programs, the resource limit is:¶
- (a) \$2,500 for any of the following:¶
- (A) A new REF or REFM applicant for benefits.¶
- (B) In the REF program, the need group that has at least one mandatory (see OAR 461-130-0305) participant in an employment program who is:¶
- (i) Receiving REF and not progressing in a required activity of an open case plan; or¶
- (ii) Serving a current employment program disqualification (see OAR 461-130-0330).¶
- (b) \$10,000 for an REF need group not covered under subsection (a) of this section.¶
- (7) In the SNAP, unless categorically eligible (see OAR 461-135-0505), the program the resource limit is:¶
- (a) \$3,500TBD for a financial group (see OAR 461-110-0530) with at least one member who is elderly (see OAR 461-001-0015) or an individual with a disability (see OAR 461-001-0015).¶
- (b) \$2,250TBD for all other financial groups.¶
- (8) In the TANF program, the resource limit is:¶
- (a) \$2,500 for any of the following:¶
- (A) A new TANF applicant for benefits.¶
- (B) TANF need group that does not have at least one caretaker relative (see OAR 461-001-0000) or parent (see OAR 461-001-0000) who is receiving TANF.¶
- (C) TANF need group that has at least one JOBS participant who is serving a current JOBS disqualification (see OAR 461-130-0330).¶
- (b) \$10,000 for a need group not covered under subsection (a) of this section.
- Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 411.083, 411.404, 411.706, 411.816, 412.049, 413.085, 414.685
- Statutes/Other Implemented: ORS 409.010, 411.060, 411.070, 411.083, 411.404, 411.704, 411.706, 411.816, 411.837, 412.049, 413.085, 414.685, 414.839

RULE SUMMARY: OAR 461-160-0420 about shelter cost, SNAP, is being amended to align the amount of shelter cost used to determine the shelter deduction for SNAP with the annual adjustments set forth by Food and Nutrition Services.

CHANGES TO RULE:

461-160-0420

Shelter Cost; SNAP ¶

THIS RULE WILL BE AMENDED TO REFLECT FEDERAL ADJUSTMENTS PUBLISHED ANNUALLY¶

(1) This rule explains how to calculate the shelter cost. The shelter cost is used to determine the shelter deduction (see OAR 461-160-0430). The shelter cost is the sum of the filing group's cost of housing plus an allowance for utilities, if the individual incurs a utility cost. The shelter deduction is based on the shelter cost but is subject to a limitation described in OAR 461-160-0430.¶

(2) Cost of housing.¶

(a) The following comprise the cost of housing if they are incurred with respect to the filing group's current residence or the home described in section (5) of this rule:¶

(A) Regular, periodic charges for the shelter of the filing group (see OAR 461-110-0370), such as rent, mortgage payments, and condominium or association fees. Late fees charged because a mortgage or rent payment was made late are not deductible.¶

(B) Property taxes, state and local assessments, and property insurance on the structure.¶

(C) Costs for repairing a home substantially damaged or destroyed by a natural disaster (such as a fire or flood), if such costs are not reimbursed.¶

(D) If the filing group is homeless and living in a vehicle---vehicle payments and collision and comprehensive insurance premiums for the vehicle.¶

(b) If housing costs are billed on a weekly or biweekly basis, the monthly cost is the weekly cost multiplied by 4.3 or the biweekly cost multiplied by 2.15.¶

(c) The filing group has the following choices about housing costs:¶

(A) The group may choose to apply the cost in the month it is billed or becomes due.¶

(B) The group may choose to have periodic costs averaged.¶

(C) For expenses that are billed less often than monthly, the group may choose to have them averaged over the period they are intended to cover.¶

(3) Shared housing. If the filing group shares housing costs with an individual in the dwelling who is not in the filing group, only the housing costs incurred by the filing group are included in the calculation. If the portion paid by an individual outside the filing group cannot be ascertained, the cost is apportioned among the individuals contributing to the cost. The pro rata share of those not in the filing group is deducted from the total, and the balance is considered a housing cost of the filing group.¶

(4) Cost for utilities.¶

(a) A filing group has a cost for utilities if it incurs a cost for heating or cooling; cooking fuel; electricity; water and sewerage; well installation and maintenance; septic tank system installation and maintenance; garbage and trash collection; service for a telephone, such as basic service fee, wire maintenance, subscriber line charges, relay center surcharges, 911 service, and taxes; or initial installation fees charged by a utility provider.¶

(b) If the group incurs no cost for utilities in either its current home or in the home described in section (5) of this rule, then the shelter cost is calculated without an allowance for utilities.¶

(c) If a homeless filing group uses a vehicle for shelter, the cost of fuel for the vehicle is considered a utility cost.¶

(d) If a filing group incurs a cost for utilities, then the utility allowance is one of the following:¶

(A) Allowance with heating or cooling. A full standard utility allowance of \$444TBD per month is used if the household group (see OAR 461-110-0210) is billed for heating or cooling costs for its dwelling. Charges for any fuel and for electricity are considered heating costs if they are used for heating. A filing group who receives an

energy assistance payment for the dwelling provided through the Low Income Energy Assistance Act of 1981 is eligible for the utility allowance established by this paragraph (A). This energy assistance payment must be greater than \$20 annually.¶

