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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
10/30/2020 9:14 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Proposed Permanent changes to 16 rules regarding Self-Sufficiency Programs

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 12/21/2020 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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Filed By:
Meorah Solar
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HEARING(S)

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

DATE: 11/23/2020

TIME: 9:00 AM - 10:30 AM

OFFICER: Meorah Solar

ADDRESS: No Physical Location due to
COVID-19

By phone 1-971-277-2343, code
519916802#

Microsoft Teams link also available

Electronic Only, 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@dhsosha.state.or.us at
least 48 hours before the meeting.

NEED FOR THE RULE(S):

OAR 461-001-0000 about definitions for Chapter 461, needs to be amended to make rule language and definitions more respectful, updated, and accurate.

OAR 461-001-0025 about Definitions of Terms, Components, and Activities; JOBS, Pre-TANF, TANF; OAR 461-101-0010 about Program Acronyms and Overview; need to be amended to update programs, activities, and language. This will make the rules more accurate and clear.

OAR 461-120-0340 about Caretaker Relative Required to Help Division of Child Support Obtain Support from Noncustodial Parent; TANF; needs to be amended to align the rule with current guidance from Centers for Medicare and Medicaid Services regarding requirements for the Integrated Eligibility (IE)/ONE system. It also needs to be changed to put into rule the decision by Oregon Department of Human Services (ODHS) that, while the Department should be asking for and encouraging TANF applicants and participants to provide absent parent information, it is not in the best interest of Oregonians to link TANF eligibility to a requirement to provide absent parent information to ODHS. It also needs to be amended to make the rule more concise and its language more consistent.

OAR 461-135-1200 about Specific Requirements; TA-DVS, needs to be amended to permanently adopt temporary rule provisions.

OAR 461-145-0130 about Earned Income; Treatment, needs to be amended to make the rule current and clear by removing outdated language and services.

OAR 461-145-0250 about Income-Producing Property; Not OSIP, OSIPM, or QMB; OAR 461-145-0600 about Work-Related Capital Assets, Equipment, and Inventory; OAR 461-145-0930 about Self-Employment; Determination of Countable Income; need to be changed to remove reference to microenterprise, which is not active.

OAR 461-145-0910 about Self-Employment; General; Not OSIP, OSIPM, or QMB; OAR 461-145-0920 about Self-Employment; Costs that are Excluded to Determine Countable Income; OAR 461-160-0160 about Earned Income Deduction; REF, REFM, and TANF; OAR 461-190-0211 about Case Plan Activities and Standards for Support Services Payments; JOBS, Pre-TANF, REF, REP, SFPSS, TANF; need to be changed to remove reference to microenterprise, which is not active, and to update language.

OAR 461-165-0010 about Legal Status of Benefit Payments needs to be amended to update language and make the Department's interpretation of the rule clear when it comes to vendors, refunds, or rebates.

OAR 461-190-0197 about Microenterprise Component, needs to be amended to make clear the closure date for microenterprise and adopt the definition of microenterprise.

OAR 461-190-0310 about Limits to the SNAP Training and Employment Program, needs to be amended to align the

rule with recent Food and Nutrition Services guidance.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

Policy clarification communications between Center for Medicare and Medicaid Services and Oregon is available from the Oregon Health Authority Health Systems Division Medical Policy Team.

Communications between Food and Nutrition Service and the SNAP Policy Team available from SNAP Policy Team.

Communications between Community Partners and the TA-DVS Policy Team available from TA-DVS Policy Team.

FISCAL AND ECONOMIC IMPACT:

The Department estimates that amending OARs 461-001-0000, 461-001-0025, 461-101-0010, 461-135-1200, 461-145-0130, 461-145-0250, 461-145-0600, 461-145-0910, 461-145-0920, 461-145-0930, 461-160-0160, 461-165-0010, 461-190-0197, and 461-190-0211 will have no fiscal impact on the Department, clients, the public, 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 461-120-0340 may have a negative fiscal impact on the Department due to families who are now found eligible and issued benefits for TANF where they would have otherwise been ineligible for TANF due to non-cooperation with child support. The Department is unable to estimate the fiscal impact because it is unknown how many families would not have cooperated with child support and would have been denied, but will now be eligible.

Families applying for TANF who would have been denied benefits for failure to cooperate with child support during the TANF application period will now be able to open TANF as long as they state they agree to cooperate. Once TANF is open, the family will be still required to cooperate with DCS. However, this allows ODHS additional time to work with the family and encourage cooperation with child support so that the family's TANF benefits are not impacted. This will have a positive economic impact on families although it is unknown how many families this will affect.

The Department estimates a negative fiscal impact on the Department of Justice (DOJ) Division of Child Support (DCS). Under this rule change, the Department is no longer required to provide non-custodial parent information to DCS for new referrals or updating transactions. The automated case management system used by DCS, known as Origin, received more than 12,000 new TANF referral transactions in the last year. Because the Department will no longer be required to provide non-custodial parent information, Origin must be reprogrammed to change fields, user pages, and business flows. Further, a larger volume of transactions will be created to pend for worker review and intervention. DCS is subject to federal timelines for case creation, so the increased workload may create staffing demands.

Failure to update processing in Origin would manifest the risk that family benefit information in Origin would be out of sync with benefits families actually receive from the Department. It also would create safety risks related to updating cases with family violence information. Not updating the processing in Origin also would increase duplicate child support cases and participants and failure of update transactions. The change request cost of reprogramming Origin is \$257,000. The potential costs for staff are undetermined at this time.

Failure to make these changes would unduly burden Oregonians. If these changes are not made, CMS would not allow the release of the IE/ONE system and implementation activities could not include Medical or TANF programs.

Oregonians would not benefit from a streamlined, integrated application system, which includes an online portal through which they may apply for or renew benefits—a necessity given current public health concerns. Because these

changes are being made, more Oregonians who qualify for medical, food, cash or daycare benefits may apply for and receive those benefits. This positively impacts families who may not otherwise receive benefits. The positive fiscal impact on families cannot be estimated since it is unknown how many additional Oregonians will apply for and receive benefits through this system.

The Department estimates no fiscal impact to the public, state agencies other than those named, 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 461-190-0310 will have a positive fiscal impact on individuals residing in drug or alcohol treatment facilities who choose to apply for SNAP. The maximum positive impact would be \$204 of SNAP benefits monthly. The Department estimates a positive fiscal impact on any state agencies, local governments, and businesses, including small businesses, running drug or alcohol facilities, whose residents may qualify for SNAP. The Department is unable to estimate an exact financial impact as it is unaware of which provide meals for residents and, if so, what their cost is to do so. The Department estimates no fiscal impact on the Department, clients, the public, other state agencies, local government, and business, including small business; other than what was mentioned. There is no cost of compliance for small businesses. No small businesses are subject to this rule.

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? YES

RULES PROPOSED:

461-001-0000, 461-001-0025, 461-101-0010, 461-120-0340, 461-135-1200, 461-145-0130, 461-145-0250, 461-145-0600, 461-145-0910, 461-145-0920, 461-145-0930, 461-160-0160, 461-165-0010, 461-190-0197, 461-190-0211, 461-190-0310

AMEND: 461-001-0000

RULE SUMMARY: OAR 461-001-0000 about definitions for Chapter 461, is being amended to include new or more respectful terminology and update program names and information. It is also being amended to remove references to "microenterprise" and the Post-TANF program, as well as to update definitions, including "caretaker relative" and "signature."

CHANGES TO RULE:

461-001-0000

Definitions for Chapter 461 ¶

Defined terms are often italicized throughout this chapter of rules. If a defined term is accompanied by a cross-reference to a rule defining the term, subsequent usages of that term in the same rule refer to the same definition cross-referenced earlier in the rule. Retroactively effective July 6, 2020, in this chapter of rules, unless the context indicates otherwise:¶

- (1) A reference to Division, Adult and Family Services Division (or AFS), Senior and Disabled Services Division (or SDSD), Department of Human Services (DHS), or any other agency formerly part of the Oregon Department of Human Services means the Oregon Department of Human Services (ODHS), except:¶
 - (a) The rule in which reference occurs only regulates programs covered by OAR chapter 461.¶
 - (b) ~~OCSS medical program eligibility rule~~ Eligibility rules for Health Systems Division (HSD) (see section (34) of this rule) medical programs are in OAR chapter 410, division 200.¶
- (2) "Address Confidentiality Program" (ACP) means a program of the Oregon Department of Justice, which provides a substitute mailing address and mail forwarding service for ACP participants who are victims of domestic violence (see section (25) of this rule), sexual assault, or stalking.¶
- (3) "Adjusted income" means the amount determined by subtracting income deductions from countable (see section (19) of this rule) income (see OAR 461-140-0010). Specific rules on the deductions are in OAR chapter 461, division 160.¶
- (4) "Adoption assistance" means financial assistance provided to families adopting children with special needs. "Adoption assistance" may be state or federally funded. Federal adoption assistance is authorized by the Adoption Assistance and Child Welfare Act of 1980 (Pub. L. No. 96-272, 94 Stat. 500 (1980)). State adoption assistance is authorized by ORS 418.330 to 418.335.¶
- (5) "Assets" mean income and resources.¶
- (6) "Basic decision notice" means a decision notice (see section (21) of this rule) mailed no later than the date of action given in the notice.¶
- (7) "Blind Work Expenses" has the meaning given in OAR 461-001-0035.¶
- (8) "Branch office" means any Department or AAA (Area Agency on Aging) office serving a program covered by this chapter of rules.¶
- (9) "Budgeting" means the process of calculating the benefit level.¶
- (10) "Budget month" means the calendar month from which nonfinancial and financial information is used to determine eligibility (see section (28) of this rule) and benefit level for the payment month (see section (520) of this rule).¶
- (11) "Cafeteria plan" means a written benefit plan offered by an employer in which:¶
 - (a) All participants are employees; and¶
 - (b) Participants may choose, cafeteria-style, from a menu of two or more cash or qualified benefits. In this context, qualified benefits are benefits other than cash that the Internal Revenue Service does not consider part of an employee's gross income. Qualified benefits include, but are not limited to:¶
 - (A) Accident and health plans (including medical plans, vision plans, dental plans, accident and disability insurance);¶
 - (B) Group term life insurance plans (up to \$50,000);¶
 - (C) Dependent care assistance plans; and¶
 - (D) Certain stock bonus plans under section 401(k)(2) of the Internal Revenue Code (but not 401(k)(1) plans).¶
- (12) "Capital asset" means property that contributes toward earning self-employment income, ~~including self-employment income from a microenterprise~~ (see section (45) of this rule), either directly or indirectly. A "capital asset" generally has a useful life of over one year and a value, alone or in combination, of \$100 or more.¶
- (13) "Caretaker" means an individual who is responsible for the care, control, and supervision of a child (see section (16) of this rule). The status of "caretaker" ends once the individual no longer exercises care, control, and supervision of the child for 30 days.¶
- (14) "Caretaker relative" means an individual with whom the dependent child (see section (23) of this rule) is

living, who assumes primary responsibility for the care of the dependent child, and who is ~~one of the following:~~

~~(a) A natural, step, or adoptive relative of the dependent child as follows:~~

~~(A) A blood relative who is a parent (see section (51) of this rule), sibling, first cousin, nephew, or niece; including those of preceding generations as denoted by prefixes of grand, great, or great-great.~~

~~(B) Stepfather, stepmother, stepbrother, and stepsister.~~

~~(C) An individual who legally adopts the dependent child and any individual related to the individual adopting the dependent child.~~

~~(b) The spouse (see section (65) of this rule) of a relative (see subsection (14)(a) of this section) of the dependent child. For the purposes of this definition, the spouse (see section (63) of this rule) of a relative of the dependent child is considered a relative, even after the marriage is terminated by death or divorce.~~

(15) "Certification period" means the period for which an individual is certified eligible for a program.

