

OFFICE OF THE SECRETARY OF STATE  
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ARCHIVES DIVISION  
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**NOTICE OF PROPOSED RULEMAKING**  
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 461  
DEPARTMENT OF HUMAN SERVICES  
SELF-SUFFICIENCY PROGRAMS

**FILED**  
01/28/2021 10:40 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Proposing Permanent Amendments to 17 rules about Self-Sufficiency Programs

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 03/22/2021 11:55 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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Eugene, OR 97408

Filed By:  
Meorah Solar  
Rules Coordinator

HEARING(S)

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

DATE: 02/22/2021

TIME: 4:00 PM - 5:00 PM

OFFICER: Meorah Solar

ADDRESS: No Physical Location due to  
COVID-19

Phone 1-971-277-2343, code  
787124875#

Or Contact Meorah Solar for Teams

Link

By Phone, OR 0

SPECIAL INSTRUCTIONS:

Everyone has a right to know about and use Oregon Department of Human Services (ODHS) programs and services. DHS provides free help. Some examples of the free help ODHS 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):

OARs 461-130-0305, 461-130-0310, 461-135-0075, 461-135-0475, 461-135-1250, 461-135-1260, 461-145-0320, 461-145-0410 need to be amended to remove the Post-TANF program, which is not in operation and whose funding ended in April of 2012; and to make clear information about other employment programs and program names. The changes improve rule accuracy and reduce confusion.

OARs 461-135-0220, 461-135-0440, and 461-135-0660 need to be amended to make permanent, temporary changes regarding ODHS program operating during COVID-19, that have been filed within the last 180 days. They also need to be amended to adopt changes made after the temporary rules were filed regarding ODHS program operating during COVID-19. This will ensure that amendments that need to continue during the pandemic will remain.

OARs 461-135-0493 and 461-135-0494 need to be amended to make permanent temporary changes regarding the DSNAP program, excluding provisions that were specific to COVID-19. It also needs to be amended to add clarity regarding DSNAP for individuals with SNAP.

OAR 461-135-0520 needs to be amended to permanently adopt temporary provisions regarding time limits for individuals considered an ABAWD and the Oregon time limit and time limit areas.

OAR 461-145-0087 needs to be amended to permanently adopt temporary rule provisions regarding treatments of certain types of income authorized under the Coronavirus Aid, Relief, and Economic Security (CARES) Act.

OAR 461-180-0120 needs to be amended to permanently adopt temporary rule provisions regarding effective dates for removing an individual from a program's benefit group.

OAR 461-190-0310 needs to be amended to permanently adopt temporary rule provisions regarding to which individuals the SNAP Training and Employment Program (STEP) is available.

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DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

Food and Nutrition Service "Supplemental Nutrition Assistance Program (SNAP) – Oregon Request to Waive Able-Bodied Adults Without Dependents (ABAWDs) Time Limit – Approval" available from SNAP Policy Analyst Team

Any documents regarding SNAP Training and Employment Program participant age requirements available from SNAP and Employment and Training Policy Analyst Team

Presidential Proclamation on Declaring a National Emergency, available here: <https://www.whitehouse.gov/presidential-actions/proclamation-declaring-national-emergency-concerningnovelcoronavirus-disease-covid-19-outbreak/>

USDA "Supplemental Nutrition Assistance Program – Questions and Answers, COVID-19, Set #1," available at:  
<https://fns-prod.azureedge.net/sites/default/files/resource-files/SNAP-COVID-QA1.pdf>

Public Law 116-127 Families First Coronavirus Response Act, available at:  
<https://www.congress.gov/116/plaws/publ127/PLAW-116publ127.htm>

Any Food and Nutrition Service guidance regarding treatment of Federal Pandemic Unemployment Compensation available from SNAP Policy Analyst Team

Any documents relied upon are available from the ERDC Policy Analyst Team.

Covid-19 Extended Assistance for ORR Populations; Policy Letter 20-06, available here:  
[https://www.acf.hhs.gov/sites/default/files/orr/pl\\_20\\_06\\_extended\\_assistance\\_for\\_orr\\_populations\\_affected\\_by\\_covid.pdf](https://www.acf.hhs.gov/sites/default/files/orr/pl_20_06_extended_assistance_for_orr_populations_affected_by_covid.pdf)

Governor's state of emergency declaration on 3/8/2020 in response to the COVID -19 pandemic, available here:  
[https://govsite-assets.s3.amazonaws.com/jkAULYKcSh6DoDF8wBM0\\_EO\\_20-12.pdf](https://govsite-assets.s3.amazonaws.com/jkAULYKcSh6DoDF8wBM0_EO_20-12.pdf)

Governor's fourth extension of executive order 20-03 and COVID 19 state of emergency until January 2nd 2021 response to the COVID -19 pandemic, available here: [https://www.oregon.gov/gov/Documents/executive\\_orders/eo\\_20-59.pdf](https://www.oregon.gov/gov/Documents/executive_orders/eo_20-59.pdf)

TANF-ACF-PI-2020-01 (Questions and answers about TANF and the Coronavirus Disease 2019 (COVID-19) pandemic), available here: <https://www.acf.hhs.gov/ofa/resource/tanf-acf-pi-2020-01>

American Public Human Services Association - Policy Levers for State Human Service Agencies in Response to COVID-19, available here: <https://files.constantcontact.com/391325ca001/09c14e28-eba2-4042-8d4f-c039289689bd.pdf>

Office of the Governor, State of Oregon Executive order N. 20-65, Temporary Freeze to Address surge in Covid-19 Cases in Oregon, available here: [https://www.oregon.gov/gov/Documents/executive\\_orders/eo\\_20-65.pdf](https://www.oregon.gov/gov/Documents/executive_orders/eo_20-65.pdf)

Communications between Food and Nutrition Service and SNAP analysts, including waivers, available from the SNAP Policy Team.

SNAP COVID-19 Emergency Allotments Guidance, located here: <https://www.fns.usda.gov/snap/covid-19-emergencyallotments-guidance>

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

FNS Disaster Assistance, Oregon Disaster Nutrition Assistance, located here: <https://www.fns.usda.gov/disaster/oregon-disaster-nutrition-assistance>

Oregon Disaster State Plan is available from SNAP Policy.

Documents available from the ODHS SSP Rules Coordinator.

Communications regarding this rule change, including but not limited to communications with the Department of Education, the lead agency for the Child Care Development Fund, and the Governor's Office; are available from the ERDC Policy Analyst Term.

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#### FISCAL AND ECONOMIC IMPACT:

The Department estimates that amending OARs 461-130-0305, 461-130-0310, 461-135-0075, 461-135-0475, 461-135-0493, 461-135-0494, 461-135-0660, 461-135-1250, 461-135-1260, 461-145-0320, 461-145-0410, and 461-180-0120 will have no fiscal impact on clients, the public, the Department, other state agencies, local government, and business, including small business. There is no cost of compliance for small businesses. No small businesses are subject to this rule.

The Department is unable to estimate the exact fiscal impact of amending OAR 461-135-0220 because it is unknown how many individuals will choose to apply for program benefits, or how many individuals will qualify for benefits due to the continued suspension of resource limits, however, the Department expects a positive fiscal impact to clients or applicants. For the same reasons, the Department is unable to estimate the exact fiscal impact on the Department, but anticipates it would be negative if anything. Department estimates that the only possible fiscal impact on other state agencies or local government would be positive and only if any of these organizations were assisting individuals who will now qualify for assistance given these rule amendments. The Department estimates no fiscal impact to business including small business. There is no cost of compliance for small business.

The Department is unable to estimate the exact fiscal impact of amending OAR 461-135-0440 because it is unknown how many individuals will choose to apply for program benefits. The Department expects a positive fiscal impact to clients or applicants. We can estimate the cost of continuing to waive the ERDC copay based on the average copay of \$277 per case. This figure was determined by averaging the copays for all families receiving ERDC for the 8 months prior to the beginning of the waived copay for ERDC cases, July 1, 2019 through February 29, 2020. This means the average family accessing ERDC has a positive fiscal impact of \$277 per month.

The exact collective fiscal impact on providers is unknown as there is no data on how many providers will choose to bill for days or retroactive payment that would have been denied under previous rule, however, the Department expects a positive fiscal impact to providers. For the same reasons, the Department is unable to estimate the exact total fiscal impact on the Department, but anticipates it will be negative. The Department estimates no fiscal impact on other state agencies, local government, and business, including small business. There is no cost of compliance for small businesses. No small businesses are subject to this rule.

The Department is unable to estimate the exact fiscal impact of amending OAR OAR 461-135-0520 on individuals applying for or receiving SNAP because it is unknown how many ABAWDs would have chosen to participate or not participate in SNAP time limit areas, however, the Department anticipates a general positive fiscal impact on any of those individuals, and that the max individual positive fiscal impact is \$204 per month. The Department anticipates no fiscal impact on the Department, other state agencies, local government, and business, including small business. There is no cost of compliance for small businesses. No small businesses are subject to this rule.

The Department anticipates a positive fiscal impact on clients or applicants by amending OARs 461-145-0087 and 461-190-0310, but is unable to estimate the exact fiscal impact. For 461-145-0087, this is because it is not known how many individuals with FPUC will apply for different programs, whose eligibility may be different due to the new FPUC exclusions. For 461-190-0310, this is because it's unknown how many individuals who newly qualify to participate in STEP will choose to, or what costs they would have paid that will now be offset. The Department estimates that these amendments will have no fiscal impact on the SNAP Program, but is unable to anticipate an exact fiscal impact on the Department for the same reasons listed above regarding client or applicant fiscal impact. The Department estimates that the only fiscal impact on other state agencies or local government would be positive if any of these organizations were assisting individuals who will now qualify for assistance given these rule amendments. The Department estimates no fiscal impact to business including small business. There is no cost of compliance for small business.

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**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 above under Fiscal and Economic Impact

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**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.

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

The Department was unable to hold a formal RAC previous to the February 1, 2021 publishing date due to rules added to this filing quite late. The Department is holding a meeting in early February, and inviting those who would have been invited to the RAC, to review all information and edits in this filing.

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**RULES PROPOSED:**

461-130-0305, 461-130-0310, 461-135-0075, 461-135-0220, 461-135-0440, 461-135-0475, 461-135-0493, 461-135-0494, 461-135-0520, 461-135-0660, 461-135-1250, 461-135-1260, 461-145-0087, 461-145-0320, 461-145-0410, 461-180-0120, 461-190-0310

AMEND: 461-130-0305

RULE SUMMARY: OAR 461-130-0305 about General Provisions; Employment Programs, is being changed to remove mentions of the Post-TANF program, to correct the name of the SNAP employment program, and to make clear information about employment programs.

