



PERMANENT ADMINISTRATIVE ORDER

SSP 36-2020

CHAPTER 461
DEPARTMENT OF HUMAN SERVICES
SELF-SUFFICIENCY PROGRAMS

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FILING CAPTION: Permanent Amendment to Six Self-Sufficiency Program Rules

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RULES:

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

ADOPT: 461-135-0660

REPEAL: Temporary 461-135-0660 from SSP 25-2020

NOTICE FILED DATE: 07/31/2020

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 any months approved for an emergency supplement by the Food and Nutrition Service, 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

ADOPT: 461-135-1240

REPEAL: Temporary 461-135-1240 from SSP 32-2020

NOTICE FILED DATE: 07/31/2020

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

NOTICE FILED DATE: 07/31/2020

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 the Food and Nutrition Service.

CHANGES TO RULE:

461-155-0180

Income Standards; Not OSIP, OSIPM, QMB ¶

(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~~20 federal poverty level is set at the following amounts: ¶

(3) A monthly income standard set at 130 percent of the ~~2019~~20 federal poverty level is set at the following amounts:¶

(4) A monthly income standard set at 165 percent of the ~~2019~~20 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~~20 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~~20 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.

461-155-0180

(2)

Size of Group	Standard
1	\$1,064
2	1,437
3	1,810
4	2,184
5	2,557
6	2,930
7	3,304
8	3,677
9	4,051
10	4,425
+1	+374

(3)

Size of Group	Standard
1	\$1,383
2	1,868
3	2,353
4	2,839
5	3,324
6	3,809
7	4,295
8	4,780
9	5,266
10	5,752
+1	+486

(4)

Size of Group	Standard
1	\$1,755
2	2,371
3	2,987
4	3,603
5	4,219
6	4,835
7	5,451
8	6,067
+1	+616

(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	\$2,127
2	2,874
3	3,620
4	4,367
5	5,114
6	5,860
7	6,607
8	7,354
+1	+747

(7)

Size of Group	Standard
1	\$2,658
2	3,592
3	4,525
4	5,459
5	6,392
6	7,325
7	8,258
8	9,192

(8)

Size of Group	Standard
1	\$3,722
2	5,029

3	6,335
4	7,642
5	8,949
6	10,255
7	11,562
8	12,869
9	14,176
10	15,483
+1	+1,307

(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	\$1,817
2	2,190
3	2,563
4	2,951
5	3,355
6	3,759
7	4,133
8	4,506
+1	+374

AMEND: 461-155-0190

NOTICE FILED DATE: 07/31/2020

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 the Food and Nutrition Service.

CHANGES TO RULE:

461-155-0190

Income and Payment Standards; SNAP and DSNAP ¶¶

(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.

461-155-0190

(2)

SNAP Payment Standard (TFP)	
No. in Benefit Group	Monthly Amount
1	\$ 204
2	374
3	535
4	680
5	807
6	969
7	1,071
8	1,224
Each additional individual	+153

AMEND: 461-160-0420

NOTICE FILED DATE: 07/31/2020

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 the Food and Nutrition Service.

CHANGES TO RULE:

461-160-0420

Shelter Cost; SNAP ¶

(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 \$444~~2~~ 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~~41 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~~5 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~~ 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

AMEND: 461-160-0430

NOTICE FILED DATE: 07/31/2020

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 the Food and Nutrition Service.

CHANGES TO RULE:

461-160-0430

Income Deductions; SNAP ¶¶

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

(B) \$178~~1~~ per month for a benefit group of four individuals.¶¶

(C) \$209~~12~~ per month for a benefit group of five individuals.¶¶

(D) \$240~~3~~ 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 ~~\$5869~~ 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