(16) "Child" includes natural, step, and adoptive children. The term "child" does not include an unborn.

(a) In the ERDC program, a "child" need not have a biological or legal relationship to the caretaker but must be in the care and custody of the caretaker, must meet the citizenship or ~~a~~noncitizen status requirements of OAR 461-120-0110, and must be:

(A) Under the age of 18; or

(B) Under the age of 19 and in secondary school or vocational training at least half time.

(b) In the GA and OSIP programs, a "child" is an individual under the age of 18.

(c) In the OSIPM and QMB programs, "child" means an unmarried individual who:

(A) Is not considered a decision-maker in the household;

(B) Is under the age of 18; and

(C) Has at least one natural or adoptive parent in the same household.

(d) In the REF and REFM programs, a "child" is an individual who is not an emancipated minor and is under the age of 18.

(17) "Community based care" is any of the following:

(a) Adult foster care - Room and board and 24-hour care and services for the elderly or for people with disabilities 18 years of age or older. The care is contracted to be provided in a home for five or fewer ~~client~~individuals.

(b) Assisted living facility - A program approach, within a physical structure, which provides or coordinates a range of services, available on a 24-hour basis, for support of resident independence in a residential setting.

(c) In-home Services - Individuals living in their home receiving services determined necessary by the Department.

(d) Residential care facility - A facility that provides residential care in one or more buildings on contiguous property for six or more individuals who have physical disabilities or are socially dependent.

(e) Specialized living facility - Identifiable services designed to meet the needs of individuals in specific target groups which exist as the result of a problem, condition, or dysfunction resulting from a physical disability or a behavioral disorder and require more than basic services of other established programs.

(f) Independent choices - In-Home Services program wherein the participant is given cash benefits to purchase self-directed personal assistance services or goods and services provided pursuant to a written service plan (see OAR 411-030-0020).

(18) "Continuing benefit decision notice" means a decision notice that informs the ~~client~~individual of the right to continued benefits and is mailed in time to be received by the date benefits are, or would be, received.

(19) "Countable" means that an available asset (either income or a resource) is not excluded and may be considered by some programs to determine eligibility.

(20) "Custodial parents" mean parents who have physical custody of a child. "Custodial parents" may be receiving benefits as dependent children or as caretaker relatives for their own children.

(21) "Decision notice" means a written notice of a decision by the Department regarding an individual's eligibility for benefits in a program.

(22) "Department" means the Oregon Department of Human Services (ODHS).

(23) "Dependent child" in the TANF program means an individual who has not been legally emancipated and who

is one of the following:¶¶

(a) An individual who is not a caretaker relative (see section (14) of this rule) of a child in the household, is unmarried or married but separated, and is under the age of 18, or 18 years of age and a full time student in secondary school or the equivalent level of vocational or technical training; or¶¶

(b) A minor parent (see section (46) of this rule) whose parents have chosen to apply for benefits for the minor parent. This does not apply to a minor parent who is married and living with his or her spouse.¶¶

(24) "Disability" means:¶¶

(a) In the SNAP program, see OAR 461-001-0015.¶¶

(b) In the REF, SFPSS, TA-DVS, and TANF programs, for purposes other than determining eligibility:¶¶

(A) An individual with a physical or mental impairment that substantially limits the individual's ability to meet the requirements of the program; or¶¶

(B) An individual with a physical or mental impairment that substantially limits one or more major life activities, a record of such impairment, or who is regarded as having such an impairment as defined by the Americans with Disabilities Act (42 USC 12102; 28 CFR 35.104).¶¶

(25) "Domestic violence" means the occurrence of one or more of the acts described in subsections (a) to (d) of this section between family members, intimate partners, or household members:¶¶

(a) Attempting to cause or intentionally, knowingly, or recklessly causing physical injury or emotional, mental, or verbal abuse.¶¶

(b) Intentionally, knowingly, or recklessly placing another in fear of imminent serious physical injury.¶¶

(c) Committing sexual abuse in any degree as defined in ORS 163.415, 163.425 and 163.427.¶¶

(d) Using coercive or controlling behavior.¶¶

(e) As used in this section, "family members" and "household members" mean any of the following:¶¶

(A) Spouse;¶¶

(B) Former spouse;¶¶

(C) Individuals related by blood, marriage (see section (445) of this rule), or adoption;¶¶

(D) Individuals who are cohabitating or have cohabited with each other;¶¶

(E) Individuals who have been involved in a sexually intimate or dating relationship; or¶¶

(F) Unmarried parents of a child.¶¶

(26) "Domestic violence shelters" are public or private nonprofit residential facilities providing services to survivors of domestic violence. If the facility serves other people, a portion must be used solely for survivors of domestic violence.¶¶

(27) "Electronic application" is an application electronically signed and submitted through the Internet.¶¶

(28) "Eligibility" means the decision as to whether an individual qualifies, under financial and nonfinancial requirements, to receive program benefits.¶¶

(29) "Equity value" means fair market value (see section (30) of this rule) minus encumbrances.¶¶

(30) "Fair market value" means the amount an item is worth on the open market.¶¶

(31) "Family stability" in the JOBS, Pre-TANF, ~~Post-TANF~~, SFPSS, TA-DVS, and TANF programs means the characteristics of a family that support healthy child development, including parental mental health, drug and alcohol free environment, stable relationships, and a supportive, flexible, and nurturing home environment.¶¶

(32) "Family stability activity" in the JOBS, Pre-TANF, ~~Post-TANF~~, SFPSS, TA-DVS, and TANF programs means an action or set of actions taken by an individual, as specified in a case plan, intended to promote the ability of one or both parents to achieve or maintain family stability (see section (31) of this rule).¶¶

(33) "Financial institution" means a bank, credit union, savings and loan association, investment trust, or other organization held out to the public as a place receiving funds for deposit, savings, checking, or investment.¶¶

(34) "~~Homeless~~ in the ERDC program means lacking a SD Medical Programs" means all programs under HSD, including:¶¶

(a) Breast and Cervical Cancer Treatment Program (BCCTP);¶¶

(b) Extended Medical Assistance (EXT);¶¶

(c) Former Foster Care Youth Medical (FFCYM);¶¶

(d) Substitute Care; and

(e) MAGI Medicaid/CHIP programs for which eligibility is based on MAGI methodology, including:

(A) MAGI Child,

(B) MAGI Parent or Caretaker Relative,

(C) MAGI Pregnant Woman,

(D) MAGI Children's Health Insurance Program (CHIP), and

(E) MAGI Adult.

(35) "Homeless" in the ERDC program means an individual who is experiencing a lack of fixed regular and adequate nighttime residence and includes living in an emergency shelter, shared housing with others due to loss of housing or economic hardship, staying in motels, cars, parks, public places, tents, trailers, or other similar settings.

(356) "Impairment-Related Work Expenses" have the meaning found in OAR 461-001-0035.

(367) "Income producing property" means:

(a) In all programs except OSIP, OSIPM, and QMB, real or personal property that generates income for the financial group (see OAR 461-110-0530). Examples of "income producing property" are:

(A) Livestock, poultry, and other animals.

(B) Farmland, rental homes (including a room or other space in the home or on the property of a member of the financial group), vacation homes, and condominiums.

(b) In the OSIP, OSIPM, and QMB programs, "income-producing property" means any real or personal property not used in self-employment (see OAR 461-145-0600 and 461-145-0915) that produces income for the financial group. "Income-producing property" includes:

(A) Livestock, poultry, or other animals that produce marketable products sold by the financial group.

(B) Farmland not excluded under OAR 461-145-0220 that is farmed or rented out by the financial group.

(C) Real property other than the home (including vacation homes and condominiums), that is rented out.

(c) In the OSIP, OSIPM, and QMB programs, "income-producing property" does not include:

(A) Rooms or other space for rent in the home (see OAR 461-145-0220).

(B) Livestock, poultry, or other animals kept for resale (see OAR 461-145-0010).

(378) "Initial month" of eligibility means any of the following:

(a) In all programs, the first month a benefit group (see OAR 461-110-0750) is eligible for a program benefit in Oregon after a period during which the group is not eligible.

(b) In all programs except the SNAP program, the first month a benefit group is eligible for a program benefit after there has been a break in the program benefit of at least one full calendar month. If benefits are suspended for one month, that is not considered a break.

(c) In the SNAP program:

(A) The first month for which the benefit group is certified following any period during which they were not certified to participate, except for migrant and seasonal farm workers (see OAR 461-001-0015).

(B) For migrant and seasonal farmworkers, the first month for which the benefit group is certified following any period of one month or more during which they were not certified to participate.

(d) For a new applicant to the OSIP or OSIPM program applying for care in a nonstandard living arrangement (see section (47) of this rule), for the purposes of calculating the correct divisor in OAR 461-140-0296, the month in which the individual would have been eligible had it not been for the disqualifying transfer of assets (see section (5) of this rule).

(e) For a current recipient of the OSIP or OSIPM program receiving or applying for care in a nonstandard living arrangement, for the purpose of calculating the correct divisor in OAR 461-140-0296, the later of the following:

(A) The month the disqualifying transfer occurred.

(B) The month of application for long-term care (see section (403) of this rule) services if the individual would have been eligible had it not been for the disqualifying transfer of assets.

(389) "In-kind income" means income in a form other than money (such as food, clothing, cars, furniture, and payments made to a third party).

(3940) "Legally married" means a marriage uniting two individuals according to:

- (a) The statutes of the state where the marriage occurred;
- (b) Except in the SNAP program, the common law of the state in which the two individuals previously resided while meeting the requirements for common law marriage in that state; or
- (c) The laws of a country in which the two individuals previously resided while meeting the requirements for legal or cultural marriage in that country.

(401) "Life estate" means the right to property limited to the lifetime of the individual holding it or the lifetime of some other individual. In general, a "life estate" enables the owner of the "life estate" to possess, use, and obtain profits from property during the lifetime of a designated individual while actual ownership of the property is held by another individual. A "life estate" is created when an individual owns property and then transfers ownership to another individual while retaining, for the rest of the individual's life, certain rights to that property. In addition, a "life estate" is established when a member of the financial group purchases a "life estate" interest in the home of another individual.

(412) "Lodger" means an someone who:

- (a) ~~Is living with an individual, receiving with a Department client, who benefits;~~
- (ab) Is not a member of the individual's filing group (see OAR 461-110-0310) ~~of the Department client;~~ and
- (bc) Pays the filing group:

- (A) In all programs except the OSIP, OSIPM, and QMB programs, for room and board.
- (B) In the OSIP, OSIPM, and QMB programs, for room with or without board.