CHANGES TO RULE:

461-130-0305

General Provisions; Employment Programs ¶¶

(1) This division of rules states:¶¶

(a) The requirements for an individual participating in the employment programs of the ~~Post-TANF~~, Pre-TANF, REF, SNAP, and TANF programs. The employment programs are the Jobs Opportunity and Basic Skills (JOBS), REP, and SNAP ~~Employment and Training~~Training and Employment Program (see OAR 461-001-0020) ~~employment programs~~. (The employment and training requirements for ABAWD individuals in the SNAP program are also covered in OAR 461-135-0520.)¶¶

(b) The effect of a labor strike on the eligibility of an individual for program benefits.¶¶

(2) The following definitions apply to OAR 461-130-0305 through 461-130-0335 and OAR 461-135-0520:¶¶

(a) "Exempt" means:¶¶

(A) In all programs except the TANF program, an individual who the Department determines is not mandatory (see subsection (b) of this section) for an employment program in accordance with OAR 461-130-0310.¶¶

(B) In the TANF program, a parent (see OAR 461-001-0000) or caretaker relative (see OAR 461-001-0000) in the need group (see OAR 461-110-0630) who meets a federal exemption (see OAR 461-130-0310). "Exempt" individuals are not eligible to participate in the JOBS program.¶¶

(b) "Mandatory" means:¶¶

(A) In all programs except the SNAP and TANF programs, an individual in the need group who the Department determines must participate in an employment program in accordance with OAR 461-130-0310.¶¶

(B) In the SNAP program, an individual in the need group who the Department determines must register for an employment program in accordance with OAR 461-130-0310.¶¶

(C) In the TANF program, mandatory participants, who are not otherwise federally exempt, are JOBS eligible individuals in the need group who the Department determines must participate in an employment program in accordance with OAR 461-130-0310.¶¶

(c) "Volunteer" means:¶¶

(A) An individual who is not mandatory and chooses to participate in an employment program.¶¶

(B) The following individuals may volunteer to participate in an employment program:¶¶

(i) In the SNAP program, an individual who is an ABAWD living in one of the SNAP time limit exempt areas (see OAR 461-135-0520) who is either exempt (see subsection (a) of this section) or mandatory and chooses to participate in SNAP ~~Employment and Training~~Training and Employment Program.¶¶

(ii) An individual who is not an ABAWD and is either exempt or mandatory and chooses to participate in SNAP ~~Employment and Training~~Training and Employment Program.¶¶

(iii) In the TANF program, a JOBS volunteer is an individual who is federally mandatory and eligible to participate in an employment program, but who may not be disqualified as they meet a state exemption according to OAR 461-130-0310.¶¶

(iv) In the REF program, an REP volunteer is an individual who is exempt (see subsection (a) of this section) and chooses to participate in the REP program.¶¶

(3) An individual must provide the information necessary for the Department to determine each of the following:¶¶

(a) The participation classification of the individual (see OAR 461-130-0310);¶¶

(b) The level of participation of the individual; and¶¶

(c) If applicable, whether an individual had good cause (see OAR 461-130-0327) for any failure to meet a requirement of an employment program.¶¶

(4) In the SNAP program, a mandatory individual (see OAR 461-130-0310(3)(b)) is registered for the employment program when a member of the filing group (see OAR 461-110-0370) or an authorized representative (see OAR 461-115-0090 and 461-115-0140) signs the SNAP program application.

Statutory/Other Authority: ORS 409.050, 411.060, 411.816, 412.006, 412.009, 412.049

Statutes/Other Implemented: ORS 409.010, 411.060, 411.816, 412.006, 412.009, 412.049

AMEND: 461-130-0310

RULE SUMMARY: OAR 461-130-0310 about Participation Classifications: Exempt, Mandatory, and Volunteer, is being amended to remove the Post-TANF program and to clarify SNAP employment program information.

CHANGES TO RULE:

461-130-0310

Participation Classifications: Exempt, Mandatory, and Volunteer ¶¶

(1) In the ~~Post-TANF~~, Pre-TANF, REF, SNAP, and TANF programs:¶¶

(a) The Department assigns an individual to one or more employment program participation classifications: exempt, mandatory, and volunteer (see OAR 461-130-0305 for definitions of all three terms).¶¶

(b) Notwithstanding OAR 461-130-0503(2)(c), ~~in the Post-TANF program~~ or while receiving Employment Payments (see OAR 461-001-0025) under OAR 461-135-1270, an individual is classified as a volunteer.¶¶

(2) In the Pre-TANF and TANF programs:¶¶

(a) An individual in the need group (see OAR 461-110-0630) is JOBS exempt from employment program participation and disqualification if the individual meets the requirements of at least one of the following paragraphs. The individual is -¶¶

(A) A parent (see OAR 461-001-0000) providing care for a family member who is an individual with a disability (see OAR 461-001-0000) and is in the household group (see OAR 461-110-0210) with the parent. Medical documentation to support the need for the care is required.¶¶

(B) A noncitizen who is not authorized to work in the United States.¶¶

(C) An individual who is eligible for and receives supplemental security income (SSI) from the Social Security Administration.¶¶

(D) A caretaker relative (see OAR 461-001-0000) who is non-needy.¶¶

(b) A caretaker relative of a dependent child or unborn who receives TANF program benefits is JOBS eligible if the caretaker relative is in the same filing group with the dependent child (see OAR 461-001-0000) or unborn (even if the caretaker relative is not in the TANF program benefit group under OAR 461-110-0750), unless the caretaker relative is otherwise JOBS exempt from participation under subsection (a) of this section.¶¶

(c) A JOBS volunteer is an individual who is federally mandatory and eligible to participate in an employment program, but who may not be disqualified as they meet at least one of the following state exemptions:¶¶

(A) Pregnant and the pregnancy has reached the first of the calendar month prior to the month in which the due date falls.¶¶

(B) Pregnant and experiencing medical complications due to the pregnancy that prohibit participation in activities of the program and are documented by a qualified and appropriate professional.¶¶

(C) A parent, who is 20 years old and older, or has a high school diploma or GED and is age 18 or 19, during the first six months after the birth of the parent's dependent child except that the Department may require the parent to participate in parenting classes or a family stability activity (see OAR 461-001-0000). An exemption allowed under this paragraph may apply only to one JOBS Eligible participant in each filing group (see OAR 461-110-0330).¶¶

(D) A parent under age 20 years old without a high school diploma or GED, during the first 16 weeks after the birth of the parent's dependent child except that the Department may require the parent to participate in parenting classes, a family stability activity, or an educational track if the parent has not completed high school, GED, or equivalency program.¶¶

(E) An individual whose participation is likely to cause undue hardship or is contrary to the best interests of the dependent child or needy caretaker relative.¶¶

(F) Pregnant and participating more than 10 hours per week during the first two months of the third trimester.¶¶

(G) A VISTA volunteer.¶¶

(3) In the SNAP program:¶¶

(a) An individual is exempt from registration in an employment program and disqualification if the individual meets



the requirements of one of the following paragraphs. The individual is:¶

(A) An individual with a physical, mental, or behavioral health condition that prevents performance of work or the ability to obtain or maintain employment, including but not limited to:¶

(i) Having a disability (see OAR 461-001-0015) or receiving disability income, or has applied for disability benefits pending a decision or is in the appeal process.¶

(ii) Pregnant and a medical practitioner has limited their work due to medical complications related to the pregnancy.¶

(iii) Receiving "wrap-around services" focused on physical or mental health. "Wrap-around services" means a range of services provided by a Community Based Organization (CBO) addressing a participant's needs which include medical or health issues preventing a participant from obtaining or maintaining employment.¶

(B) Responsible for the care of a child (see OAR 461-001-0000) in the filing group under 6 years of age.¶

(C) Responsible for the care of an individual with an incapacity that substantially reduces or eliminates the individual's ability to care for themselves, and providing this care prevents the participant from obtaining or maintaining employment.¶

(D) A student enrolled at least half-time, as defined by the school, in any high school or equivalent program recognized by a school district or enrolled at least half-time in any school, training program, or institution of higher education. An individual remains exempt during normal periods of class attendance, vacation, and recess but no longer qualifies for the student exemption when a break in enrollment occurs due to graduation, suspension or expulsion, or when the student drops out of school or does not enroll in classes for the next regular school term (excluding summer term).¶

(E) A regular participant in a drug addiction or alcoholic treatment and rehabilitation program.¶

(b) An individual is mandatory for registration in an employment program and the requirements in OAR 461-130-0315 if the individual meets the requirements of one of the following paragraphs. These individuals may be disqualified under OAR 461-130-0330 for failing to meet the requirements in OAR 461-130-0315. The individual is not required to participate in any SNAP employment and training pTraining and Employment Program and is not subject to the SNAP time limit under OAR 461-135-0520. The individual is:¶

(A) Working a minimum of 30 hours a week or earning money equal to at least the federal minimum wage multiplied by 30 hours per week multiplied by 4.3 weeks. An individual who is self-employed with allowable costs must meet the earnings threshold after allowing the 50 percent deduction. This includes migrant and seasonal farm workers (see OAR 461-001-0015) who are under contract or similar agreement with an employer or crew chief to begin employment within 30 days.¶

(B) Engaged in the TANF JOBS program under Title IV-A of the Social Security Act. ¶

(C) In receipt of unemployment insurance benefits, has completed an application for unemployment insurance benefits and is waiting for an initial decision on the claim, or is participating in at least one of the following Employment Department training programs: ¶

(i) The Trade Readjustment Allowance (TRA) program serving displaced workers under the Trade Act. ¶

(ii) The Training Unemployment Insurance (TUI) program. ¶

(iii) The Self-Employment Insurance (SEA) program. ¶

(iv) The Apprenticeship Program (APT).¶

(c) A mandatory client is an individual in the need group (see OAR 461-110-0630); who is 16 or 17 years of age and a primary person (see OAR 461-001-0015), or 18 years of age and older and 59 years of age and younger; and who is not exempt under subsection (a) of this section.¶

(4) In the REF program, an individual in the need group is exempt from the REP program participation and disqualification if the individual meets the requirements of at least one of the following subsections. The individual is -¶

(a) 65 years of age or older.¶

(b) An individual providing care for a family member who is in the household group and has a disability (see OAR 461-001-0000). Medical documentation to support the need for the care is required. ¶

(c) An individual whose participation is likely to cause undue hardship to that individual.¶

(d) Pregnant and the pregnancy has reached the first of the calendar month prior to the month in which the due date falls.¶

(e) Pregnant and experiencing medical complications due to the pregnancy that prohibit participation in activities of the program and are documented by a qualified and appropriate professional.¶

(f) Pregnant and participating more than 10 hours per week during the first two months of the third trimester.

Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 411.816, 412.006, 412.009, 412.014, 412.049

Statutes/Other Implemented: ORS 409.010, 409.750, 411.060, 411.070, 411.816, 411.837, 412.006, 412.009,

412.014, 412.049, 7 USC 2015(d), 7 CFR 273.7

AMEND: 461-135-0075

RULE SUMMARY: OAR 461-135-0075 about TANF Time Limit; Exemptions, is being amended to remove the Post-TANF program.

CHANGES TO RULE:

461-135-0075

TANF Time Limit; Exemptions ¶

(1) The following months do not count toward the accrual of the time limit in OAR 461-135-0071:¶

(a) Months prior to July 1, 2003 in which a minor parent (see OAR 461-001-0000) head of household or an adult received a TANF grant in Oregon or another state.¶

(b) Months between July 1, 2003 and September 30, 2007 in which a minor parent head of household or adult received TANF in Oregon; and¶

(A) Participated in required JOBS activities or other education, employment, or job training program including teen parent (see OAR 461-001-0000) programs; or¶

(B) Was not required to participate in JOBS activities or other education, employment, or job training program including teen parent programs.¶

(c) Months between October 1, 2007 and June 30, 2009 and months between October 1, 2011 and April 30, 2012 in which the filing group (see OAR 461-110-0330) is a two-parent family receiving cash assistance in Oregon for which deprivation is based on unemployment or underemployment.¶

(d) Months beginning October 1, 2007 in which a minor parent head of household or adult received aid in Oregon and is a participant in the Degree Completion Initiative (DCI) activity (see OAR 461-001-0025) enrolled in an educational institution.¶

(e) Months beginning October 1, 2008 in which a minor parent head of household or adult received aid in Oregon and is a participant in the Parents as Scholars (PAS) activity (see OAR 461-001-0025) enrolled in an educational institution consistent with OAR 461-190-0199.¶

(f) Months between October 1, 2007 and March 31, 2016 in which the individual is unable to obtain or maintain employment for a sufficient number of hours in a month to satisfy the federally required participation rates (see OAR 461-001-0025) because the individual:¶

(A) Was a victim survivor of domestic violence (see OAR 461-001-0000);¶

(B) Had a certified learning disability;¶

(C) Had a verified alcohol and drug or mental health condition;¶

(D) Had a child (see OAR 461-001-0000) with a disability (see OAR 461-001-0000), which prevented the parent (see OAR 461-001-0000) from obtaining or keeping employment;¶

(E) Was an individual with a disability;¶

(F) Was providing care for a family member who lived in the home and was an individual with a disability;¶

(G) Was deprived of needed medical care; or¶

(H) Was subjected to battery or extreme cruelty. For purposes of this rule, an individual was subjected to battery or extreme cruelty if the individual was subjected to one or more of the following:¶

(i) Physical acts that resulted in, or threatened to result in, physical injury to the individual.¶

(ii) Sexual abuse.¶

(iii) Sexual activity involving a dependent child.¶

(iv) Being forced as the caretaker relative (see OAR 461-001-0000) of a dependent child (see OAR 461-001-0000) to engage in nonconsensual sexual acts or activities.¶

(v) Threats of, or attempts at, physical or sexual abuse.¶

(vi) Mental abuse.¶

(vii) Neglect or deprivation of medical care.¶

(g) Months beginning July 1, 2003 in which the parent or needy caretaker relative resided in Indian Country (as defined in 18 U.S.C. 1151) and 50 percent or more of the adult residents of that area were unemployed. The

Department considers an individual to meet the requirements of this subsection if:¶¶

(A) The individual resides on an Indian reservation, tribal allotment, or Dependent Indian Community as defined by the Bureau of Indian Affairs; or¶¶

(B) The individual is a member of one of the nine federally-recognized tribes in Oregon and resides in a county listed in subparagraph (ii) of this paragraph.¶¶

(i) The nine federally-recognized tribes in Oregon are Burns Paiute Tribe; Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians; Confederated Tribes of the Grand Ronde Community of Oregon; Confederated Tribes of the Siletz Indians; Confederated Tribes of the Umatilla Reservation; Confederated Tribes of Warm Springs; Coquille Indian Tribe; Cow Creek Band of the Umpqua Tribe of Indians; and Klamath Tribes.¶¶

(ii) The following Oregon counties are covered under paragraph (B) of this subsection for October 1, 2017 to September 30, 2018: Coos, Crook, Curry, Douglas, Josephine, and Lincoln.¶¶

(h) Months beginning October 1, 2007 in which the minor parent head of household or adult is a participant in the JOBS Plus, Pre-TANF, ~~Post-TANF~~, or SFPSS program.¶¶

(i) Months beginning October 1, 2007 in which the individual who is now a parent or pregnant was in that month a minor child and neither the head of a household nor married to the head of a household.¶¶

(j) Months beginning October 1, 2011 in which the minor parent head of household or adult is a participant in the JPI program.¶¶

(k) Months in which the minor parent head of household or adult is a recipient of Employment Payments (see OAR 461-001-0025 and 461-135-1270) unless a TANF payment was issued in the same month.¶¶

(l) Months between July 1, 2008 and April 30, 2012 in which the individual did not qualify for any other TANF time-limit exemption under this rule, and was unable to obtain or maintain employment for a sufficient number of hours in a month to satisfy the federally required participation rates (see OAR 461-001-0025) when Oregon's statewide average unemployment rate as published by the Oregon Employment Department was equal to or greater than seven percent. For purposes of this rule, this determination:¶¶

(A) Through December 31, 2011 is calculated based on a six-month period as follows:¶¶

(i) The time period during July 1, 2008 through June 30, 2009 was based on Oregon's statewide average unemployment rate as published by the Oregon Employment Department for the period July 1, 2008 through December 31, 2008.¶¶

(ii) In each six-month period, starting July 1, 2009 and ending December 31, 2011:¶¶

(I) The time period during January 1 through June 30 was based on Oregon's statewide average unemployment rate as published by the Oregon Employment Department for the period April 1 through September 30 of the preceding year.¶¶

(II) The time period during July 1 through December 31 was based on Oregon's statewide average unemployment rate as published by the Oregon Employment Department for the period October 1 through December 31 of the preceding year and January 1 through March 31 of the current year.¶¶

(B) From January 1, 2012 through April 30, 2012 was based on Oregon's statewide average unemployment rate as published by the Oregon Employment Department for the period April 1 through September 30, 2011.¶¶

(2) Months that did not count toward the time limit based on a condition described in paragraphs (1)(f)(B) to (1)(f)(F) of this rule require documentation from a licensed or certified professional qualified to make such a determination.

Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 412.006, 412.049, 412.079

Statutes/Other Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.117, 412.049, 412.079

AMEND: 461-135-0220

RULE SUMMARY: OAR 461-135-0220 about REF, REFM, and TANF Programs; COVID-19, is being amended to extend COVID-19 resource limit provisions past November 30, 2020, to make clear how certain REF program payments shall be made, and to amend certain REF program eligibility limit provisions for individuals meeting certain criteria. The rule is also being amended to expand the definition of client error overpayment for the REF program and to adopt changes to the REF, REFM, and TANF programs due to COVID-19.

CHANGES TO RULE:

461-135-0220

REF, REFM, and TANF Programs; COVID-19

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

(1) Notwithstanding OAR 461-115-0040(2), the "filing date" may be established telephonically by the Department making record of:¶

(a) The name of the applicant, and their authorized representative (see OAR 461-115-0090) if one exists,¶

(b) The applicant's address,¶

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

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

(e) The date the above occur. ¶

(2) Any individual may apply for REF, REFM, or TANF benefits using the Department approved "telephonic application" (see section (3) of this rule) and "narrated telephonic signature" (see section (4) of this rule) processes. An individual submitting a telephonic application must submit the application with a narrated telephonic signature.¶

(3) A telephonic application is accepted if the following requirements are met: ¶

(a) All questions on the application are answered.¶

(b) All information necessary to determine eligibility (see OAR 461-001-0000) and benefit amount is provided for each individual in the filing group (see OAR 461-110-0310). ¶

(c) The applicant or their authorized representative provides a narrated telephonic signature as defined in this rule. ¶

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

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

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

(A) "Information about cash benefits,"¶

(B) "Information about TANF program penalties,"¶

(C) "Information about all programs," and¶

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

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

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

(e) The applicant or their authorized representative affirms that they:¶

(A) Have heard and understand their rights and responsibilities; ¶

(B) Agree to their rights and responsibilities;¶

(C) Have given true, correct, and complete information to the Department; and¶

(D) States their full name as their signature.¶

(f) The Department makes record of the narrated telephonic signature.¶

(5) The Department determines eligibility at least once every six months when telephonic application and narrated telephonic signature are used.¶

(6) The Department amends the resource limit for the REF, REFM, and TANF programs (see OAR 461-160-0015(6) and (8)) ~~until November 30, 2020~~, as follows:¶

(a) \$2,500 for a need group (see OAR 461-110-0630) with every caretaker relative (see OAR 461-001-0000) serving an intentional program violation (see OAR 461-195-0601). ¶

(b) \$10,000 for new applicants and all other need groups (see OAR 461-110-0630).¶

(7) In the REF program, notwithstanding the provisions in OAR 461-190-0211(1)(d) and (8), the Department may authorize payments, to be made through partner agencies, for housing, utilities, and other emergency expenses for individuals who are within 60 months of being granted an eligible noncitizen status as defined in OAR 461-120-0125(5). Eligibility for payments are subject to the following requirements:¶

(a) Individuals are not eligible for payments if they:¶

(A) Are currently enrolled in the Matching Grant program.¶

(B) Have received any other subsidized payment for the same expense for the same month.¶

(b) The income of the financial group (see OAR 461-110-0530) must have been negatively affected by COVID-19.¶

(c) The gross income of the financial group shall not exceed 250 percent of the federal poverty level as listed OAR 461-155-0180. ¶

(d) The resource limit of the financial group must meet section (6) of this rule. ¶

(e) The sum of all assistance payments under this section must not exceed \$2500 per filing group (see OAR 461-110-0430). ¶

(f) Payments shall be made through partner agencies designated by the Department and are subject to availability of funding.¶

(8) The following provisions apply to individuals issued an immigration status listed under OAR 461-120-0125(5) between April 1, 2019 and May 31, 2020:¶

(a) The eight-month program eligibility limit stated in OAR 461-135-0090(4), OAR 461-135-0930(3) and (6), and OAR 461-195-0621(4)(c) is extended to January 31, 2021, provided:¶

(A) All other financial and non-financial eligibility requirements for REF are met, and¶

(B) The income or employability of the financial group was negatively affected by COVID-19.¶

(b) A filing group that establishes a filing date (see OAR 461-115-0040) between December 1, 2020 and December 31, 2020, shall receive REF benefits for the months of October and November 2020 if:¶

(A) All financial and non-financial eligibility requirements for REF are met for the months of October and November 2020,¶

(B) The filing group did not already receive REF benefits for October and November 2020, and¶

(C) The filing group was not in a Matching Grant Program during the months of October and November 2020.¶

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

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

Statutes/Other Implemented: ORS 409.010, 411.060, 411.070, 411.081, 411.083, 411.087, 412.006, 412.049, 412.064, 45 CFR 206.10, 45 CFR 400.155, 45 CFR 261.11

AMEND: 461-135-0440

RULE SUMMARY: OAR 461-135-0440 about Child Care Benefit Eligibility and Payment; COVID-19, is being changed to extend the \$0 monthly child care copay, to make it more clear that a provision in the rule is for COVID-19 related circumstances, and to place into rule the provisions regarding the Oregon wildfires that occurred during the pandemic. The rule is also being amended to adopt the one time payment provisions, the changes around training and certification requirements when not offered in the preferred language of the provider, and to make clear when providers may receive retroactive payment. The rule is also being changed to adopt changes to Child Care Benefit Eligibility and Payment due to COVID-19.

