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**TEMPORARY ADMINISTRATIVE ORDER**  
INCLUDING STATEMENT OF NEED & JUSTIFICATION

**SSP 28-2020**

CHAPTER 461  
DEPARTMENT OF HUMAN SERVICES  
SELF-SUFFICIENCY PROGRAMS

**FILED**

08/25/2020 4:20 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE  
& LEGISLATIVE COUNSEL

FILING CAPTION: Amending a temporary REF, REF-M, and TANF programs rule regarding COVID-19

EFFECTIVE DATE: 09/01/2020 THROUGH 09/29/2020

AGENCY APPROVED DATE: 08/25/2020

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Filed By:  
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**NEED FOR THE RULE(S):**

OAD 461-135-0220 about REF, REFM, and TANF Programs; COVID-19 needs to be amended to implement recent Department decisions and guidance from Federal and State agencies. The amendments remove the employability screening waivers, update the qualifications for the REF program expense payments, and remove the sunset provision. The adjustments also clarify the Social Security Number requirement modifications for certain individuals.

**JUSTIFICATION OF TEMPORARY FILING:**

The Department finds that failure to act promptly by amending OAR 461-135-0220 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 regarding the COVID-19 rule provisions. Failure to act immediately could place the State out of compliance with Federal and State requirements.

**DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:**

Written communications between the Department and the Administration for Children and Families available upon request.

ADOPT: 461-135-0220

SUSPEND: Temporary 461-135-0220 from SSP 24-2020

RULE SUMMARY: OAR 461-135-0220 about REF, REFM, and TANF Programs; COVID-19 is being amended to remove the employability screening waivers and to clarify the Social Security Number requirement modifications for certain individuals. It is also being amended to adjust the provisions of qualifications for the REF program expense payments and remove the sunset provision in the rule. These adjustments implement recent Department decisions and guidance from Federal and State agencies.

CHANGES TO RULE:

461-135-0220

REF, REFM, and TANF Programs; COVID-19

The provisions in this rule apply to the REF, REFM, and TANF programs.

(1) The Department suspends the following rules or rule sections regarding the REF, REFM, or TANF programs:

(a) OAR 461-120-0340(4) and (5).

(b) OAR 461-130-0330(2) through (5).

(c) OAR 461-135-0070(1)(b).

(d) OAR 461-135-0085(3) through (5).

(e) OAR 461-135-0915(3) through (5), and

(f) OAR 461-160-0015(6) and (8).

(2) The Department amends the following rule sections regarding the REF, REFM, and TANF programs as provided in this rule:

(a) OAR 461-115-0040(2).

(b) OAR 461-120-0210(5).

(c) OAR 461-135-0900(4).

(d) OAR 461-135-0930(3) and (6).

(e) OAR 461-195-0501, and

(f) OAR 461-195-0621(4)(c).

(3) 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, and their authorized representative (see OAR 461-115-0090) if one exists.

(b) The applicant's address.

(c) The applicant's request for REF, REFM, or TANF benefits.

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

(e) The date the above occur.

(4) Any individual may apply for REF, REFM, or TANF benefits using the Department approved "telephonic application" (see section (5) of this rule) and "narrated telephonic signature" (see section (6) of this rule) processes. An individual submitting a telephonic application must submit the application with a narrated telephonic signature.

(5) A telephonic application is accepted if 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 or their authorized representative provides a narrated telephonic signature as defined in this rule.

(6) A narrated telephonic signature is accepted for an application for REF, REFM, or TANF benefits if the following requirements are met:

(a) The "Your Rights and Responsibilities" form is reviewed and sent to the mailing address of the applicant.

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

(A) "Information about cash benefits,"

(B) "Information about TANF program penalties,"

(C) "Information about all programs," and

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

(c) The "Cooperating with Child Support Enforcement" form, is reviewed, including the good cause for non-cooperation with Child Support section, and sent to the mailing address of the applicant.

(d) The "Your Rights and Responsibilities While in JOBS, JOBS Plus, and Refugee Employment Services" form is sent to the mailing address of the applicant.