(423) "Long term care" means the system through which the Department provides a broad range of social and health services for extended periods of time to eligible adults who are aged, blind, or have disabilities. This includes nursing facilities and the Oregon State Hospital.

(434) "Lump-sum income" means earned or unearned income received too infrequently or irregularly to be reasonably anticipated, or received as a one-time payment. "Lump-sum income" includes but is not limited to:

- (a) Retroactive benefits covering more than one month, whether received in a single payment or several payments.
- (b) Income from inheritance, gifts, winnings, and personal injury claims.
- (c) Income received less frequently than annually.

(445) "Marriage" means the union of two individuals who are legally married (see section (3940) of this rule).

~~(45) "Microenterprise" means a sole proprietorship, partnership, or family business with fewer than five employees and capital needs no greater than \$35,000.~~

(46) "Minor parent" in the ERDC and TANF programs means a parent under the age of 18.

(47) "Nonstandard living arrangement" is defined as follows:

- (a) In the GA, OSIP, OSIPM, and QMB programs, an individual is considered to be in a "nonstandard living arrangement" when the individual is applying for or receiving services in any of the following locations:
 - (A) A nursing facility in which the individual receives long-term care services paid with Medicaid funding, except this subsection does not apply to a Medicare ~~e~~recipient in a skilled-stay nursing facility.
 - (B) An intermediate care facility for individuals with intellectual disabilities (ICF/ID).
 - (C) A psychiatric institution, if the individual is not yet 21 years of age or has reached the age of 65.
 - (D) A community based care (see section (17) of this rule) setting, except a State Plan Personal Care (SPPC) setting is not considered a "nonstandard living arrangement".
- (b) In all programs except GA, OSIP, OSIPM, and QMB, "nonstandard living arrangement" means each of the following locations:
 - (A) Foster care.
 - (B) Residential Care facility.
 - (C) Drug or alcohol residential treatment facility.
 - (D) ~~H~~Shelter for individuals who are homeless or domestic violence shelter.
 - (E) Lodging house if paying for room and board.
 - (F) Correctional facility.

(G) Medical institution.¶

(48) "OCCS" is the Office of Client and Community Services, part of the Medical Assistance Programs under the Oregon Health Authority responsible for OCCS medical program eligibility policy, community outreach, OCCS Medical Program eligibility determinations, and the OHA Customer Service Call Center.¶

(49) "OCCS Medical Programs" refers to programs for which eligibility policy can be found in OAR chapter 410, division 200, and includes CEC, CEM, MAA, MAF, EXT, OHP, Substitute Care, BCCTP, and MAGI Medicaid/CHIP programs, including:¶

(a) MAGI Adult;¶

(b) MAGI Child;¶

(c) MAGI Parent or Other Caretaker Relative;¶

(d) MAGI Pregnant Woman; and¶

(e) MAGI CHIP.¶

(50) "Ongoing month" means one of the following:¶

(a) For all programs except the SNAP program, any month following the initial month (see section (378) of this rule) of eligibility, if there is no break in the program benefit of one or more calendar months.¶

(b) For the SNAP program, any month in the certification period (see section (15) of this rule) following the initial month of eligibility.¶

(5149) "Parent" for all programs except JPI (see OAR 461-135-1260) and the SNAP program means the biological or legal mother or father of an individual or unborn. For JPI and the SNAP program, "parent" means the biological or legal mother or father of an individual.¶

(a) If the mother lives with a male and either she or the male claims that he is the father of the child or unborn, and no one else claims to be the father, he is treated as the father even if paternity has not been legally established.¶

(b) A stepparent relationship exists if:¶

(A) The individual is legally married to the child's biological or adoptive parent; and¶

(B) The marriage has not been terminated by legal separation, divorce, or death.¶

(c) A legal adoption erases all prior legal and blood relationships and establishes the adoptive parent as the legal parent. However, the biological parent is also considered a "parent" if both of the following are true:¶

(A) The child lives with the biological parent; and¶

(B) The legal parent has given up care, control, and supervision of the child.¶

(520) "Payment month" means, for all programs except EA, the calendar month for which benefits are issued.¶

(531) "Payment period" means, for EA, the 30-day period starting with the date the first payment is issued and ending on the 30th day after the date the payment is issued.¶

(542) "Periodic income" means income received on a regular basis less often than monthly.¶

(553) "Primary person" for all programs except the SNAP program, means the filing group member who is responsible for providing information necessary to determine eligibility and calculate benefits. The "primary person" for individual programs is as follows:¶

(a) In the TANF program, the parent or caretaker relative.¶

(b) In the ERDC program, the caretaker.¶

(c) In the SNAP program, see OAR 461-001-0015.¶

(d) In the GA, OSIP, OSIPM, QMB, REF, and REFM programs, the ~~client or client~~ individual or individual's spouse.¶

(564) "Qualified Partnership Policy" means a long-term care insurance policy meeting the requirements of OAR 836-052-0531 that was either:¶

(a) Issued while the individual was a resident in Oregon on January 1, 2008 or later; or¶

(b) Issued in another state while the individual was a resident of that state on or after the effective date of that state's federally approved State Plan Amendment to issue qualified partnership policies.¶

(575) "Real property" means land, buildings, and whatever is erected on or affixed to the land and taxed as "real property".¶

(586) "Reimbursement" means money or in-kind compensation provided specifically for an identified expense.¶

(597) "Safe homes" mean private homes that provide a few nights lodging to survivors of domestic violence. The

homes must be recognized as such by the local domestic violence agency, such as crisis hot lines and shelters.¶
(6058) "Shelter costs" mean, in all programs except the SNAP program, housing costs (rent or mortgage payments, property taxes) and utility costs, not including cable TV or non-basic telephone charges. In the SNAP program, see OAR 461-160-0420.¶

(6159) "Shelter-in-kind" means an agency or individual outside the financial group provides the shelter of the financial group, or makes a payment to a third party for some or all of the shelter costs (see section (6058) of this rule) of the financial group. "Shelter-in-kind" does not include temporary shelter provided by a domestic violence shelter, shelter for individuals who are homeless-shelter, or residential alcohol and drug treatment facilities or situations where no shelter is being provided, such as sleeping in a doorway, park, or bus station.¶

(620) "Sibling" means the brother or sister of an individual. "Blood related" means they share at least one biological or adoptive parent. "Step" means they are not related by blood, but are related by the marriage of their parents.¶

(631) "Signature," ~~means~~subject to Department restrictions, means for all programs any written signature, and may also include:¶

(a) For all programs except SNAP and TA-DVS, any ~~written, electronic, or~~electronic signature, including a narrated telephonic signature and an audio-recorded telephonic signature.¶

(b) For the SNAP program, an electronic signature, including telephonic signature if audio recorded.¶

~~(b)~~ For the TA-DVS program, a ~~written or narrated~~ telephonic signature.¶

(642) "Spousal support" means income paid (voluntarily, per court order, or per administrative order) by a separated or divorced spouse to a member of the financial group.¶

(653) "Spouse" means an individual who is legally married to another individual.¶

(664) "Stable income" means income that is the same amount each time it is received.¶

(675) "Standard living arrangement" means a location that does not qualify as a nonstandard living arrangement.¶

(686) "Teen parent" means, in the JOBS, REF, REFM, and TANF programs, a parent who is the age of 18 or 19.¶

(697) "Timely continuing benefit decision notice" means a decision notice that informs the individual of the right to continued benefits and is mailed no later than the time requirements in OAR 461-175-0050.¶

~~(7068)~~ "Trust funds" mean money, securities, or similar property held by an individual or institution for the benefit of another individual.¶

~~(7169)~~ "USDA meal reimbursements" mean cash reimbursements made by the Oregon Department of Education for family day-care providers who serve snacks and meals to children in their care.¶

(720) "Variable income" means earned or unearned income that is not always received in the same amount each month.

Statutory/Other Authority: ORS 329A.500, 409.050, 411.060, 411.070, 411.404, 411.706, 411.816, 412.006, 412.014, 412.049, 413.085, 414.685

Statutes/Other Implemented: ORS 329A.500, 409.010, 409.050, 411.060, 411.070, 411.404, 411.816, 411.837, 412.001, 412.006, 412.014, 412.049, 413.085, 414.685

AMEND: 461-001-0025

RULE SUMMARY: OAR 461-001-0025 about Definitions of Terms, Components, and Activities; JOBS, Pre-TANF, TANF; is being amended to update terminology, remove microenterprise, UN work program, and work supplementation; as they are obsolete services. It is also being amended to add JOBS Program activities that were previously not defined in rule and correct activity names.

CHANGES TO RULE:

461-001-0025

Definitions of Terms, Components, and Activities; JOBS, Pre-TANF, TANF ¶

In the JOBS, Pre-TANF, and TANF programs, the following definitions apply to rules in OAR chapter 461 unless the context indicates otherwise.¶

(1) "Activity" means an action or set of actions to be taken by a participant, as specified in the case plan (see section (6) of this rule). An "activity" is intended to reduce barriers and:¶

(a) Increase the likelihood of self-sufficiency, employment, job retention, wage enhancement, and financial independence; or¶

(b) Promote family stability (see OAR 461-001-0000).¶

(2) "Adult Basic Education" means an activity (see section (1) of this rule) in the basic education (see section (5) of this rule) component (see section (9) of this rule) that involves remedial education coursework intended to ensure functional literacy and numeracy.¶

(3) "Assessment" means an activity of the program entry (see section (2930) of this rule) component that involves gathering information to identify the strengths, interests, family circumstances, status in the JOBS program, and vocational aptitudes and preferences of the participant and to mutually determine an employment goal, the level of engagement of the participant in the JOBS program, and which support services (see section (357) of this rule) are needed. This activity includes providing screenings and evaluations (if appropriate) to determine the level of engagement, accommodation, and modification for the participant in the JOBS program. The screenings include, but are not limited to, physical and mental health needs, substance use, domestic violence (see OAR 461-001-0000), and learning needs.¶

(4) "Barrier" means a personal condition or circumstance that reduces the likelihood the participant will become employed or the ability of the participant to engage in an activity listed in the case plan.¶

(5) "Basic education" means a component intended to ensure functional literacy for all JOBS participants. "Basic education" activities are high school attendance, English as a second language learner (see section (15) of this rule) instruction, job skills training (see section (21) of this rule), adult basic education (see section (2) of this rule) instruction, and services that result in obtaining a general equivalency diploma (GED). The component is discussed in OAR 461-190-0171 and 461-190-0181.¶

(6) "Case plan" (also known as a personal development plan) means a written outline, developed in partnership by the participant and family coach, with input from community partners as appropriate, listing activities and goals for the individual. The "case plan" also identifies the support service payments, accommodations, and modifications to help the participant complete the plan. The DHS 1543 - Domestic Violence Assistance Agreement - is the "case plan" for participants with safety concerns about domestic violence.¶

(7) "Child Health & Development activities" means an activity that enables participants to gain skills in successful parenting, balancing work and family, and contributing to the well-being and health of the child (see OAR 461-001-0000).¶