CHANGES TO RULE:

461-135-0440

Child Care Benefit Eligibility and Payment; COVID-19

The provisions in this rule apply to child care benefits and requirements for child care providers in the ERDC and TANF programs.¶

(1) The Department suspends the following rules or rule sections regarding the ERDC or TANF programs:¶

(a) OAR 461-155-0150(5), (5)(c), (5)(e) through (5)(h), (12) through (14);¶

(b) OAR 461-160-0040(4);¶

(c) OAR 461-160-0193(2);¶

(d) OAR 461-160-0300(2), (3)(b);¶

(e) OAR 461-135-0405(2); and¶

(f) OAR 461-155-0150(3), (3)(g).¶

(2) The Department amends the following rule sections regarding the ERDC or TANF programs as provided in this rule:¶

(a) OAR 461-165-0160(2)(f).¶

(b) OAR 461-165-0180(13)(a)(A), and¶

(~~b~~c) OAR 461-170-0160(1), (2), (3).¶

(3) The ERDC monthly countable income (see OAR 461-001-0000) standard is the 250 percent FPL or 85 percent state median income (SMI), whichever is higher, described under OAR 461-155-0180. To be eligible, the countable income of the need group (see OAR 461-110-0630) must be less than:¶

(a) The standard listed for the number of individuals in the need group for groups of eight or fewer.¶

(b) The standard listed for eight individuals in the need group for groups of more than eight individuals.¶

(4) ~~The monthly copay is \$0.~~ Beginning the month of March 2020, the monthly copay is \$0 for the entirety of the certification period (see OAR 461-001-0000), for cases whose certification period begins on or before October 31, 2020.¶

(5) The Department shall pay for:¶

(a) Absent days each month the child is absent. For the purposes of this rule, absent days will be paid for up to 31 days each month if:¶

(A) The child was scheduled to be in care,¶

(B) The provider bills for the time the child was scheduled to be in care, and¶

(C) It is the provider's policy to bill all families for absent days.¶

(b) Days a child is unable to attend care due to a temporary shutdown related to COVID-19 during the COVID-19 state of emergency period initiated by Executive Order 20-03 of the Governor of Oregon.¶

(c) Days a school-age child is attending child care and participating in distance learning due to concerns, school closures, or medical reasons related to COVID-19.¶

(d) For the months of September, October, and November of 2020; days a child is unable to attend care due to a temporary shutdown related to Oregon wildfires during the COVID-19 state of emergency period initiated by Executive Order 20-03 of the Governor of Oregon; if the location at which care is provided was in an:¶

(A) Evacuation Level 1, 2, or 3 area; or¶

(B) Area with an Air Quality Index of 101 or higher.¶

(e) A one-time supplemental payment of one of the following:¶

(A) In the amount of \$2,312.00 to child care providers who, at the time the Department completed the data pull on November 13, 2020, met the following criteria:¶

(i) Eligible for payment under OAR 461-165-0180.¶

(ii) Designation of a license-exempt standard family or enhanced family provider as identified by a Standard Family Rate provider type (see OAR 461-155-0150) or an Enhanced Family Rate provider type (see OAR 461-155-0150), and¶

(iii) Received a payment from the Department for child care provided during April, May, June, July, August, September, October, or November 2020.¶

(B) In the amount of \$2,842.00 to child care providers who, at the time the Department completed the data pull on November 13, 2020, met the following criteria:¶

(i) Met all criteria in subparagraph (5)(e)(A)(i) through (iii) of this rule, and¶

(ii) Have not received an Emergency Child Care grant from the Oregon Department of Education, Early Learning Division for either phase one or phase two.¶

(6) In addition to provisions in OAR 461-170-0160, an individual may apply for ERDC benefits using the Department approved "telephonic application" (see section (7) of this rule) and "narrated telephonic signature" (see section (8) of this rule) processes. An individual submitting a telephonic application must submit the application with a narrated telephonic signature.¶

(7) A telephonic application is accepted when the following requirements are met: ¶

(a) All ERDC program related questions on the application are answered.¶

(b) All information necessary to determine eligibility (see OAR 461-001-0000) and benefit amount is provided for each individual in the filing group (see OAR 461-110-0310). ¶

(c) The applicant or their authorized representative (see OAR 461-115-0090) provides a narrated telephonic signature as defined in this rule. ¶

(8) A narrated telephonic signature is accepted for an application for ERDC benefits when the Department makes record that the following requirements are met:¶

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

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

(A) "Information about all programs," and¶

(B) "Information about your rights and responsibilities." ¶

(c) The applicant or their authorized representative affirms that they:¶

(A) Have heard and understand their rights and responsibilities; ¶

(B) Agree to their rights and responsibilities;¶

(C) Have given true, correct, and complete information to the Department; and¶

(D) State their full name as their signature.¶

(d) The Department makes record of the narrated telephonic signature.¶

(9) Notwithstanding OAR 461-165-0180(13)(a)(A), legally exempt (see OAR 461-165-0180) providers that are not a legally exempt relative (see OAR 461-165-0180) to all children in care must have an up-to-date infant and child CPR and first aid certification, within 90 days of approval by the Department. Online infant and child CPR trainings approved through the Oregon Registry will be accepted by the Department until July 31, 2021.¶

(a) Providers and their staff are not subject to the infant and child CPR and first aid certification renewal provisions if the training is not available in their preferred language.¶

(b) Individuals to whom subsection (9)(a) applies must complete the infant and child CPR and first aid certification within 60 days of the day the Governor of Oregon ends the COVID-19 state of emergency period initiated by Executive Order 20-03.¶

(10) Providers who are approved by the Department may receive retroactive payment prior to the Department approval date and beginning the date the following were met:¶



(a) The provider was approved through the Office of Child Care (OCC) as an Emergency Child Care provider due to the COVID-19 state of emergency, and¶¶

(b) The provider met all other Department provider requirements.¶¶

(110) Providers who are not legally exempt are not eligible to receive payment from the Department if:¶¶

(a) Their application or approval to operate Emergency Child Care was denied, suspended, or revoked by the Office of Child Care (OCC); or¶¶

(b) They voluntarily surrendered their Emergency Child Care approval while under investigation by the OCC or at any time after OCC gave them notice of any administrative proceeding.¶¶

(112) Unless indicated otherwise in this rule, the provisions in this rule end on the last day of the month in which the Governor of Oregon ends the COVID-19 state of emergency period initiated by Executive Order 20-03.

Statutory/Other Authority: ORS 131.715, 329a.500, ORS 84.001, ORS 411.060, 411.070, 412.006, 412.049, 409.050, ~~131.715, 329a.500, ORS 84.001 to 84.061~~84.061, 84.004, 84.007, 84.010, 84.013, 84.014, 84.016, 84.019, 84.022, 84.025, 84.028, 84.031, 84.034, 84.037, 84.040, 84.043, 84.046, 84.049, 84.052, 84.055, 84.058

Statutes/Other Implemented: ORS 411.122, 411.141, 418.485, ORS 131.715, 329a.500, ORS 84.001, ORS 411.060, 411.070, 412.006, 412.049, 409.610, ~~411.122, 411.141, 418.485, 131.715, 329a.500, ORS 84.001 to 84.061~~84.061, 84.004, 84.007, 84.010, 84.013, 84.014, 84.016, 84.019, 84.022, 84.025, 84.028, 84.031, 84.034, 84.037, 84.040, 84.043, 84.046, 84.049, 84.052, 84.055, 84.058

AMEND: 461-135-0475

RULE SUMMARY: OAR 461-135-0475 about Specific Requirements; Pre-TANF Program, is being amended to remove the Post-TANF program.

CHANGES TO RULE:

461-135-0475

Specific Requirements; Pre-TANF Program ¶

(1) This rule explains specific requirements for the Pre-TANF program. The eligibility (see OAR 461-001-0000) criteria of the Pre-TANF program are the same as the TANF program. It is not the intent of the Pre-TANF program to delay the start of TANF program benefits. The purposes of the Pre-TANF program are:¶

(a) To help individuals find employment or other alternatives.¶

(b) To assess the employment potential of individuals.¶

(c) To help individuals determine the service level needed to enhance their employability and their likelihood of becoming self-sufficient.¶

(d) To determine if a needy caretaker relative (see OAR 461-001-0000) has or may have a barrier (see OAR 461-001-0025) to employment or to family stability (see OAR 461-001-0000).¶

(e) To develop an individualized case plan (see OAR 461-001-0025), when appropriate, that establishes goals and identifies suitable activities (see OAR 461-001-0025) that promote family stability and financial independence.¶

(f) To provide basic living expenses, as described in section (5) of this rule, immediately to families in need.¶

(2) Applicants for the TANF program whose unverified application indicates the individual meets the TANF eligibility requirements participate in the Pre-TANF program. Their applications for the TANF program are also considered applications for the Pre-TANF program. The Pre-TANF program is open for not longer than 30 days following the filing date (see OAR 461-115-0040).¶

(3) Individuals in the Pre-TANF program are subject to the requirements of the JOBS program, described in divisions 130 and 190 of this chapter of rules, and they are subject to the requirements of OAR 461-135-0085 pertaining to substance abuse and mental health.¶