(B) Allowance without heating or cooling.¶

(i) A limited standard utility allowance of ~~\$337~~TBD per month is used if the filing group is not billed for heating or cooling costs but is billed for at least two other costs enumerated in subsection (4)(a) of this rule.¶

(ii) An individual standard utility allowance of ~~\$54~~TBD per month is used if the filing group is not billed for heating or cooling costs but is billed for only one of the costs enumerated in subsection (4)(a) of this rule other than the service cost for a telephone, including the related taxes or fees.¶

(iii) A telephone standard utility allowance of ~~\$68~~TBD per month is used if the filing group is billed only for telephone service, such as basic service fee, wire maintenance, subscriber line charges, relay center surcharges, 911 service, and taxes.¶

(5) Housing costs for a home not occupied by the filing group. Housing and utility costs with respect to a home not currently occupied may be considered in calculating the shelter cost if--¶

(a) The home is temporarily unoccupied because of employment or training away from home, illness, or abandonment caused by casualty or natural disaster;¶

(b) The filing group intends to return to the home;¶

(c) No other, current occupant is claiming a deduction for shelter costs in the SNAP program; and¶

(d) The home is not leased during the household's absence.

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

Statutes/Other Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.816, 411.825, 411.837

RULE SUMMARY: OAR 461-160-0430 about income deductions, SNAP, is being amended to align income deductions used to determine adjusted income for SNAP with the annual adjustments set forth by Food and Nutrition Services.

CHANGES TO RULE:

461-160-0430

Income Deductions; SNAP ¶

THIS RULE WILL BE AMENDED TO REFLECT FEDERAL COST OF LIVING ADJUSTMENTS PUBLISHED ANNUALLY, TO BE DETERMINED (TBD).¶

In the SNAP program:¶

(1) Deductions from income are subtracted from countable (see OAR 461-001-0000) income (see OAR 461-140-0010) in the following order to determine adjusted income (see OAR 461-001-0000) for the SNAP program:¶

(a) An earned income deduction of 20 percent of countable earned income. The 20 percent deduction is not taken from the wages funded by grant diversions such as Work Supplementation wages.¶

(b) A standard deduction of:¶

(A) \$167TBD per month for a benefit group (see OAR 461-110-0750) of one, two, or three individuals.¶

(B) \$178TBD per month for a benefit group of four individuals.¶

(C) \$209TBD per month for a benefit group of five individuals.¶

(D) \$240TBD per month for a benefit group of six or more individuals.¶

(c) A dependent care deduction for dependent care costs billed to a member of the filing group (see OAR 461-110-0370) and not paid for through any other program of the Department. For the cost to be deductible under this section, the care must be necessary to enable a member of the filing group to--¶

(A) Accept or continue employment;¶

(B) Seek employment, including a job search that meets the requirements of a case plan (see OAR 461-001-0020); or¶

(C) Attend vocational or educational training. A student receiving educational income is entitled to a deduction only for costs not excluded from educational income by OAR 461-145-0150.¶

(d) The medical deduction for elderly (see OAR 461-001-0015) individuals and individuals who have a disability (see OAR 461-001-0015) in the filing group. The deduction is calculated by determining the total of their deductible medical costs (see OAR 461-160-0415) and subtracting \$35. The Department uses the resulting amount to determine the allowable deduction as follows:¶

(A) For an amount less than \$0, no deduction is allowed.¶

(B) For an amount greater than \$0 but less than \$170.01, a deduction of \$170 is allowed.¶

(C) For an amount greater than \$170, a deduction of the amount determined under this subsection is allowed.¶

(e) A deduction for child support payments (including cash medical support) a member of the filing group makes under a legal obligation to a child (see OAR 461-001-0000) not a member of the filing group, including payments for the current month and for payments on arrearages. Child support is not deductible if collected by setoff through the Oregon Department of Revenue or by interception of a federal tax refund.¶

(f) A shelter deduction, calculated as follows:¶

(A) For SNAP filing group members required to pay room and board in a nonstandard living arrangement (see OAR 461-001-0000), the shelter deduction is:¶

(i) The cost of room and board, minus the payment standard for the benefit group; or¶

(ii) The actual room cost, if the individual can prove that the room cost exceeds the cost described in subparagraph (i) of this paragraph.¶

(B) For all other filing group members, the shelter deduction is calculated as follows:¶

(i) The standard deduction and the deductions of earned income, dependent care, court-ordered child support, and medical expenses are subtracted from countable income. Fifty percent of the remainder is subtracted from the shelter cost calculated in accordance with OAR 461-160-0420.¶

(ii) The rounded balance is the deduction, except the deduction is limited if the filing group has no member who has a disability or is elderly. The limit is \$569TBD per month.¶

(2) If an individual cannot verify a medical or court-ordered child-support expense or cannot verify any other expense when asked to do so, the unverified expense is not used to calculate the deduction. If the individual provides verification, the deduction is applied when calculating the next month's benefits. If verification is provided within the period authorized for processing applications (see OAR 461-115-0210), the benefits for the initial month (see OAR 461-001-0000) are recalculated using the deduction.

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

Statutes/Other Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.816, 411.825, 411.837