(8) "Community service program" means an activity in the unpaid employment (see section (3840) of this rule) component in which the participant works without pay at a job site to enhance the likelihood the participant will become employed and perform work for the direct benefit of the community. This activity is available through nonprofit organizations or public agencies.¶

(9) "Component" means a set of one or more activities of the JOBS program including paid unsubsidized employment (see section (279) of this rule), paid subsidized employment (see section (268) of this rule), unpaid

employment, vocational training (see section (401) of this rule), job search and readiness (see section (20) of this rule), and basic education activities.¶

(10) "Core activities" means federally defined countable work activities including paid unsubsidized employment; paid subsidized employment; work experience (see section (412) of this rule); job search and readiness; community service program (see section (8) of this rule); supported work (see section (38) of this rule); and vocational training.¶

(11) "Crisis intervention" means short-term services to protect family stability and safety due to an immediate crisis need.¶

(12) "Drug and alcohol services" means an activity in the job search and readiness component to help participants identify and overcome addiction and substance use disorders that prevent or limit their employability and self-sufficiency.¶

(13) "Employer contact" means participant communication with an employer or employer's representative through a visit, phone call, or mail to request consideration for employment.¶

(14) "Employment Payments" means three transitional payments totaling \$225.00 paid as provided in OAR 461-135-1270 to a benefit group (see OAR 461-110-0750) with employment income to help transition families off TANF program services.¶

(15) "English Language Learner" (~~formerly~~also known as English as a Second Language) means an activity in the basic education component. English Language Learner classes are designed to give participants with limited English proficiency better working skills in the language.¶

(16) "Fair Labor Standards Act (FLSA)" means the law that applies to subject employers with participants working in the unpaid employment component. "FLSA" requires that participants engaged in unpaid employment, in effect, may not work more hours than the combined value of the TANF and SNAP benefits divided by Oregon minimum wage.¶

(17) "Federally required participation rates" means the participation rates required by section 407 of the Social Security Act (42 USC 607).¶

(18) "High School or GED Completion Attendance" means an activity in the basic education component that involves attendance at a secondary school or in a course of study that leads to the completion of the GED.¶

(19) "Job search" means an activity in the job search and readiness component that focuses on participants looking for and obtaining employment designed to improve skills in locating and competing for employment in the local labor market and may include writing resumes, receiving instruction in interviewing skills, and engaging in group and individual "job search". There are two categories of "job search": "initial job search" and "regular job search". "Initial job search" may occur during the Pre-TANF program. "Regular job search" begins not later than the day after the Department finds the individual eligible for TANF benefits.¶

(20) "Job search and readiness" means a component designed to prepare participants to compete in the local labor market. Job search (see section (19) of this rule), life skills (see section (23) of this rule), drug and alcohol services (see section (12) of this rule), mental health services (see section (245) of this rule), and rehabilitation activities (see section (342) of this rule) are the activities of the "job search and readiness" component.¶

(21) "Job skills training" means an activity in the basic education component in which unpaid training required by an employer is needed to gain the skills necessary to be hired, retain or advance in employment.¶

(22) "JOBS Plus program" means an activity in the paid subsidized employment component that provides an incentive to TANF participants with on-the-job training and pays their and employers through subsidized employment in the public or private sector where the participant is placed on the employer's payroll and TANF and SNAP benefits as wages re on hold (see OAR 461-190-0401 to 461-190-0426).¶

(23) "Life skills" means an activity of the job search and readiness component. The activity develops employment-preparation skills and skills and attitudes that are commonly found in the workplace; and offer development of skills that prepare participants to be successful in daily living.¶

(24) "Medical Related Services" means activities to assess and address health concerns that prevent or limit employment and self-sufficiency.¶

(25) "Mental health services" means an activity in the job search and readiness component that provides mental

health screenings and assessments, counseling, medication management, and support groups.¶

(256) "Non-core activities" means federally defined countable work activities that include job skills training directly related to employment; education directly related to employment; and satisfactory school attendance at a secondary level or leading to a GED.¶

(267) "On-the-Job Training" means an activity for paid employees who are in non-JOBS Plus subsidized employment placement, or for students who are in an unpaid internship or a federal/state funded work study position.¶

(28) "Paid subsidized employment" means a component in which participants are employed in a subsidized public or private sector job. JOBS Plus program (see section (22) of this rule) and ~~work supplementation~~on-the-job training (see section (427) of this rule) are the activities in the "paid subsidized employment" component.¶

(279) "Paid unsubsidized employment" means a component in which participants are employed full- or part-time in an unsubsidized job and receiving TANF benefits. Unsubsidized employment is a job that is not subsidized by TANF or any other public program. ~~The UN work program (see section (39) of this rule), w~~Working (see section (432) of this rule), ~~and microenterprise (see OAR 461-001-0000) are~~is the activities ~~y~~ in the paid unsubsidized employment component.¶

(2830) "Program entry" means an activity that captures JOBS appointments, assessments (see section (3) of this rule) to identify a family's needs and strengths, determines JOBS status, and mutually develops a case plan.¶

(2931) "Progress (good or satisfactory)" means, for federal reporting purposes, a participant engaging in an education or training activity makes "good progress" or "satisfactory progress" by receiving a passing grade or progressing toward completion of high school or GED completion at no less than the normal rate of a half-time student.¶

(302) "Rehabilitation activities" means an activity in the job search and readiness component that provides medical or therapeutic screenings, assessments, and treatment. This activity also includes medical management and support groups.¶

(313) "Self-initiated training" means an activity in which participants are enrolled in a two or four year program, earning credit toward a college degree.¶

(324) "Social Security application" means the activities associated with the process for individuals who are applying for Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI).¶

(35) "Stabilized living" means an activity intended to stabilize participant housing concerns that prevent or limit employment or self-sufficiency.¶

(336) "Stabilization, intervention, and other activities" means activities that are non-countable for federal participation purposes including child health and development, crisis intervention (see section (11) of this rule), domestic violence services, ~~medical services~~related services (see section (24) of this rule), retention services, services to child welfare families, social security application, ~~and stabilized living services~~ (see section (34) of this rule), ~~and stabilized living services~~ (see section (35) of this rule).¶

(347) "Support services" means services that participants need to engage successfully in activities outlined in their case plan, seek and maintain employment, or remove barriers.¶

(358) "Supported work" means an activity in the unpaid employment component that gives participants intensive staff support, skill training, intervention, and counseling that will enable them to function independently at work.¶

(369) "Transition services" means services ~~included in a participant's case plan~~offered when the participant becomes employed or becomes ineligible for cash benefits because of an increase in income or resources.¶

(3740) "Unpaid employment" means a component in which a participant is placed in an unpaid job to develop good work habits, training, and knowledge to obtain employment. Employment may be in the private or public sector or through a work simulation program. Work experience (see section (412) of this rule), community service program, and supported work (see section (368) of this rule) are the activities of the "unpaid employment" component.¶

(38) ~~"UN work program" means an activity in the paid unsubsidized employment component in which TANF clients work in unsubsidized employment and may also participate in another JOBS work site training activity.~~¶

(3941) "Vocational training" means an activity and component of the JOBS program that provides JOBS participants with up to 18 months access to specific "vocational training" that will lead to a career with an

appropriate wage level and opportunity for employment.¶¶

(402) "Work experience" means an activity in the unpaid employment component in which the participant works without pay at a job site to develop good work habits and basic vocational skills that enhance the likelihood the participant will become employed. "Work experience" is available through private for-profit businesses, nonprofit organizations, or public agencies.¶¶

~~(41) "Work supplementation" means an activity in the unpaid employment component that is up to six months of work-site training provided by an employer. The component and activity are both called "work supplementation". In "work supplementation", the Department subsidizes the wages of the participant by providing up to \$200 per month to the employer.¶¶~~

(423) "Working" means an activity in the unsubsidized employment component in which a participant is working full- or part-time in the public or private sector.

Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 411.878, 412.006, 412.009, 412.016, 412.049

Statutes/Other Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.878, 412.001, 412.006, 412.016, 412.009, 412.049

AMEND: 461-101-0010

RULE SUMMARY: OAR 461-101-0010 about Program Acronyms and Overview, is being amended to update terminology, to add a few previously excluded acronyms, and to correct information provided for a couple acronyms.

CHANGES TO RULE:

461-101-0010

Program Acronyms and Overview ¶¶

- (1) Acronyms are frequently used when referring to a program. There is an acronym for each umbrella program and acronyms for each subprogram.¶¶
- (2) When no program acronym appears in a rule in chapter 461 of these rules, the rule with no program acronym applies to all programs listed in this rule. If a rule does not apply to all programs, the rule uses program acronyms to identify the programs to which the rule applies.¶¶
- (3) Wherever an umbrella acronym appears, that means the rule covers all the subprograms under that code.¶¶
- (4) ABAWD; Able-Bodied Adults Without Dependents. Participants ages at least 18 but not yet 50, with no child under 18 in their filing group (see OAR 461-110-0370).¶¶
- (5) CAWEM; Citizen/Alien-Waived Emergent Medical. Medicaid coverage of emergent medical needs for individuals who are not eligible for other medical programs solely because they do not meet citizenship and ~~and~~ noncitizen status requirements.¶¶
- (56) DSNAP; Disaster Supplemental Nutrition Assistance Program. Following a presidential declaration of a major disaster in Oregon, DSNAP provides emergency DSNAP program benefits to victims. OAR 461-135-0491 to 461-135-0497 cover DSNAP eligibility and benefits.¶¶
- (67) EA; Emergency Assistance. Emergency cash to families without the resources to meet emergent needs.¶¶
- (78) ERDC or ERDC-BAS; Employment Related Day Care-Basic. Helps low-income working families pay the cost of child care.¶¶
- (89) GA; General Assistance. Cash assistance to certain low-income individuals with disabilities.¶¶
- (910) HSP; Housing Stabilization Program. A program that helps low-income families obtain stable housing. The program is operated through the Housing and Community Services Department through community-based, service-provider agencies. The Department's rules for the program (OAR 461-135-1305 to 461-135-1335) were repealed July 1, 2001.¶¶
- (101) JOBS; Job Opportunity and Basic Skills. An employment program for TANF ~~elig~~participants. JOBS helps these ~~client~~individuals attain self-sufficiency through training and employment. The program is part of Welfare Reform.¶¶
- (112) JOBS Plus. Provides subsidized jobs rather than SNAP or TANF benefits. For TANF clients, JOBS Plus is a component of the JOBS Program; for SNAP clients and noncustodial parents of children receiving TANF, it is a separate employment program. Eligibility for TANF clients, SNAP clients, and noncustodial parents of children receiving TANF is determined by the Department. Eligibility for UI recipients is determined by the Oregon State Employment Department. When used alone, JOBS Plus includes only clients whose JOBS Plus program participation is through the Department of Human SerJOBS Plus is a component of the JOBS Program; TANF-PLS is the acronym used for individuals in the JOBS Plus component. JOBS Plus provides~~JOBS Plus administered through the Oregon State Employment Department is known in chapter 461 of the Oregon Administrative Rules as Oregon Employment Department UI JOBS Plus. The following acronyms are used for specific categories:~~¶¶
 - (a) TANF-PLS; Clients eligible for JOBS Plus based on TANF.¶¶
 - (b) SNAP-PLS; ~~Cl~~ subsidized jobs rather than SNAP or TANF benefits, for individuals receiving TANF and determined JOBS eligible. Eligibility for the JOBS Plus components eligible for JOBS Plus based on SNAP.¶¶
 - (c) NCP-PLS; Noncustodial parents of children receiving TANF. ~~is determined by the Department.~~ ¶¶
- (123) JPI; Job Participation Incentive. An additional \$10 food benefit to help increase the ability of parents with children, who meet federal TANF participation rate, to meet the nutritional needs of their families.¶¶
- (134) LIS; Low-Income Subsidy. The Low-Income Subsidy program is a federal assistance program for Medicare ~~el~~

recipients who are eligible for extra help meeting their Medicare Part D prescription drug costs.¶