(4) During the Pre-TANF program, each caretaker relative authorized to work in the United States in the need group (see OAR 461-110-0630) must complete an employability screening (see OAR 461-135-0485). At least one caretaker relative in the need group must participate in an overview of the JOBS program (see OAR 461-135-0485). If the employability screening indicates there is or may be a barrier, the individual must be offered additional screenings, at no cost to the individual, by a person with relevant expertise or specialized training. When appropriate, per OAR 461-190-0211, the individual and the Department prepare a case plan that lists the activities of the individual and support services (see OAR 461-001-0025) payments if available.¶

(5) The Department may provide the individual with basic living expenses necessary to stabilize the household so the individual can accomplish the activities in the case plan. Basic living expenses covered by this section are limited to the current need of the individual for personal incidentals that the individual cannot meet with other, immediately available resources. Payments under this section are limited to 100 percent of the payment standard in OAR 461-155-0030 for the benefit group (see OAR 461-110-0750). Payment for "past expenses" is made only when the need of the participant cannot be adequately met by a less expensive alternative.¶

(6) During the Pre-TANF program, an individual may receive support services payments listed in the case plan pursuant to OAR 461-190-0211.¶

(7) The Pre-TANF program is closed, at any point during the 30 days following the filing date (see OAR 461-115-0040) for TANF program benefits, in any of the following circumstances:¶

(a) The individual is unlikely to become employed due to the employability of the individual, the circumstances affecting the family, or other causes.¶

(b) The individual fails without good cause (see OAR 461-130-0327) to comply with a requirement of an employment program or the case plan.¶

(c) In any circumstance that would make an individual ineligible for TANF.¶

(d) Upon starting a JOBS Plus assignment.¶¶

(e) Upon employment and enrollment in Employment Payments (see OAR 461-001-0025) under OAR 461-135-1270 ~~or the Post-TANF program.~~¶¶

(8) If Pre-TANF benefits are closed pursuant to subsection (7)(a) or (b) of this rule, TANF benefits may be opened if all TANF eligibility requirements are met.

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

Statutes/Other Implemented: ORS 409.010, 411.060, 411.070, 412.006, 412.049, 412.064, 412.001

AMEND: 461-135-0493

RULE SUMMARY: OAR 461-135-0493 about Eligibility and Benefit Amount for DSNAP, is being amended to remove the COVID-19 specific rule suspensions adopted temporarily in October. It is also being amended to permanently adopt the Food Distribution Program limitations, the meaning of liquid resource accessibility, the correction of the disaster related expenses provisions, the inclusion of damaged fuel, and the clarification of the disaster benefit period.

CHANGES TO RULE:

461-135-0493

Eligibility and Benefit Amount for DSNAP ¶¶

(1) To be eligible for emergency SNAP assistance during a disaster, a household (see OAR 461-135-0491) must meet all the following criteria:¶¶

(a) At the time the disaster struck, the household must have resided or a member of the household must have worked within the geographical area authorized by Food and Nutrition Services (FNS) for disaster procedures. The household may be certified for emergency SNAP assistance, even if at the time of application it is occupying temporary accommodations outside the disaster area. However, the representative of the household must be present at the disaster certification site to be certified for DSNAP assistance.¶¶

(b) The household must purchase food during the disaster period authorized by FNS. A household residing in a temporary shelter but not expected to remain in the shelter for the entire benefit period is eligible for DSNAP program benefits.¶¶

(c) The household may not receive a food box under the Disaster Food Distribution Program authorized under TEFAP during the DSNAP application period.¶¶

(d) The household may not receive benefits under Food Distribution Program on Indian Reservations (FDPIR) during the DSNAP benefit period authorized by FNS.¶¶

(e) The household must have experienced at least one of the following adverse effects due to the disaster:¶¶

(A) Loss or inaccessibility of income involving a reduction or termination of income or a significant delay in receipt of income. This effect could occur if the disaster has caused a place of employment to close or reduce its work days, if pay checks or other payments are lost or destroyed, or if there is a significant delay in the issuance of pay checks or other payments. This effect could also occur if the work location is inaccessible due to the disaster.¶¶

(B) Inaccessibility of liquid resources. The household is unable to reach its cash resources and is not expected to be able to access its liquid resources for most of the disaster benefit period authorized by FNS. This inaccessibility may occur because the financial institutions where the household has its resources are closed due to the disaster, and there is no access to ATMs or on-line banking.¶¶

(C) Loss of food that is not eligible for a SNAP benefit replacement.¶¶

(D) Real property damage. Damage to or destruction of the home or self-employment business of the household. Disaster-related expenses were paid under subsection (2)(b) of this rule.¶¶

(2) To be eligible for emergency SNAP assistance during a disaster, the take-home pay of the household for the disaster benefits period authorized by FNS, plus its cash resources (cash on hand and accessible funds in checking and savings accounts), less disaster-related expenses, must be less than or equal to the DSNAP income standard (see OAR 461-155-0180) for the size of the household and the length of the disaster benefit period (see sections (3) and (4) of this rule).¶¶

(a) For DSNAP, take-home pay includes all of the following to the extent accessible during the benefit period:¶¶

(A) The wages a household actually receives after taxes and other payroll withholdings are taken out.¶¶

(B) The assistance payment or other unearned income a household received.¶¶

(C) Self-employment income earned after taxes for personal income and social security as well as actual costs of producing the self-employment income are subtracted. Allowable costs of producing the self-employment income are described in OAR 461-145-0920, ~~461-145-0930~~, and 461-145-09310.¶¶

(b) For DSNAP, disaster-related expenses include expenses the household has paid or is expected to pay for one of the following expenses during the disaster benefit period authorized by FNS if full reimbursement is not expected

during this disaster benefit period. If the household has received or reasonably anticipates receiving a reimbursement for part or all of the expense during the disaster benefit period, only the net expense to the household is deductible. An expense charged to a credit card is not an allowable expense if the credit card bill is paid after the disaster benefit period. No expenses are considered other than the following:¶

(A) Expenses to repair damages to the home or other property of the household essential to the employment or self-employment of a household member;¶

(B) Expenses for temporary shelter during evacuation or if the home of the household is not livable or if the household cannot reach its home;¶

(C) Expenses related to protecting property from disaster damage, including payment for the packing and storage of the items;¶

(D) Expenses to clean up the home or business following the disaster;¶

(E) Expenses related to replacing necessary personal and household items, such as clothing, appliances, tools, and educational materials;¶

(F) Medical expenses for disaster-related injury to a person who was a household member at the time of the disaster (including funeral and burial expenses in the event of death);¶

(G) Expenses to repair a vehicle damaged in the disaster;¶

(H) Pet boarding fees when a pet must be placed in boarding due to a disaster; and¶

(I) Dependent care expenses incurred during the disaster.¶

(J) Replacing fuel damaged or destroyed by the disaster (including a wood supply used for heat).¶

(3) If the disaster benefit period is ~~one month~~ 30 consecutive days:¶

(a) For a household not already receiving SNAP benefits:¶

(A) Income over ~~that full month~~ the 30-day period and all accessible resources are counted;¶

(B) Disaster-related expenses (described in subsection (2)(b) of this rule) paid, or expected to be paid during ~~that full month~~ the 30-day period, are deducted; ¶

(C) The income limit is the DSNAP income standard (see OAR 461-155-0180); and¶

(D) The benefit amount is equal to the full month DSNAP payment standard monthly amount (see OAR 461-155-0190).¶

(b) For a filing group (see OAR 461-110-0370) already receiving SNAP benefits, see OAR 461-135-0494.¶

(4) If the disaster benefit period is for one-half month:¶

(a) For a household not already receiving SNAP benefits:¶

(A) Income over the half-month period and all accessible resources are counted;¶

(B) Disaster-related expenses (described in subsection ~~(2)~~(3)(b) of this rule) paid, or expected to be paid during this period, are deducted;¶

(C) The income limit is one-half of the DSNAP income standard (see OAR 461-155-0180); and¶

(D) The benefit amount is equal to one-half of the full month DSNAP payment standard monthly amount (see OAR 461-155-0190).¶

(b) For a filing group already receiving SNAP benefits, see OAR 461-135-0494.¶

(5) The full amount of accessible cash resources must be counted, regardless of the length of the disaster benefit period.¶

(6) No DSNAP program benefits are authorized after the expiration of the period for which the Department is authorized by FNS to process and approve applications for this emergency SNAP assistance.¶

(7) A household determined eligible must receive benefits no later than three days after the date of application. If the third day falls on a weekend or holiday, benefits must be issued on either:¶

(a) The second day; or¶

(b) The first day if the second day is also a weekend or holiday.

Statutory/Other Authority: ORS 409.050, 411.816

Statutes/Other Implemented: ORS 409.010, 411.816, 7 CFR 280.1

AMEND: 461-135-0494

RULE SUMMARY: OAR 461-135-0494 about DSNAP Treatment of Households Already Certified and Receiving SNAP Benefits, is being amended to remove text regarding the COVID-19 emergency supplement and to add text about how those receiving SNAP benefits may apply for DSNAP. The rule is also being amended to make terms more clear.

CHANGES TO RULE:

461-135-0494

DSNAP Treatment of Households Already Certified and Receiving SNAP Benefits ¶¶

(1) Supplemental emergency SNAP assistance from the DSNAP program may be issued to an eligible filing group (see OAR 461-110-0370) certified for SNAP benefits prior to the disaster.¶¶

(a) The DSNAP benefits are calculated using the maximum disaster benefits for the household (see OAR 461-135-0491) minus the regular SNAP allotment of the benefit group (see OAR 461-110-0750) for the benefit period.¶¶

(b) A benefit group currently receiving SNAP benefits may receive a supplement by ~~submitting an affidavit attesting to their disaster losses or by~~ applying for DSNAP according to OAR 461-135-0492.¶¶

(c) The Department may issue ~~s~~Mass Supplementations, without requests, to a benefit group currently receiving SNAP in all or a portion of the disaster area if it is determined the area meets the federal criteria for Mass Supplementations and is approved by the Food and Nutrition Service of the United States Department of Agriculture (USDA).¶¶

(d) Neither an application nor an interview is required for a benefit group currently receiving SNAP to receive ~~s~~Mass Supplementations emergency SNAP assistance from the DSNAP program. ¶¶

(2) Replacement of the value of food purchased with SNAP lost in the disaster may be issued to an eligible filing group certified for SNAP benefits prior to the disaster under OAR 461-165-0230.¶¶

(a) A SNAP replacement for the value of food lost in a disaster is not a DSNAP benefit.¶¶

(b) The value of lost food replaced with a SNAP benefit replacement is not considered a loss of food under OAR 461-135-0493.