(e) The applicant or their authorized representative 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. ¶
- (f) The Department makes record of the narrated telephonic signature. ¶
- (7) The Department determines eligibility at least once every six months when: ¶
  - (a) Telephonic application and narrated telephonic signature are used, or ¶
  - (b) The requirement to provide or apply for an SSN is temporarily waived under section (9) of this rule. ¶
- (8) Effective March 8, 2020, the Department suspends the following penalties and disqualifications: ¶
  - (a) JOBS disqualification (see OAR 461-130-0330); ¶
  - (b) Child Support penalty (see OAR 461-120-0340); and ¶
  - (c) Assessment, evaluation, and treatment disqualification (see OAR 461-135-0085). ¶
- (9) Notwithstanding the provisions listed under OAR 461-120-0210(5), if the Social Security Administration Office is closed due to COVID-19 and does not offer an alternate process to receive an SSN, the Department shall allow a delay in meeting the following requirements until no later than the end of the certification period (see OAR 461-001-0000): ¶
  - (a) Provide an SSN if an applicant states they do not know it. ¶
  - (b) Apply for an SSN if an applicant states they do not have one. ¶
- (10) In the REF, REFM, and TANF programs, the resource limit is: ¶
  - (a) \$2,500 for a need group (see OAR 461-110-0630) with every caretaker relative (see OAR 461-001-0000) serving an intentional program violation (see OAR 461-195-0601). ¶
  - (b) \$10,000 for new applicants and all other need groups (see OAR 461-110-0630). ¶
- (11) In the REF program, notwithstanding the provisions in OAR 461-190-0211(1)(d) and (8), the Department may authorize payments for housing, utilities, and other emergency expenses for individuals who are within 60 months of being granted an eligible status as defined in OAR 461-120-0125(5). Eligibility for payments are subject to the following requirements: ¶
  - (a) Individuals are not eligible for payments if they: ¶
    - (A) Are currently enrolled in the Matching Grant program. ¶
    - (B) Have received any other subsidized payment for the same expense for the same month. ¶
  - (b) The income of the financial group (see OAR 461-110-0530) must have been negatively affected by COVID-19. ¶
  - (c) The gross income of the financial group shall not exceed 250 percent of the federal poverty level as listed under OAR 461-155-0180. ¶
  - (d) The resource limit of the financial group is: ¶
    - (A) \$2,500 for a need group (see OAR 461-110-0630) with every caretaker relative (see OAR 461-001-0000) serving an intentional program violation (see OAR 461-195-0601). ¶
    - (B) \$10,000 for new applicants and all other need groups (see OAR 461-110-0630). ¶
  - (e) The sum of all assistance payments under this section must not exceed \$2,500 per filing group (see OAR 461-110-0430). ¶
  - (f) Payments shall be made through partner agencies designated by the Department and are subject to availability of funding. ¶
- (12) The following provisions apply to individuals issued an immigration status listed under OAR 461-120-0125(5) between April 1, 2019 and January 31, 2020, who are determined eligible for the REF program. ¶
  - (a) The eight-month program eligibility limit stated in OAR 461-135-0090(4), OAR 461-135-0930(3) and (6), and OAR 461-195-0621(4)(c) is extended to September 30, 2020. ¶
  - (b) A filing group (see OAR 461-110-0430) that establishes a filing date (see OAR 461-115-0040) between May 1, 2020 and May 31, 2020, shall receive REF benefits for the month of April 2020 if: ¶
    - (A) All financial and non-financial eligibility requirements for REF are met for the month of April 2020; and ¶
    - (B) The filing group did not already receive REF benefits for April 2020. ¶

(c) REF benefits shall be categorized as client error overpayment (see OAR 461-195-0501) for any month for which both REF benefits and unemployment compensation benefits (see OAR 461-145-0550) were issued. An overpayment created under this provision will be handled in accordance with OAR 461-195-0301 to OAR 461-195-0350.

Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 411.083, 412.006, 412.009, 412.024, 412.049, 412.064, 412.089

Statutes/Other Implemented: ORS 409.010, 411.060, 411.070, 411.081, 411.083, 411.087, 412.006, 412.009, 412.024, 412.049, 412.064, 412.089, 45 CFR 206.10, 45 CFR 263.2, 45 CFR 400.155