(145) OFSET. The Oregon Food Stamp Employment Transition Program, which helps SNAP program benefit recipients find employment. This program is mandatory for some SNAP program benefit recipients.¶

(156) OSIP; Oregon Supplemental Income Program. Cash supplements and special need payments to individuals who are blind, ~~disabled, or~~ have a disability, or are 65 years of age or older. When used alone, OSIP refers to all OSIP programs. The following acronyms are used for OSIP subprograms:¶

(a) OSIP-AB; Oregon Supplemental Income Program - Aid to the Blind.¶

(b) OSIP-AD; Oregon Supplemental Income Program - Aid to the Disabled.¶

(c) OSIP-EPD; Oregon Supplemental Income Program - Employed Persons with Disabilities program. This program provides Medicaid coverage for employed persons with disabilities with adjusted income less than 250 percent of the Federal Poverty Level.¶

(d) OSIP-OAA; Oregon Supplemental Income Program - Old Age Assistance.¶

(167) OSIPM; Oregon Supplemental Income Program Medical. Medical coverage for ~~elderly and disabled individuals~~ individuals who are elderly or who have a disability. When used alone, OSIPM refers to all OSIP-related medical programs. The following codes are used for OSIPM subprograms:¶

(a) OSIPM-AB; Oregon Supplemental Income Program Medical - Aid to the Blind.¶

(b) OSIPM-AD; Oregon Supplemental Income Program Medical - Aid to the Disabled.¶

(c) OSIPM-EPD; Oregon Supplemental Income Program Medical - Employed Persons with Disabilities program. This program provides Medicaid coverage for employed persons with disabilities with adjusted income less than 250 percent of the Federal Poverty Level.¶

(d) OSIPM-OAA; Oregon Supplemental Income Program Medical - Old Age Assistance.¶

(e) OSIPM-IC; Oregon Supplemental Income Program Medical - Independent Choices¶

(178) The Post-TANF program provides da monthly transitional payment to employed ~~client~~ individuals who are no longer eligible for the Pre-TANF or TANF programs due to earnings, and meet the other eligibility requirements.¶

(189) The Pre-TANF program is an up-front assessment and resource-search program for TANF applicant families. The intent of the program is to assess the individual's employment potential; determine any barriers to employment or family stability; develop an individualized case plan that promotes family stability and financial independence; help individuals find employment or other alternatives; and provide basic living expenses immediately to families in need.¶

(1920) QMB; Qualified Medicare Beneficiaries. Programs providing payment of Medicare premiums and one program also providing additional medical coverage for Medicare recipients. Each of these programs also is considered to be a Medicare Savings Program (MSP). When used alone in a rule, QMB refers to all MSP. The following codes are used for QMB subprograms:¶

(a) QMB-BAS; Qualified Medicare Beneficiaries - Basic. The basic QMB program.¶

(b) QMB-DW; Qualified Medicare Beneficiaries - Disabled Worker. Payment of the Medicare Part A premium for individuals under age 65 who have lost eligibility for Social Security disability benefits because they have become substantially gainfully employed.¶

(c) QMB-SMB; Qualified Medicare Beneficiaries - Specified Limited Medicare Beneficiary. Payment of the Medicare Part B premium only. There are no medical benefits available through QMB-SMB.¶

(d) QMB-SMF; Qualified Medicare Beneficiaries - Qualified Individuals. Payment of the Medicare Part B premium only. There are no medical benefits available through QMB-SMF. This program has a 100-percent federal match, but also has an allocation that, if reached, results in the closure of the program.¶

(201) REF; Refugee Assistance. Cash assistance to low-income refugee singles or married couples, without children, who are not eligible for the TANF program.¶

(212) REFMed; Refugee Assistance Medical. Medical coverage for low-income refugees who are not eligible for Medicaid.¶

(223) REP; Refugee Employment Program. Any self-sufficiency service, employment service, or case plan that is available to or developed for individuals in the REF program.¶

(234) The Repatriate Program helps Americans resettle in the United States if they have left a foreign land because of an emergency situation.¶¶

(245) SFDNP; Senior Farm Direct Nutrition Program. Food vouchers for low-income seniors. Funded by a grant from the United States Department of Agriculture.¶¶

(256) SFPSS; State Family Pre-SSI/SSDI Program. A voluntary program providing cash assistance and case management services to families when at least one TANF eligible adult in the household has an impairment (see OAR 461-125-0260) and is or will be applying for Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI).¶¶

(267) SNAP; Supplemental Nutrition Assistance Program. Helps low-income households maintain proper nutrition by giving them the means to purchase food. SNAP used to be known as FS or Food Stamps; any reference to SNAP also includes FS and Food Stamps.¶¶

(278) STEP; SNAP Training and Employment Program. A training and employment program for certain SNAP participants.¶¶

(29) TA-DVS; Temporary Assistance for Domestic Violence Survivors. Addresses the needs of individuals assistance for families where thereatened by is a current or future risk of further domestic violence.¶¶

(2830) TANF; Temporary Assistance for Needy Families. Cash assistance for families when children in those families are deprived of parental support because of continued absence, death, incapacity, or unemployment. Statutory/Other Authority: 414.025, 414.826, 413.085, 414.685, ORS 329A.500, 409.050, 411.060, 411.404, 411.706, 411.816, 412.014, 412.049

Statutes/Other Implemented: ORS 329A.500, 409.010, 411.060, 411.404, 411.704, 411.706, 411.816, 412.014, 412.049, 414.025, 414.826, 414.839

AMEND: 461-120-0340

RULE SUMMARY: OAR 461-120-0340 about Caretaker Relative Required to Help Division of Child Support Obtain Support from Noncustodial Parent; TANF; is being changed to remove effective date verbiage. It is also being changed to simplify language, remove repetition, use consistent terms, and to permanently adopt temporary provisions. The temporary amendment adjusted the requirement to cooperate with child support to a requirement to agree to cooperate with the Division of Child Support and updated some language to more current and accurate terminology.

CHANGES TO RULE:

461-120-0340

Caretaker Relative Required To Help Division of Child Support Obtain Support From Noncustodial Parent; TANF

In the TANF program:

- (1) ~~For a filing group (see OAR 461-110-0310 and 461-110-0330) to be eligible for program benefits, except as permitted in section (2) of this rule, a:~~
 - ~~(a) A caretaker relative (see OAR 461-001-0000) must make a good faith effort (see section (3) of this rule) to help the Department:~~
 - ~~(a) Establish paternity of each needy child (see OAR 461-001-0000); and~~
 - ~~(b) Locate and obtain support payments from the noncustodial parent of each needy child in a filing group (see OAR 461-110-0330) not currently receiving TANF must agree to "cooperate with Division of Child Support (DCS)."~~
 - ~~(b) A caretaker relative in a filing group receiving TANF must cooperate with DCS.~~
 - (2) A caretaker relative is excused from the requirements of section (1) of this rule:
 - (a) For good cause under OAR 461-120-0350;
 - (b) If the caretaker relative is a participant in the JOBS Plus, ~~Post-TANF~~, or SFPSS programs, or is receiving Employment Payments (see OAR 461-001-0025) under OAR 461-135-1270; or
 - (c) If the filing group (see OAR 461-110-0310 and 461-110-0330) ~~is a two-parent famis a two-parent family.~~
 - (3) ~~For the purposes of this rule, cooperate with DCS means make a "good faith effort" (see section (4) of this rule) to help DCS establish parentage for each parent of each needy child (see OAR 461-001-0000) and locate and obtain support payments from the noncustodial parent (see OAR 461-001-0000) of each needy child.~~
 - (34) ~~For the purposes of this rule, a good faith effort includes taking such actions as:~~
 - ~~(a) Supplying "sufficient information" for the Division of Child Support (DCS) to proceed with appropriate actions to establish paternity parentage of a dependent child (see OAR 461-001-0000), to locate a noncustodial parents, or to establish, modify, or enforce a support order with respect to the any child in the benefit group (see OAR 461-110-0750). "Sufficient information" includes, but is not limited to, the following, if known to the caretaker relative:~~
 - ~~(A) The time and place of each child's conception (if paternity parentage is not established) and the following information, if known to the caretaker relative, r.~~
 - ~~(B) Regarding any noncustodial parent of a needy child:~~
 - ~~(A) Full legal name and nicknames.~~
 - ~~(B) Social Security Number.~~
 - ~~(C) Current or last known address.~~
 - ~~(D) Current or last known employer, including name and address.~~
 - ~~(E) If a student, current or last known school.~~
 - ~~(F) Criminal record, including where and when incarcerated.~~
 - ~~(G) Date of birth, or age.~~
 - ~~(H) Race.~~
 - ~~(I) Any known group or organizational affiliations.~~
 - ~~(J) Names and addresses of close friends or relatives.~~

~~(Kxi) Any other information the Department or DCS requests to help locate or identify an absent parent (see OAR 461-001-0000) of any children in the benefit group (see OAR 461-110-0750) noncustodial parent.~~

~~(b) Supplying documentation or an explanation of the client's effortsefforts of the caretaker relative to obtain information requested by the Department or DCS (if unable to provide any necessary information listed in subsection (a) of this seesufficient information).~~

~~(c) Keeping appointments with the Department and DCS related to establishing paternityrentage.~~

~~(d) Returning telephone calls and responding to correspondence when requested to do so by the Department or DCS.~~

~~(45) If a client who has not been excused under section (2) of this rule has the opportunity to make a good faith effort to help the Department establish individual ish paternity of a needy child or locate or obtain support payments from the noncustodial parent of a needy child (and is unable to show he or she has good cause under OAR 461-120-0350), the Department applies penalties forrt of a filing group not currently receiving TANF, and the individual failures to comply with the requirements of section (1) ofset under this rule in, the following manner until the client meets the requirements of this rule:~~

~~(a) For a benefit group not currently filing group is ineligible for TANF until the individual meets the requirements.~~

~~(6) If an individual who is part of a filing group receiving TANF, if the failures to comply occurs while an application for TANF is pendwith the requirements set under this rule, the Department applies penalties ing the filing group is ineligible.~~

~~(b) For a benefit group receiving TANF benefits, if a failure to comply occurs, tollowing manner until the individual meets the requirements:~~

~~(a) The net monthly TANF benefit of the benefit group, after reductions for the clientindividual's failure to comply with requirements of the JOBS program are made, is reduced by:~~

~~(A) 25 percent for the first month following the month in which failure to comply is determined.~~

~~(B) 50 percent for the second month following the month in which failure to comply is determined.~~

~~(C) 75 percent for the third month following the month in which failure to comply is determined.~~

~~(D) 100 percent (total ineligibility for the benefit group) for the fourth and subsequent months following the month in which failure to comply is determined.~~

~~(eb) Once a penalized clientindividual complies with the requirements and benefits are no longer reduced under this rule, a subsequent penalty is imposed without regard to any prior penalty.~~

~~(dc) If the TANF payment is affected by the penalty imposed under this rule, eligibility (see OAR 461-001-0000) for and the level of SNAP benefits are determined as if the clientindividual were receiving cash benefits without reduction due to the penalty.~~

~~(57) The penalty provided by this rule ends when the client meetsaretaker relative complies with the requirements of section (1) ofset under this rule.~~

Statutory/Other Authority: ORS 411.060, 411.070, 412.024, 412.049

Statutes/Other Implemented: ORS 411.060, 411.070, 412.024, 412.049

AMEND: 461-135-1200

RULE SUMMARY: OAR 461-135-1200 about Specific Requirements; TA-DVS, is being amended to permanently adopt all temporary changes adopted on September 4, 2020. These amendments allow the ability to establish a filing date, apply for benefits, and sign an application in the TA-DVS program.