Statutory/Other Authority: ORS 409.050, 411.816

Statutes/Other Implemented: ORS 409.010, 411.816, 7 CFR 280.1

AMEND: 461-135-0520

RULE SUMMARY: OAR 461-135-0520 about Time Limit and Special Requirements for ABAWD; SNAP, is being amended put ODHS policies implemented as early as October 1, 2020, into permanent rule. These provisions remove any Oregon counties from being considered "SNAP time-limit areas" and establishes all Oregon counties as "exempt areas." These amendments were made due to the following: States may request Food and Nutrition Services approval to temporarily waive the time limit for a group of individuals in the State in the area in which the individuals reside. To be considered for approval, the request must be supported by corresponding data or evidence demonstrating that the requested area: (i) Has an unemployment rate of over 10 percent; or (ii) Does not have a sufficient number of jobs to provide employment for the individuals. A state may support a claim of insufficient jobs by submitting evidence that the State qualifies for extended unemployment benefits within the past 12 months. The Department of Labor's Trigger Notice No. 2020 – 17 shows the State's 13-week insured unemployment rate (IUR) was: (1) 5.56 percent and (2) 349 percent of the 13-week rate for the corresponding period in the two preceding years, making the State eligible for extended unemployment benefits, and thus also eligible to request a statewide waiver.

CHANGES TO RULE:

461-135-0520

Time Limit and Special Requirements for ABAWD; SNAP ¶¶

This rule establishes the time limit and special requirements for receipt of SNAP benefits for certain adults.¶¶

(1) Unless the context indicates otherwise, the following definitions apply to rules in OAR chapter 461:¶¶

(a) "Able-bodied adult without dependents (ABAWD)" means an individual 18 years of age or over, but under the age of 50, without dependents. For the purpose of this definition, "without dependents" means there is no child (see OAR 461-001-0000) under the age of 18 years in the filing group (see OAR 461-110-0310 and 461-110-0370).¶¶

(b) "SNAP time-limit areas" means areas of Oregon in which the limitation on eligibility (see OAR 461-001-0000) for SNAP benefits for ABAWD in section 6(o)(2) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(o)(2)) applies. There are no "SNAP time-limit areas" are Benton, Clackamas, Marion, Multnomah, and Washington counties in Oregon during October 1, 2020 to September 30, 2021.¶¶

(c) "SNAP time-limit exempt areas" means areas of Oregon in which the limitation on eligibility for SNAP benefits contained in section 6(o)(2) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(o)(2)) does not apply per a waiver approved by the United States Department of Agriculture. "Exempt areas" are Baker, Clatsop, Columbia, Coos, Crook, Curry, Deschutes, Douglas, Gilliam, Grant, Harney, Hood River, Jackson, Jefferson, Josephine, Klamath, Lake, Lane, Lincoln, Linn, Malheur, Morrow, Polk, Sherman, Tillamook, Umatilla, Union, Wallowa, Wasco, Wheeler, and Yamhill counties all counties in Oregon during October 1, 2020 to September 30, 2021.¶¶

(2) Except as provided otherwise in this rule, an ABAWD who resides in one of the SNAP time-limit areas (see section (1) of this rule) is ineligible to receive food benefits as a member of any household after the individual received food benefits for three countable months (see section (3) of this rule) during January 1, 2019 to December 31, 2021.¶¶

(3) "Countable months" means months within the 36-month period of January 1, 2019 to December 31, 2021 in which an individual as a member of any household receives SNAP benefits in Oregon or in any other state, unless at least one of the following applies:¶¶

(a) Benefits were prorated for the month.¶¶

(b) The individual was exempt from the SNAP time limit for any part of the month for any of the following reasons:¶¶

(A) The individual resided for any part of the month in one of the SNAP time-limit exempt areas (see section (1) of this rule).¶¶

(B) The individual was pregnant.¶¶

(C) A child under the age of 18 years joined the filing group.¶¶

- (D) The individual met the criteria under OAR 461-130-0310(3)(a) or (b).¶
- (c) The individual participated in one or more of the activities in paragraphs (A) to (D) of this subsection for 20 hours per week averaged over the month. For purposes of this rule, 20 hours per week averaged monthly means 80 hours per month. (Activities may be combined in one month to meet the 20 hours per week averaged monthly requirement.)¶
- (A) Work for pay, in exchange for goods or services, or unpaid work as a volunteer.¶
- (i) Work in exchange for goods and services includes bartering and in-kind work.¶
- (ii) Unpaid or voluntary work hours must be verified by the employer.¶
- (iii) For self-employed individuals, countable income after deducting the costs of producing income (as described in OAR 461-145-0930(5)) must average at least the federal minimum wage times 20 hours per week.¶
- (B) Participate in a program under the Workforce Investment Act of 1998, Pub. L. No. 105-220, 112 Stat. 936 (1998).¶
- (C) Participate in a program under section 236 of the Trade Act of 1974, Pub. L. 93-618, 88 Stat. 2023, (1975) (19 U.S.C. 2296).¶
- (D) Comply with the employment and training requirements described in OAR 461-001-0020, 461-130-0305, and 461-130-0315. Work search activities must be combined with other work-related activities to equal 20 hours per week and may not exceed 9 hours per week.¶
- (d) The individual complied with the Workfare requirements in OAR 461-190-0500.¶
- (4) An ABAWD must submit evidence to the Department ~~on the issue of whether a month is countable within 90 days following the last day of the month in question~~ within 90 days following the month they received the countable month to show they were exempt or met the 80 hour activity requirement.¶
- (5) An ABAWD who is ineligible under section (2) of this rule but otherwise eligible may regain eligibility if the requirements of subsections (a) or (b) of this section are met. ¶
- (a) The individual becomes exempt under subsection (3)(b) of this rule. Eligibility regained under this subsection begins on the date the individual files a new application and continues as long as the individual is exempt and is otherwise eligible. If not eligible on the filing date (see OAR 461-115-0040), eligibility begins the date all other eligibility requirements are met.¶
- (b) The individual, during a consecutive 30-day period during which the individual is not receiving SNAP benefits, meets the requirements of subsection (3)(c) or (3)(d) of this rule.¶
- (A) Eligibility regained under this subsection begins on the date the individual files a new application and continues as long as the individual meets the requirements of subsection (3)(c) or (3)(d) of this rule and is otherwise eligible. If not eligible on the filing date, eligibility begins the date all other eligibility requirements are met.¶
- (B) There is no limit to how many times an individual may regain eligibility under this subsection during January 1, 2019 to December 31, 2021. ¶
- (c) See OAR 461-180-0010 to add an individual to an open SNAP case after the individual has regained eligibility under this section.¶
- (6) An individual who regains eligibility under section (5) of this rule and later fails to comply with the participation requirements of subsection (3)(c) or (3)(d) of this rule may receive a second set of food benefits for three consecutive countable months. The countable months are determined as follows:¶
- (a) If the individual stopped participation in a work program, countable months start when the Department notifies the individual he or she is no longer meeting the work requirement.¶
- (b) If the individual stopped participation in a work program, countable months start when the individual notifies the Department he or she is no longer meeting the work requirement.¶
- (c) If a change occurred which results in an individual becoming subject to the time limit in section (2) of this rule and the change was required to be reported under rules in OAR chapter 461, division 170, the countable months start when the change occurred.¶
- (d) If a change occurred which results in an individual becoming subject to the time limit and the change was not required to be reported under rules in OAR chapter 461, division 170, countable months start when the Department notifies the individual he or she must meet the work requirement.¶



(e) An individual may only receive benefits without meeting the requirements of subsection (3)(c) or (3)(d) of this rule for no more than a total of six countable months during January 1, 2019 to December 31, 2021. ¶

(7) This space is reserved for the use of discretionary exemptions, granted by the Food and Nutrition Service, for ABAWDs residing in certain SNAP time-limit areas who are at risk of having their benefits closed or reduced.

Beginning April 1, 2020 to September 30, 2021, the Department is not granting discretionary exemptions. ¶

(8) An ABAWD involved in the activities specified in subsection (3)(c) or (3)(d) of this rule or an activity listed in the individual's case plan (see OAR 461-001-0020) is eligible for support service payments necessary for transportation ~~or~~ and other costs related to completing the activity as allowed by OAR 461-190-0360.

Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 411.121, 411.816

Statutes/Other Implemented: 7 USC 2015, 7 USC 2029, 7 CFR 273.7, 7 CFR 273.24, ORS 409.010, 409.050, 411.060, 411.070, 411.121, 411.816, 411.825, 411.837

AMEND: 461-135-0660

RULE SUMMARY: OAR 461-135-0660 about SNAP; COVID-19, is being permanently amended to make clear how the emergency allotment (supplement) of SNAP is different than the Supplemental Nutrition Assistance Program, including foundation of law, notice requirements, and hearing rights. The rule is also being amended to adopt changes to the SNAP program due to COVID-19.

CHANGES TO RULE:

461-135-0660

SNAP; COVID-19

The provisions in this rule apply to the SNAP program.¶

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

(a) OAR 461-115-0230(3), and¶

(b) OAR 461-135-0520(2) and (6).¶

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

(a) OAR 461-115-0020(2),¶

(b) OAR 461-115-0450(1) and (2), and¶

(c) OAR 461-170-0102.¶

(3) Per the Families First Coronavirus Act, Title 3, Section 2301:¶

(a) SNAP time limit work requirements for ABAWDs (see OAR 461-135-0520) are temporarily waived.¶

(b) ABAWDs will not be subject to earning countable months (see OAR 461-135-0520). ¶

(4) An individual who the Department has determined is mandatory (see OAR 461-130-0305) will be granted "good cause" (see OAR 461-130-0327) if the reason for not accepting employment or for leaving a job was due to the individual's concerns regarding their health due to the COVID-19 pandemic. ¶

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

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

(7) Emergency allotments (supplements) are permitted through USDA waiver under Families First coronavirus Response Act of 2020. The Department may issue an emergency ~~supple~~allotment of SNAP benefits for any months approved for an emergency ~~supple~~allotment by the Food and Nutrition Service, with the following limitations:¶

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

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

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

(d) When the Food and Nutrition Service makes a change that ends, reduces, or suspends the emergency allotment:¶

(A) No decision notice (see OAR 461-001-0000) is required. The Department is not required to mail a notice of intended action.¶

(B) The Department shall publicize the change using one or more of the following methods: ¶

(i) Informing the public through the news media. ¶

(ii) Placing posters in the offices that serve affected individuals, in the locations where SNAP is issued, and at other sites frequented by individuals receiving SNAP. ¶

(iii) Mailing a general notice to the households of affected recipients.¶

(e) Excepting an overpayment (see OAR 461-195-0501), there is no right to hearing to dispute emergency allotment and no right to continuing benefits.¶

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

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

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

(9) The provisions listed in sections (3) and (4) of this rule end on the last day of the month in which the public health emergency declaration made by the Secretary of Health and Human Services under section 319 of the Public Health Service Act based on an outbreak of coronavirus disease 2019 (COVID-19) is lifted.

Statutory/Other Authority: ORS 411.060, 411.070, 411.121, 411.816, ORS 409.050

Statutes/Other Implemented: ORS 409.010, ORS 411.060, 411.070, 411.121, 411.816, 411.825, 411.837, 7 USC 2015, 7 USC 2029, 7 CFR 273.7, 7 CFR 273.24, Pub. L. 116-127, ORS 409.050, 7 CFR 273.10, 7 CFR 273.14

AMEND: 461-135-1250

RULE SUMMARY: OAR 461-135-1250 about Specific Requirements; Post-TANF, is being amended to remove all Post-TANF specific requirements and to change the title of the rule to make clear the Post-TANF program has closed.

CHANGES TO RULE:

461-135-1250

Specific Requirements: Post-TANF Closure of Post-TANF Program

(1) This rule explains specific requirements for the Post-TANF program. Through September 30, 2010, the Post-TANF program provides \$100 per month per qualifying adult in aid for 12 consecutive months or until the household income exceeds 250 percent of the Federal Poverty Level (FPL), whichever comes first, as long as the client meets JOBS federally required participation rates (see OAR 461-001-0025) in combined unsubsidized paid work and JOBS activities.

(2) Effective October 1, 2010, the Post-TANF program provides \$50 per month per qualifying adult in aid for 12 consecutive months or until the household income exceeds 250 percent of the FPL, whichever comes first, as long as the client meets JOBS federally required participation rates in combined unsubsidized paid work and JOBS activities.

(3) To enroll in the Post-TANF program, a client must:

(a) Have obtained unsubsidized paid employment;

(b) Have become ineligible for the Pre-TANF, TANF or SFPSS programs due to earnings; and

(c) Be a Work Eligible Individual as defined by federal regulations.

(4) To remain eligible for the monthly Post-TANF payment, the client must meet the requirements of all of the following subsections:

(a) Meet all TANF eligibility requirements, except the client need not meet the following requirements:

(A) OAR 461-120-0310 and 461-120-0340 (child support assignment and cooperation);

(B) OAR 461-120-0330 (pursuing assets);

(C) OAR 461-155-0030 (income limits); and

(D) OAR 461-160-0015 (resource limits).

(b) Report and meet the monthly JOBS federal participation requirements with unsubsidized paid work and, if necessary, other JOBS activities.

(c) Provide the Department with employer-produced documents of paid, unsubsidized work hours within 45 days after Pre-TANF, TANF, or SFPSS has ended.

(d) The client must also provide employer-produced documents of paid, unsubsidized work hours each time requested by the Department or no later than the last day of the sixth month following the date the client provides the verification of work hours in accordance with subsection (c) of this section.

(e) Report all changes in residency and household group (see OAR 461-110-0210) affecting Post-TANF eligibility within 10 days of the occurrence.

(f) Changes reported for another program that affect Post-TANF eligibility are considered reported for Post-TANF.

(5) A client failing to comply with subsection (4)(c) of this rule but then providing documents after 45 days is eligible for Post-TANF payments only in the month the local Department office receives the documents and the months thereafter.

(6) Household income for the Post-TANF program is calculated in accordance with all TANF financial rules.

(7) Each parent (see OAR 461-001-0000) of a two-parent family is entitled to a monthly Post-TANF payment if both parents meet all Post-TANF enrollment and eligibility requirements.

(8) Monthly payments in the Post-TANF program begin the month after the last regular TANF benefit payment; or for Pre-TANF clients, the month after the Department verifies that the client meets TANF eligibility requirements.

(9) A client in the Post-TANF program is entitled to support services in accordance with OAR 461-190-0241.

Additional support services may be granted with manager approval.¶

~~(10) A client is no longer eligible for a Post-TANF payment when the client does not meet JOBS federal participation requirements due to:¶~~

~~(a) Loss of employment;¶~~

~~(b) A reduction in work hours, and the client chooses not to participate in required JOBS activities offered by the Department; or¶~~

~~(c) A reduction in JOBS activity hours without good cause (see OAR 461-130-0327) that when combined with work hours does not meet the JOBS federally required participation rates.¶~~

~~(11) Notwithstanding any other administrative rule in Chapter 461, effective April 30, 2012 the Post-TANF program funding ends. Continuation of Post-TANF benefits is not authorized after April 30, 2012, regardless of whether a hearing request on Post-TANF is submitted or pending.~~

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

Statutes/Other Implemented: ORS 411.060, 411.070, 412.006, 412.009, 412.049, 412.124

AMEND: 461-135-1260

RULE SUMMARY: OAR 461-135-1260 about Specific Requirements: Job Participation Incentive, is being amended to remove the Post-TANF program. It may also be amended to clarify Job Participation Incentive.

CHANGES TO RULE:

461-135-1260

Specific Requirements: Job Participation Incentive ¶¶

- (1) This rule explains specific requirements of the Job Participation Incentive (JPI). The JPI food benefit provides \$10 per month for qualifying SNAP households with a dependent child (see OAR 461-001-0000) under age 18.¶¶
- (2) An individual eligible for JPI may receive a \$10 monthly food benefit.¶¶
  - (a) The individual receives the \$10 incentive payment starting the month the Department receives documentation that all enrollment criteria in section (3) of this rule have been met.¶¶
  - (b) There are no partial months of JPI benefits.¶¶
  - (c) The individual may only be issued retroactive JPI benefits as allowed under OAR 461-180-0130.¶¶
- (3) As used in this rule, a "two-parent household" refers to a SNAP household group (see OAR 461-110-0210) that contains a dependent child under age 18 and the dependent child's two parents.¶¶
- (4) To receive JPI, an individual must be in a SNAP filing group (see OAR 461-110-0370) and meet the requirements of all of the following subsections:¶¶
  - (a) Be working at an unsubsidized paid employment that meets the federally required participation rates (see OAR 461-001-0025). For self-employment or piece rate work, the hours of work must be equivalent to the required average weekly hours at Oregon State minimum wage. An individual must meet the requirements of at least one of the following paragraphs:¶¶
    - (A) Be a single parent (see OAR 461-001-0000) of a dependent child under six years of age and working at an unsubsidized paid employment for an average of at least 20 weekly hours.¶¶
    - (B) Be a single parent of a dependent child at least six years of age and under 18 years of age, and working at an unsubsidized paid employment for an average of at least 30 weekly hours.¶¶
    - (C) Be a parent in a two-parent household (see section (3) of this rule) that does not receive federally-funded child care assistance, and the parents are working at unsubsidized paid employment for a combined average of at least 35 hours per week.¶¶
    - (D) Be a parent in a two-parent household that receives federally-funded child care assistance and the parents are working at unsubsidized paid employment for a combined average of 55 hours per week.¶¶
  - (b) Provide the Department with employer-produced documents of paid, unsubsidized work hours covering a consecutive two-week period that has occurred within the last 60 days.¶¶
  - (c) Anticipate weekly employment hours will remain the same or increase for the reporting period.¶¶
  - (d) Provide employer-produced documents of paid, unsubsidized work hours each time requested by the Department and no later than the last day of the sixth month following the date the client provides the verification of work hours in accordance with subsections (a) and (b) of this section.¶¶
  - (e) Be an eligible adult in a SNAP benefit group (see OAR 461-110-0750) and the parent of an eligible dependent child under age 18 in the same SNAP benefit group.¶¶
  - (f) Not be receiving any ~~Post-TANF~~, SFPSS, or TANF program benefits in the same month.¶¶
- (5) To remain eligible for JPI, a client must:¶¶
  - (a) Meet all SNAP eligibility and reporting requirements (see OAR 461-170-0011); and¶¶
  - (b) Meet all requirements in section (4) of this rule at the time of the interim change report and at the time of the recertification of SNAP benefits.¶¶
- (6) Household income in JPI is calculated in accordance with all SNAP financial rules.¶¶
- (7) A client is no longer eligible for JPI when it has been determined that the client does not meet federally required participation rates and requirements due to any of the following:¶¶
  - (a) Loss of employment.¶¶

(b) A reduction in work hours.¶¶

(c) The client no longer has a dependent child under age 18 in their SNAP benefit group.

Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 412.049

Statutes/Other Implemented: ORS 409.010, 411.060, 411.070, 412.049

AMEND: 461-145-0087

RULE SUMMARY: OAR 461-145-0087 about Coronavirus Aid, Relief, and Economic Security (CARES) Act, is being amended to permanently adopt the changes in how Federal Pandemic Compensation payments are treated for certain programs.

CHANGES TO RULE:

461-145-0087

Coronavirus Aid, Relief, and Economic Security (CARES) Act

(1) In all programs, Recovery Rebate payments authorized by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) are: ¶

(a) ~~An e~~Excluded assets (OAR 461-001-0000) in the month of receipt, ¶

(b) ~~An e~~Excluded assets for 12 full months starting with the month following the month of receipt, and ¶

(c) After the 12-month period, the remainder is countable (OAR 461-001-0000) as a resource. ¶

(2) Federal Pandemic Unemployment Compensation payments authorized by the CARES Act are treated as follows: ¶

~~(a) Assistance payments authorized by the CARES Act are not Disaster Unemployment Assistance (see OAR 461-145-0100) and are treated as follows: ¶~~

~~(a) Retroactive payments are counted as periodic or lump-sum income (see OAR 461-140-0110 and 461-140-0120), and ¶~~

~~(b) All other payments are counted as unearned income. ¶~~

~~(3) Federal Pandemic Unemployment Compensation payments authorized by the CARES Act are treated as follows: ¶~~

~~(a) For all programs, Federal Pandemic Unemployment Compensation payments are not Disaster Unemployment Assistance (see OAR 461-145-0100). ¶~~

~~(b) In the GA and OSIPM programs, the payments are excluded as ~~income and resources~~ets in the month of receipt. All funds remaining after the month of receipt are ~~treated as a~~ countable resource. ¶~~

~~(b) In the QM~~B~~ERDC, QMB, TANF, and TA-DVS programs, the payments are excluded ~~assets~~. ¶~~

~~(ed) In ~~all other~~the DSNAP and SNAP programs, the payments are ~~treated as unemployment compensation benefits (see OAR 461-145-0550). Federal Pandemic Unemployment Compensation payments are not Disaster Unemployment Assistance~~excluded assets in the month of receipt and the following nine months. All funds remaining after the exclusion period are a countable resource. ¶~~

~~(e) In all other programs. ¶~~

~~(A) Retroactive payments are counted as periodic or lump-sum income (see OAR 461-145~~0~~-0100)~~10~~ and 461-140-0120), and ¶~~

~~(B) All other payments are counted as unearned income.~~

Statutory/Other Authority: ORS 411.060, 411.070, 411.083, 411.404, 411.816, 412.014, 412.049

Statutes/Other Implemented: ORS 411.060, 411.070, 411.083, 411.404, 411.816, 412.014, 412.049



AMEND: 461-145-0320

RULE SUMMARY: OAR 461-145-0320 about Life Insurance, is being amended to remove retroactive text and the Post-TANF program.