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~~An individual must complete the application process as defined in OAR 461-115-0020. The Department is to follow the application time frames outlined under OAR 461-115-0190. ¶¶

(3) An applicant may complete the application process as follows: ¶¶

(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 461-1150-0020. The Department is to follow the application time frames outlined in OAR 461-115-0190.310). ¶¶

(C) The applicant provides a narrated telephonic signature as defined under 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. ¶¶

(34) 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)(ea) 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 ~~the~~ applicant 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 ~~the~~ applicant 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 ~~a~~ noncitizen 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.¶
- ~~(9-10)~~ No verification is required that the ~~the~~ applicant 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 ~~(910)~~(a) and ~~(910)~~(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 TA-DVS Policy Analyst may assist ~~the~~ 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

AMEND: 461-145-0130

RULE SUMMARY: OAR 461-145-0130 about Earned Income; Treatment, is being amended to update verbiage and remove reference to Non-custodial Parent JOBS Plus Services. These services ended several years ago and this rule was missed when amendments were made at that time.

CHANGES TO RULE:

461-145-0130

Earned Income; Treatment ¶¶

- (1) Earned income (see OAR 461-145-0120) is countable (see OAR 461-001-0000) in determining eligibility (see OAR 461-001-0000) for programs, subject to the provisions in sections (2) to (10) of this rule.¶¶
- (2) JOBS Plus income is earned income and is treated as follows:¶¶
 - (a) In the SNAP program:¶¶
 - (A) JOBS Plus income earned by a TANF-PLS (see OAR 461-101-0010) ~~client~~participant:¶¶
 - (i) Is counted in determining initial SNAP program eligibility.¶¶
 - (ii) Is excluded in determining ongoing eligibility.¶¶
 - (B) JOBS Plus wages received after the individual's last month of work under a TANF-PLS JOBS Plus agreement are counted.¶¶
 - (b) In the TANF program:¶¶
 - ~~(A) JOBS Plus income earned by an NCP-PLS (see OAR 461-101-0010) client is counted in determining initial TANF eligibility.¶¶~~
 - ~~(B) W~~hen determining the need for a TANF supplement for a TANF-PLS ~~client~~individual, the income is treated as follows:¶¶
 - ~~(i) A~~ It is excluded in determining the countable income limit and in calculating the benefit equivalency standards.¶¶
 - ~~(ii) B~~ It is counted in calculating the wage supplement.¶¶
 - (C) JOBS Plus wages received after the individual's last month of work under a JOBS Plus agreement are counted.¶¶
 - (c) In the OSIPM and QMB programs, JOBS Plus wages received after the individual's last month of work under a TANF-PLS JOBS Plus agreement are counted.¶¶
 - (d) In all programs not covered under subsections (a) to (c) of this section, TANF-PLS income is counted as earned income.¶¶
 - ~~(e) In all programs other than the TANF program, NCP-PLS income is counted as earned income.¶¶~~
 - ~~(f) In all programs, wages received under the Tribal TANF JOBS programs are counted as earned income.¶¶~~
- (3) Welfare-to-Work work experience income is treated as follows:¶¶
 - (a) In the REF, REFM, and TANF programs, the income is earned income, and the first \$260 is excluded each month.¶¶
 - (b) In the SNAP program, the income is earned income.¶¶
- (4) In the ERDC program, earned income of a child (see OAR 461-001-0000) is excluded.¶¶
- (5) In the OSIP, OSIPM, and QMB programs, documented net losses from a self-employment business (see OAR 461-150-0095) are excluded from any other source of earned income of the financial group (see OAR 461-110-0530). This does not include dividends or profits (see OAR 461-145-0089).¶¶
- (6) In the REF and REFM programs:¶¶
 - (a) Income remaining after the month of receipt is a resource.¶¶
 - (b) Earned in-kind income is excluded (see OAR 461-145-0280 and 461-145-0470).¶¶
- (7) In the TANF program:¶¶
 - (a) Earned income of the following children is excluded:¶¶
 - (A) Dependent children under the age of 19 years, and minor parents under the age of 18 years, who are full-time students in grade 12 or below (or the equivalent level of vocational training, in GED courses), or in home schooling approved by the local school district.¶¶

- (B) Dependent children under the age of 18 years who are attending school part-time (as defined by the institution) and are not employed full-time.¶
 - (C) Dependent children too young to be in school.¶
 - (b) Income remaining after the month of receipt is a resource.¶
 - (c) Earned in-kind income is excluded (see OAR 461-145-0280 and 461-145-0470).¶
 - (8) In the SNAP program:¶
 - (a) If a cafeteria plan (see OAR 461-001-0000) benefit that the employee may not elect to receive as a cash payment is designated and used to pay for child care, medical care, or health insurance, the benefit is excluded unless it is reimbursed by the Department. If reimbursed, the Department counts it as earned income.¶
 - (b) The following types of income are excluded:¶
 - (A) The earned income of an individual under the age of 18 years who is under the parental control of another member of the household and is:¶
 - (i) Attending elementary or high school;¶
 - (ii) Attending GED classes recognized by the local school district;¶
 - (iii) Completing home-school elementary or high school classes recognized by the local school district; or¶
 - (iv) Too young to attend elementary school.¶
 - (B) Earned in-kind income, except as provided in section (9) of this rule.¶
 - (C) Deductions from base pay for future educational costs under Pub. L. No. 99-576, 100 Stat. 3248 (1986), for an individual on active military duty.¶
 - (D) Income remaining after the month of receipt is a resource.¶
 - (9) In the SNAP program, earned in-kind income (see OAR 461-145-0280) is excluded unless it is one of the following:¶
 - (a) An expenditure by a business entity that benefits a principal (see OAR 461-145-0088).¶
 - (b) A credit card company gift card, such as Mastercard or Visa, which is received regularly and can be reasonably anticipated. This does not include specific gift cards, such as those from a retailer or restaurant.¶
 - (10) In all programs, the income of a temporary employee of the U.S. Census Bureau employed to assist in taking the census is excluded.
- Statutory/Other Authority: ~~ORS 329A.500, 409.050, 411.060~~, 411.070, 411.083, 411.404, 411.706, 411.816, 411.892, 412.014, 412.049, 414.685, ORS 329A.500, 409.050, 411.060
- Statutes/Other Implemented: ~~ORS 329A.500, 409.010, 411.060~~, 411.070, 411.083, 411.404, 411.706, 411.816, 411.892, 412.014, 412.049, 413.085, 414.685, 414.839, ORS 329A.500, 409.010, 411.060

AMEND: 461-145-0250

RULE SUMMARY: OAR 461-145-0250 about Income-Producing Property; Not OSIP, OSIPM, or QMB, is being changed to remove reference to microenterprise.

CHANGES TO RULE:

461-145-0250

Income-Producing Property; Not OSIP, OSIPM, or QMB ¶

(1) In all programs except the REF, REFM, and TANF programs, income from income producing property (see OAR 461-001-0000) is counted as follows:¶

(a) If a member of the financial group (see OAR 461-110-0530) actively manages the property 20 hours or more per week, the income is treated in the same manner as self-employment income (see OAR 461-145-0910, 461-145-0920, and 461-145-0930).¶

(b) If a member of the financial group does not actively manage the property 20 hours or more per week, the income is counted as unearned income with exclusions allowed only in accordance with OAR 461-145-0920. In the SNAP program, if the financial group owns more than one property, the exclusions for one property may not be used to offset income from a different property.¶

(2) In the REF, REFM, and TANF programs, income from income producing property is treated in the same manner as self-employment income (see OAR 461-145-0910, 461-145-0920, and 461-145-0930)¶

(3) The equity value (see OAR 461-001-0000) of income-producing property is treated as follows:¶

(a) In the EA and ERDC programs, it is excluded.¶

(b) In the SNAP program, it is counted as a resource except to the extent described in each of the following situations:¶

(A) If the property produces an annual countable (see OAR 461-001-0000) income similar to other properties in the community with comparable market value, the equity value of the property is excluded.¶

(B) The property is excluded under OAR 461-145-0600.¶

(C) The equity value of income-producing livestock, poultry, and other animals is excluded.¶

(D) If selling the resource would produce a net gain to the financial group of less than \$1,500, the equity value is excluded.¶

(c) In the REF, REFM, and TANF programs, it is counted as a resource, ~~except that in the TANF program, it is excluded for a self-employed client participating in the microenterprise (see OAR 461-001-0025) component of the JOBS program.~~

Statutory/Other Authority: ORS 329A.500, 409.050, 411.060, 411.070, 411.083, 411.400, 411.404, 411.816, 412.049, 413.085, 414.685

Statutes/Other Implemented: ORS 329A.500, 409.010, 409.050, 411.060, 411.070, 411.083, 411.400, 411.404, 411.816, 412.049, 413.085, 414.685

AMEND: 461-145-0600

RULE SUMMARY: OAR 461-145-0600 about Work-Related Capital Assets, Equipment, and Inventory, is being changed to remove reference to microenterprise.