CHANGES TO RULE:

461-145-0320

Life Insurance ¶

~~Retroactively effective July 6, 2020:¶~~

- (1) Benefits paid on a life insurance policy are counted as unearned income in the month received. Except in the QMB-BAS, QMB-SMB, and QMB-SMF programs, any amount retained into the following month is counted as a resource.¶
- (a) The Department counts benefits as received when the insured individual dies or when the insured individual is eligible for and receives accelerated payments before death, such as when the insured individual has a terminal illness.¶
- (b) When the payment is a lump sum due to the death of the insured individual a deduction is allowed, not to exceed \$1,500, for the cost of the deceased individual's last illness and burial if these costs were not otherwise insured.¶
- (2) Burial insurance that generates a cash surrender value is treated in the same manner that this rule treats life insurance.¶
- (3) Burial insurance that does not generate a cash surrender value is treated as follows:¶
- (a) For all programs except OSIP, OSIPM, and QMB-DW, it is excluded. ¶
- (b) In the OSIP, OSIPM, and QMB-DW programs, it is considered an irrevocable burial arrangement and treated in accordance with OAR 461-145-0040. ¶
- (4) When the ownership or beneficiary of a life insurance policy has been irrevocably assigned and designated for burial, it is treated in accordance with OAR 461-145-0040 and is not counted towards the \$1500 life insurance limit.¶
- (5) The value of a life insurance policy is treated as follows:¶
- (a) All term insurance that has no cash surrender value is excluded.¶
- (b) In the ERDC, QMB-BAS, QMB-SMB, QMB-SMF, REF, REFM, SFPSS, SNAP, TA-DVS, Pre-TANF, ~~Post-TANF~~, and TANF programs, the cash surrender value of the life insurance policy is excluded.¶
- (c) In the OSIP, OSIPM, and QMB-DW programs:¶
- (A) For the purposes of this subsection, the following definitions apply:¶
- (i) "Cash surrender value" means the equity that the policy acquires over time.¶
- (ii) "Dividend" means a payment of surplus company earnings from the insurer.¶
- (iii) "Dividend accumulation" means a dividend left with the insurer to accumulate interest that may be withdrawn without affecting the policy's face value or cash surrender value.¶
- (iv) "Dividend addition" means the amount of insurance purchased with a dividend that increases the policy's death benefit and cash surrender value.¶
- (v) "Face value" means the amount of the death benefit contracted for at the time the policy was purchased and does not include a dividend addition added after purchase of the policy.¶
- (vi) "Viatical settlement" means an agreement allowing a third party to acquire a life insurance policy from a terminally ill individual at an agreed-upon percentage of the life insurance policy's face value.¶
- (B) The cash surrender value of life insurance policies owned by the financial group (see 461-110-0530) is excluded if the total face value of all policies for the insured individual is less than or equal to \$1,500. If the total face value of all policies for the insured individual is more than \$1,500, the entire cash surrender value are counted as a resource to the owner of the policies. The total face value does not include any dividend addition. A dividend accumulation must count as a resource even if the face value of the policy that generated the dividend accumulation is excluded.¶

(C) The face value of term life insurance policies excluded under subsection (a) of this section are not counted in determining if the \$1,500.00 life insurance exclusion limit is exceeded.¶

(D) The cash surrender value of a policy acquired through a viatical settlement is excluded.

Statutory/Other Authority: ORS 411.706, 411.816, 412.049, 413.085, 414.685, ORS 329A.500, 409.050, 411.060, 411.070, 411.083, 411.404, 411.704

Statutes/Other Implemented: ORS 409.010, 411.060, 411.070, 411.083, 411.404, 411.704, 411.706, 411.816, 412.049, 413.085, 414.685, 414.839, ORS 329A.500

AMEND: 461-145-0410

RULE SUMMARY: OAR 461-145-0410 about Program Benefits, is being amended to remove the Post-TANF program and to make a program name more clear.

CHANGES TO RULE:

461-145-0410

Program Benefits ¶¶

(1) EA payments are treated as follows:¶¶

(a) In the ERDC and SNAP programs, a payment made directly to the client is counted as unearned income. Dual payee and provider-direct payments are excluded.¶¶

(b) In all programs except the ERDC and SNAP programs, these payments are excluded.¶¶

(2) Employment Payments (see OAR 461-001-0025 and 461-135-1270) are treated as follows:¶¶

(a) In the REF, REFM, SNAP, and TANF programs, these payments are counted as unearned income in the month received.¶¶

(b) In all programs not covered in subsection (a) of this section, these payments are excluded.¶¶

(3) Payments from ERDC and TANF child care are excluded unless the client is the provider.¶¶

(4) Payments from the MAGI medical (including MAGI-CHIP), OSIPM, QMB, and REFM programs are excluded.¶¶

(5) Payments from JPI (see OAR 461-135-1260) are issued as a food benefit and are excluded.¶¶

(6) SNAP payments are treated as follows:¶¶

(a) The value of an SNAP benefit is excluded in all programs except the EA program. In the EA program, the value is counted as a resource when determining the emergency food needs of the filing group (see OAR 461-110-0310 and 461-110-0370).¶¶

(b) OFFSET service payments are excluded.¶¶

(7) Benefits from the GA, OSIP (except OSIP-IC), ~~Post-TANF~~, REF, SFPSS, TANF, and tribal-TANF programs are treated as follows:¶¶

(a) In the EA program, these payments are counted as unearned income, except that these payments are excluded for a benefit group (see OAR 461-110-0750) whose emergent need is the result of domestic violence (see OAR 461-001-0000).¶¶

(b) In the ERDC program:¶¶

~~(A) Post-TANF payments are excluded.¶¶~~

~~(B) All other~~, payments are counted as unearned income.¶¶

(c) In the QMB-BAS, QMB-SMB, and QMB-SMF programs, these payments are excluded.¶¶

(d) In the SNAP program:¶¶

(A) These payments are treated as unearned income.¶¶

(B) An amount received as a late processing payment is treated as lump-sum income (see OAR 461-001-0000 and 461-140-0120).¶¶

(C) Payments made to correct an underpayment are treated as lump-sum income.¶¶

(D) Ongoing special needs payments for laundry allowances, special diet or meal allowance, restaurant meals, accommodation allowances, and telephone allowances are treated as unearned income. All other special needs payments are excluded as reimbursements.¶¶

(e) In all programs except the EA, ERDC, QMB-BAS, QMB-SMB, QMB-SMF, and SNAP programs:¶¶

(A) These payments are excluded in the month received, and any portion remaining following the month of receipt is counted as a resource.¶¶

(B) Payments made to correct an underpayment are excluded.¶¶

(f) In all programs:¶¶

(A) JOBS, REF, and TANF JOBS Plus support service payments are excluded.¶¶

(B) For the treatment of JOBS Plus income, see OAR 461-145-0130.¶¶

(8) Payments from OSIP-IC (OSIP-Independent Choices) are treated as follows:¶¶

(a) In the SNAP program, these payments are counted as unearned income and assets held in a contingency fund (see OAR 411-030-0020) are counted as a resource.¶¶

(b) In all other programs, these payments and funds held in a contingency fund are excluded.¶¶

(9) Pre-TANF program payments are treated as follows:¶¶

(a) In the SNAP program, a payment for basic living expenses, made directly to the client, is counted as unearned income. All other payments are excluded.¶¶

(b) In all programs except the SNAP program, these payments are excluded.¶¶

(10) TA-DVS payments are excluded for all programs.

Statutory/Other Authority: ORS 329A.500, 409.050, 411.083, 411.404, 411.816, 412.014, 412.049, 413.085, 414.685

Statutes/Other Implemented: ORS 329A.500, 409.010, 411.083, 411.404, 411.700, 411.816, 412.014, 412.049, 7 CFR 273.9

AMEND: 461-180-0120

RULE SUMMARY: OAR 461-180-0120 about Effective Dates; Removing an Individual is being amended to permanently adopt more inclusive language and to improve the rule's precision.

CHANGES TO RULE:

461-180-0120

Effective Dates; Removing an Individual ¶¶

The effective date for removing an individual from a benefit group (see OAR 461-110-0750) is one of the following:¶¶

(1) If the individual has left the benefit group in the current budget month because ~~the or she is~~ are ineligible, is disqualified, or ~~has~~ ve left the household, the effective date is:¶¶

(a) The first of the month after the notice period (see OAR 461-175-0050) ends, if the change will reduce benefits.¶¶

(b) The last day of the month in which the notice period ends, if the change will end benefits.¶¶

(2) If the individual is reasonably expected to leave the household next month, the effective date is the later of the following:¶¶

(a) The first of the month following the month in which the individual leaves the household group (see OAR 461-110-0210), if the change will reduce benefits.¶¶

(b) The end of the month in which the individual is expected to leave the household group, if the change will end benefits.¶¶

(3) When an individual in a benefit group of more than one individual dies, the effective date of the closure or reduction in benefits is one of the following:¶¶

(a) In the ERDC, REF, REFM, SNAP, and TANF programs, the last day of the month in which the ~~10-day notice period ends~~ timely continuing benefit decision notice (see OAR 461-001-0000) notice period ends under OAR 461-175-0050.¶¶

(b) For all programs not covered by subsection (a) of this section, the date of the individual's death.

Statutory/Other Authority: ORS 329A.500, 409.050, 411.060, 411.070, 411.404, 411.706, 411.816, 412.014, 412.049, 413.085, 414.231, 414.685, 414.826

Statutes/Other Implemented: ORS 329A.500, 409.010, 411.060, 411.070, 411.404, 411.706, 411.816, 412.014, 412.049, 414.231, 414.826

AMEND: 461-190-0310

RULE SUMMARY: OAR 461-190-0310 about Limits to the SNAP Training and Employment Program, is being amended to permanently expand the SNAP Training and Employment Program to 16 and 17 year olds that were previously excluded from participating.

CHANGES TO RULE:

461-190-0310

Limits to the SNAP Training and Employment Program ¶¶

- (1) The OFSET Program ends for all 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.¶¶
- (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), an 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 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