CHANGES TO RULE:

461-145-0600

Work-Related Capital Assets, Equipment, and Inventory ¶

(1) As used in this rule:¶

(a) "Inventory" means goods that are in stock and available for sale to prospective customers.¶

(b) "Work-related equipment" means property essential to the employment or self-employment of a financial group (see OAR 461-110-0530) member. Examples are a tradesman's tools, a farmer's machinery, and equipment used to maintain an income-producing vehicle.¶

(2) A capital asset (see OAR 461-001-0000), other than work-related equipment (see section (1) of this rule) and inventory (see section (1) of this rule), is treated as follows:¶

(a) In the ERDC program, the equity value (see OAR 461-001-0000) of a capital asset is treated according to the rules for the asset.¶

(b) In the SNAP program, a capital asset used in a business is excluded as follows:¶

(A) Non-farm assets are excluded as long as the financial group is actively engaged in self-employment activities.¶

(B) Farm assets are excluded until one year after the date the individual quit self-employment as a farmer.¶

(c) In the REF, REFM, and TANF programs:¶

~~(A) For a self-employed client participating in the microenterprise component (see OAR 461-190-0197) of the JOBS program, the value of a capital asset is excluded.¶~~

~~(B) For all other clients, the value of a capital asset is counted according to the rules in this division of rules.¶~~

(d) In the OSIP, OSIPM, and QMB-DW programs, a capital asset is excluded.¶

(3) Work-related equipment is treated as follows:¶

(a) In the EA, ERDC, OSIP, OSIPM, QMB-DW, and SNAP programs, the equity value of work-related equipment is excluded.¶

(b) In the REF, REFM, and TANF programs:¶

~~(A) For a self-employed client participating in the microenterprise component of the JOBS program, the equity value of the equipment is excluded.¶~~

~~(B) For all other clients, the equity value of the equipment is treated as a resource.¶~~

(4) Inventory is treated as follows:¶

(a) In the EA, ERDC, OSIP, OSIPM, QMB-DW, and SNAP programs, inventory is excluded as long as the client individual is engaged in self-employment activities.¶

(b) In the REF, REFM, and TANF programs:¶

~~(A) For a self-employed client participating in the microenterprise component of the JOBS program, the wholesale value of inventory remaining at the end of the semi-annual period covered in each income statement (see OAR 461-190-0197), less encumbrances, is counted as a resource.¶~~

~~(B) For all other clients, the wholesale value of inventory remaining at the end of a month, less encumbrances, is counted as a resource.~~

Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 411.404, 411.816, 412.014, 412.049, 413.085, 414.685

Statutes/Other Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.117, 411.404, 411.816, 412.014, 412.049, 413.085, 414.685, 414.839

AMEND: 461-145-0910

RULE SUMMARY: OAR 461-145-0910 about Self-Employment; General; Not OSIP, OSIPM, or QMB, is being changed to remove reference to microenterprise. It is also being amended to remove effective date terminology.

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 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 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.¶

(c) Meets all the following criteria:¶

(A) Is 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 the 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

RULE SUMMARY: OAR 461-145-0920 about Self-Employment; Costs that are Excluded to Determine Countable Income, is being changed to remove reference to microenterprise. It is also being amended to remove effective date terminology.

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 (7) and (8) 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 (7) and (8) 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 (7) 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 (7) 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.¶

(8) 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.¶

~~(9) 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: 461-145-0930

RULE SUMMARY: OAR 461-145-0930 about Self-Employment; Determination of Countable Income, is being changed to remove microenterprise.

CHANGES TO RULE:

461-145-0930

Self-Employment; Determination of Countable Income ¶

This rule explains how different programs exclude and deduct costs from self-employment gross sales and receipts.¶

(1) The Department initially determines gross sales and receipts, including mileage reimbursements, minus any returns and allowances (before excluding or deducting any costs).¶

(2) In the ERDC program, if an individual claims an excludable cost permitted under OAR 461-145-0920, at least 50 percent of gross self-employment income is excluded. The maximum exclusion is the total excludable cost under OAR 461-145-0920.¶

(3) In the OSIP, OSIPM, and QMB programs, all costs permitted under OAR 461-145-0920 are excluded.¶

(4) In the REF, REFM, and REFMTANF programs, no costs are subtracted (excluded).¶

(5) In the SNAP program, if there are any costs permitted under OAR 461-145-0920, there is a deduction of 50 percent of gross self-employment income.¶

(6) In the DSNAP program, the Department allows all actual costs permitted under OAR 461-145-0920.¶

~~(7) In the TANF program:¶~~

~~(a) For an individual participating in the microenterprise (see OAR 461-001-0000) component of the JOBS program, costs are excluded according to OAR 461-145-0920 and general accounting principles, as applied by a certified public accountant, bookkeeping firm, or other entity approved by the Department.¶~~

~~(b) For all other individuals, no costs are subtracted (excluded).~~

Statutory/Other Authority: ORS 414.685, ORS 414.826, ORS 329A.500, 409.050, 411.060, 411.083, 411.404, 411.706, 411.816, 412.006, 412.049, 413.085

Statutes/Other Implemented: ORS 414.826, 7 CFR 280.1, ORS 329A.500, 409.010, 411.060, 411.083, 411.404, 411.706, 411.816, 412.006, 412.009, 412.049

AMEND: 461-160-0160

RULE SUMMARY: OAR 461-160-0160 about Earned Income Deduction; REF, REFM, and TANF; is being amended to remove reference to microenterprise and to update verbiage.

CHANGES TO RULE:

461-160-0160

Earned Income Deduction; REF, REFM, and TANF ¶

~~(1) In the REF, REFM, and REFM/TANF programs, the earned income deduction authorized in this division of rules is allowed for each person in the financial group who has earned income. The earned income deduction is 50 percent of the client's gross earned income including self-employment income.¶~~

~~(2) In the TANF program:¶~~

~~(a) For a self-employed client participating in the microenterprise component of the JOBS program, the earned income deduction for income earned in the microenterprise is 50 percent of the client's countable income calculated pursuant to OAR 461-145-0920 and 461-145-0930.¶~~

~~(b) For all other income, the earned income deduction is 50 percent of the client individual's gross earned income, including self-employment income.~~

Statutory/Other Authority: ORS 409.050, 411.060, 412.049

Statutes/Other Implemented: ORS 409.010, 411.060, 412.049

AMEND: 461-165-0010

RULE SUMMARY: OAR 461-165-0010 about Legal Status of Benefit Payments is being amended to update terminology and make clear to whom refunded or rebate benefits are given. It is also being amended to make clear when benefits are considered issued for both EBT and non-EBT.

CHANGES TO RULE:

461-165-0010

Legal Status of Benefit Payments ¶¶

(1) Under Oregon law, cash benefits are not subject to assignment, transfer, garnishment, levy, or execution, as long as they can be identified as program payments and are separate from other money in the client's possession.¶¶

(2) Except for electronic benefit transfer (EBT), the Department considers a benefit issued if the check has been handed to the client ~~in the branch office or vendor~~, or mailed to the client ~~or vendor~~. The Department considers a benefit issued, and received by the client, when a direct check deposit is made to the client's ~~or vendor's~~ bank account.¶¶

(3) Cash benefits subject to refund or rebate (see OAR 461-145-0435) by a vendor are to be issued by the vendor to the client.¶¶

(4) For EBT, the Department considers benefits issued and received when an EBT card and personal identification number (PIN) have been issued in person to the client, or the EBT card and PIN have been received by the client in the mail ~~during conversion~~, and the benefits have been deposited to the client's EBT account.¶¶

(a) Benefits issued by EBT remain available for client access for 12 calendar months from the date of issuance.¶¶

(b) The EBT system expunges unused benefits after 12 calendar months. These unused benefits are not restored to the client.¶¶

(45) Benefits, once issued, are unrestricted and do not require accountability for individual expenditures or amounts, unless limited elsewhere in rule.¶¶

~~(5) In the TA-DVS program, in addition to section (2) of this rule, a payment issued on behalf of a client is considered to be issued if the Department has mailed or hand-delivered the payment. Benefits in the TA-DVS program are restricted to uses outlined in OAR 461-135-1230.~~¶¶

(6) In the REF program:¶¶

(a) Cash benefits are provided to help meet the basic needs of low-income refugees and may not be used in any electronic benefit transfer transaction (see section (10) of this rule) in--¶¶

(A) Any liquor store (see section (10) of this rule);¶¶

(B) Any casino, gambling casino, or gaming establishment (see section (10) of this rule);¶¶

(C) Any retail establishment which provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment; or¶¶

(D) Any marijuana dispensary.¶¶

(b) The Department will take steps to ensure ~~client~~client individuals have adequate access to their cash benefits.¶¶

(7) In the SFPSS and TANF programs:¶¶

(a) Cash benefits are provided to help meet the basic needs of low-income families with dependent children (see OAR 461-001-0000) and may not be used in any electronic benefit transfer transaction in--¶¶

(A) Any liquor store;¶¶

(B) Any casino, gambling casino, or gaming establishment;¶¶

(C) Any retail establishment which provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment; or¶¶

(D) Any marijuana dispensary.¶¶

(b) The Department will take steps to ensure ~~client~~client individuals have adequate access to their cash benefits.¶¶

(8) For purposes of sections (6) and (7) of this rule:¶¶

(a) "Liquor store" means any retail establishment which sells exclusively or primarily intoxicating liquor. Such term does not include a grocery store which sells both intoxicating liquor and groceries including staple foods (as

defined in section 3(r) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(r)). The term "liquor" includes alcoholic beverages broadly, including beer and wine.¶¶

(b) "Casino, gambling casino, or gaming establishment" means an establishment with a primary purpose of accommodating the wagering of money, and does not include--¶¶

(A) A grocery store which sells groceries including such staple foods and which also offers, or is located within the same building or complex as, casino, gambling, or gaming activities; or¶¶

(B) Any other establishment that offers casino, gambling, or gaming activities incidental to the principal purpose of the business.¶¶

(c) "Electronic benefit transfer transaction" means the use of a credit or debit card service, automated teller machine, point-of-sale terminal, or access to an online system for the withdrawal of funds or the processing of a payment for merchandise or a service.¶¶

(A) "Electronic benefit transfer transaction" includes transactions in Oregon, outside Oregon, and on tribal lands.¶¶

(B) "Electronic benefit transfer transaction" includes using or accessing cash benefits in a private bank account.

Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 411.816, 412.006, 412.014, 412.049

Statutes/Other Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.117, 411.816, 411.837, 412.006, 412.014, 412.049, 412.151

AMEND: 461-190-0197

RULE SUMMARY: OAR 461-190-0197 about Microenterprise Component, is being amended to remove all microenterprise information, to add the definition of microenterprise, and to add the microenterprise component ending date.

CHANGES TO RULE:

461-190-0197

Microenterprise Component-Closure Effective December 31, 2020

~~(1) The microenterprise component is a component in which a TANF client who is self-employed (see OAR 461-145-0910) can meet participation requirements of the JOBS program by working in a microenterprise (see 461-001-0000).~~

~~(2) The Department will authorize a client to participate in the microenterprise component if the client is self-employed in a microenterprise and provides the Department with:~~

~~(a) A business plan for the microenterprise; and~~

~~(b) Approval of the business plan by an expert third party entity such as the United States Small Business Administration, a member program of the Oregon Microenterprise Network, the Service Corps of Retired Executives (SCORE), or an entity approved by the Department.~~

~~(3) The business plan required by section (2) of this rule must include provisions for review of the client's progress in the microenterprise by the approving entity.~~

~~(4) The Department may require a client to participate in other JOBS activities while participating in the microenterprise component. A client participating in the microenterprise component must: For the purposes of this rule, "microenterprise" means a sole proprietorship, partnership, or family business with fewer than five employees and capital needs no greater than \$35,000.~~

~~(a) Participate in the microenterprise component for the number of hours required by the rules of the JOBS program; or~~

~~(b) Participate in the microenterprise component and other JOBS activities identified in the case plan for the number of hours required by the case plan.~~

~~(5) A client participating in the microenterprise component must provide semiannually to the Department a statement of the client's income prepared by a certified public accountant, bookkeeping firm, or other entity approved by the Department according to generally accepted accounting principles and OAR 461-145-0920.~~

~~(6) The Department will not authorize JOBS funds to be used for equipment, supplies, wages, or other business expenses that support the microenterprise ends for all individuals effective December 31, 2020.~~

Statutory/Other Authority: ORS 411.060, 412.049

Statutes/Other Implemented: ORS 411.060, 412.049

AMEND: 461-190-0211

RULE SUMMARY: OAR 461-190-0211 about Case Plan Activities and Standards for Support Services Payments; JOBS, Pre-TANF, REF, REP, SFPSS, TANF; is being amended to change a rule reference and update terminology.

CHANGES TO RULE:

461-190-0211

Case Plan Activities and Standards for Support Service Payments; JOBS, Pre-TANF, REF, REP, SFPSS, TANF ¶

In the JOBS, Pre-TANF, REF, REP, SFPSS, and TANF programs, notwithstanding any other administrative rule in chapter 461 and subject to the availability of state and federal funding, the following special provisions apply:¶

(1) Support services (see OAR 461-001-0025) payments are available to the following individuals who are eligible (see OAR 461-130-0310) to engage in a case plan (see OAR 461-001-0025):¶

(a) An individual who is an adult parent, needy caretaker relative (see OAR 461-001-0000), teen parent (see OAR 461-001-0000), or a minor parent (see OAR 461-001-0000) who is head of household; receiving TANF who is not otherwise exempt (see OAR 461-130-0305) and in accordance with participation requirements in OAR 461-130-0310.¶

(b) An individual who is a recipient of Pre-TANF or SFPSS programs.¶

(c) An individual who is a JOBS volunteer (see OAR 461-130-0310) and has a JOBS case plan.¶

(d) Subject to the limitations in section (8) of this rule, an individual who is receiving REF and participating in REP, who is not otherwise exempt (see OAR 461-130-0305).¶

(2) In approving JOBS program or REP program support services payments, the Department must consider lower cost alternatives. This rule is not intended to supplant Department funding with other funding that is available in the community. The expectation of the Department is that Department staff and individuals work collaboratively to seek resources that are reasonably available to the individual in order to participate in activities.¶

(3) Payment for support services are provided when:¶

(a) Necessary to participate in an approved activity (see OAR 461-001-0025) specified in the individual's case plan;¶

(b) Authorized in advance; and¶

(c) All other provisions of this rule are met.¶

(4) A Department approved activity is eligible for support services payments, except for the following activities:¶

(a) Family Support & Connections,¶

(b) Retention services,¶

(c) Microenterprise (see OAR ~~461-001-0000~~ 461-190-0197), and¶

(d) Stabilized living (see OAR 461-001-0025).¶

(5) In the JOBS, Pre-TANF, SFPSS, and TANF programs, the Department may provide payments for support services for eligible individuals engaged in an approved activity specified in the individual's case plan, subject to provisions in sections (1)(a) through (1)(d) of this rule. Support services payment types are described as follows and are subject to the following limitations:¶

(a) JOBS Incidentals: In kind goods or items provided to individuals by the office to support the goals of the family while participating in the JOBS program.¶

(b) Bus Pass/Tickets: Bus tickets or pass that are issued in person out of office.¶

(c) Bus Payment: Payments issued to the individual to pay for public transportation. Requests for recurring bus payments may not exceed six consecutive months of issuance per request. If the individual's eligibility changes during the six months of recurring payments, timely continuing benefit decision notice (see OAR 461-001-0000) must be sent.¶

(d) Gas Payment: Payments for an individual to pay for transportation costs incurred in travel to and from an approved activity. Requests for recurring gas payments may not exceed six consecutive months of issuance per request. If the individual's eligibility changes during the six months of recurring payments, timely continuing benefit decision notice (see OAR 461-001-0000) must be sent.¶

- (e) Child Care: Payments for child care, as limited by OAR 461-160-0040, if necessary to enable individuals to participate in an approved activity specified in the individual's case plan. If authorized, payment for child care is:¶
 - (A) The lesser of the actual rate charged by the care provider and the rate established in OAR 461-155-0150. The Department rate for children in care less than 158 hours in a month is limited by OAR 461-155-0150.¶
 - (B) The minimum hours necessary, including meal and commute time, for the individual to participate in an approved activity.¶
- (f) Clothing: Payments for clothing items to support the individual to engage in an approved activity.¶
- (g) Moving Expense/Relocation: Payments for housing and utilities expenses. Payments are subject to the following:¶
 - (A) Except as provided in paragraph (C) of this subsection, each payment type (such as rent, mortgage, utility bill, storage fees) is limited to two months per benefit group (see OAR 461-110-0750).¶
 - (B) Except as provided in paragraph (C) of this subsection, this payment is limited to \$3,000 per benefit group for each three-month period.¶
 - (C) With prior manager approval upon verification that an individual has greater needs to stabilize a living situation or prevent homelessness, the Department may approve payments that exceed the limits in paragraphs (A) and (B) of this subsection.¶
- (h) Grooming Needs: Payments for grooming needs for an approved activity.¶
- (i) Professional Fees: Payments for professional fees to support the case plan.¶
- (j) Tools/Equipment: Payments for equipment or tools an individual needs to accept a job offer, or for a work-related activity.¶
- (k) Books/Supplies: Payments for books and supplies an individual needs to engage in an educational activity, including vocational training (see OAR 461-001-0025).¶
- (l) Vocational Training: Payment for tuition and other educational costs for vocational training and self-initiated training (see OAR 461-001-0025), excluding payments for books and supplies. Payments are subject to the following:¶
 - (A) Tuition payments for a vocational training activity are limited to single payments by session as defined by the educational or vocational training entity, such as a term, semester, or quarter.¶
 - (B) Tuition payments for a self-initiated training activity are limited to payments provided through the Education and Training Pilot Program established in HB 2032. These payments will be issued via the contracted partner.¶
 - (C) For tuition payments, lower cost alternatives, as described in section (2) of this rule, must be explored, including the individual pursuing financial aid and other sources of assistance.¶
- (m) Auto Expenses: Payments for auto expenses, repairs, or car insurance to support the goals specified in the individual's case plan. Payments for auto expenses are subject to the following limitations:¶
 - (A) Payments for vehicle repairs may be authorized at the discretion of the district if the cost to repair the individual's vehicle is reasonable in relation to the value of the vehicle and the minimum necessary repairs.¶
 - (B) Payments for car insurance may be authorized for no more than two months in a 12-month period.¶
- (n) Other Payments: When the need is identified and no other sources are available, the Department may provide other payments needed --¶
 - (A) To look for work.¶
 - (B) To accept a job offer.¶
 - (C) To attain a high school diploma or GED.¶
 - (D) That are not otherwise restricted , with manager approval.¶
- (o) None of the following payments are allowed:¶
 - (A) Medical Assistance or medical services.¶
 - (B) Mental health services.¶
 - (C) Alcohol and drug treatment services.¶
 - (D) Professional Services.¶
 - (E) Non-essential items.¶
 - (F) Television and cable.¶

- (G) Fines, reinstatement fees, restitution, legal fees, civil fees, court costs, or other costs associated with a penalty.¶¶
- (H) Purchase of a car, recreational vehicle, or motor home.¶¶
- (I) Any payments described in this rule for individuals employed in, seeking employment in, or engaged in an illegal activity (see OAR 461-120-0215).¶¶
- (J) Pet-related costs.¶¶
- (K) ERDC co-payments.¶¶
- (6) The Department may require an individual to provide verification of a need for, or costs associated with, support services prior to approval and issuance of payments if verification is reasonably available.¶¶
- (7) The Department may reduce, close, or deny in whole or in part a request for support services payments in the following circumstances:¶¶
 - (a) The purpose for the payments is not related to the individual's case plan.¶¶
 - (b) The individual is failing to comply with the case plan or disqualified, unless the payments in question are necessary for the individual to demonstrate cooperation with the individual's case plan.¶¶
 - (c) The individual disagrees with support services payments offered or made by the Department as outlined in the individual's case plan.¶¶
- (8) In the REF and REP programs, the Department may provide payments for support services for individuals eligible for REP engaged in an approved activity specified in the individual's case plan, subject to provisions in section (1)(e). Support services are subject to the following limitations:¶¶
 - (a) Transportation. The Department may provide payments to an individual when transportation costs is for travel to and from an approved REP activity. Payments are only for the cost of public transportation or fuel costs. For fuel costs the individual providing the transportation must report having a valid driver's license and vehicle insurance..¶¶
 - (b) Other Payments. When the need is identified and no other sources are available, the Department may provide other payments needed -¶¶
 - (A) To accept a job offer.¶¶
 - (B) For books and supplies to complete a an approved educational activity.¶¶
 - (c) All other payments are not allowed.

Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 411.121, 412.006, 412.009, 412.014, 412.049, 412.124

Statutes/Other Implemented: ORS 412.016, 412.049, 412.084, 412.124, ORS 291.003, 409.010, 409.040, 411.060, 411.070, 411.121, 412.001, 412.002, 412.006, 412.009, 412.011, 412.014, 45 CFR 233.20

AMEND: 461-190-0310

RULE SUMMARY: OAR 461-190-0310 about Limits to the SNAP Training and Employment Program is being amended to adopt new provisions which allow SNAP participants residing in a drug or alcohol treatment facility to participate in the STEP program. It is also being amended to update terminology.

CHANGES TO RULE:

461-190-0310

Limits to the SNAP Training and Employment Program ¶¶

(1) The OFSET Program ends for all ~~client~~individuals effective September 30, 2019.¶¶

(2) The SNAP Training and Employment Program (STEP) is available to individuals in the SNAP need group (see OAR 461-110-0630) who are:¶¶

(a) 16 or 17 years of age and the primary person (see OAR 461-001-0015) or 18 years of age and older, and¶¶

(b) Not Job Opportunity and Basic Skills (JOBS) program eligible, ~~and~~¶¶

~~(c) Not a resident of a drug or alcohol treatment facility.~~¶¶

(3) For an ABAWD (see OAR 461-135-0520) residing in one of the SNAP time limit areas (see OAR 461-135-0520), the STEP components and activities must meet the following requirements:¶¶

(a) The case plan (see OAR 461-001-0020) may not require more than 20 hours of activities per week.¶¶

(b) Except for Workforce Innovation and Opportunity Act (WIOA) (see OAR 461-001-0020) and Workfare (see OAR 461-190-0500), a ~~client~~individual may not be required to participate in job search (see OAR 461-001-0020) activities more than nine hours per week. The balance of the 20 hours per week must be in work-related or training (not job search) activities.¶¶

(c) The ~~client~~individual may participate in a Workfare program under OAR 461-190-0500.

Statutory/Other Authority: ORS 411.816, ORS 409.050

Statutes/Other Implemented: ORS 411.816, 7 USC 2015, 7 USC 2029, 7 CFR 273.7, 7 CFR 273.24, ORS 409.010