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TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

SSP 45-2021

CHAPTER 461
DEPARTMENT OF HUMAN SERVICES
SELF-SUFFICIENCY PROGRAMS

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FILING CAPTION: Temporary Changes to one Self-Sufficiency Rule

EFFECTIVE DATE: 08/25/2021 THROUGH 02/20/2022

AGENCY APPROVED DATE: 08/25/2021

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NEED FOR THE RULE(S):

OAR 461-190-0211 about Case Plan Activities and Standards for Support Service Payments for JOBS, Pre-TANF, REF, REP, SFPSS, and TANF programs, needs to be amended to allow internet services support during a more realistic timeframe for finding employment. ODHS has found that the process of finding employment, including applying, interviewing, and submitting documents, are frequently done via email or a website. ODHS estimates the process generally takes at least three or more months. Extending the time that ODHS can support internet services from two months to four months better supports individuals in seeking and obtaining employment.

JUSTIFICATION OF TEMPORARY FILING:

The Department finds that failure to act promptly by amending OAR 461-190-0211 will result in serious prejudice to the public interest, the Department, and individuals receiving benefits from or applying for the impacted ODHS programs. The Department needs to proceed by temporary filing so its rule aligns with and supports the expansions of internet services payments. Failure to amend these rules by August 25, 2021, could create confusion for ODHS staff and the public, or delay the implementation of these expansions at a time when resources are critical to Oregonians. These amendments create clear and accurate guidance in rule. The temporary changes to OAR 461-190-0211 are also needed to allow immediate support to families receiving TANF while they are involved in work search and other supported activities, such as virtual learning. The Department estimates this need will rise as we head into a recovery period from the COVID-19 pandemic. Increasing the length of time internet services can be paid for as a support service allows families more time to locate employment and increases options on the type and location of employment. This change will have a positive outcome for Oregon families.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

No documents relied upon.

AMEND: 461-190-0211

RULE SUMMARY: OAR 461-190-0211 about Case Plan Activities and Standards for Support Service Payments; JOBS,

Pre-TANF, REF, REP, SFPSS, TANF; is being changed to allow up-to four months of internet services as a support service for families receiving TANF, rather than two months allowed in current rule.

CHANGES TO RULE:

461-190-0211

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

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

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

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

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

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

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

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

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

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

(b) Authorized in advance; and¶

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

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

(a) Family Support & Connections,¶

(b) Retention services,¶

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

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

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

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

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

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

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

(e) Child Care: Payments for child care, as limited by OAR 461-160-0040, if necessary to enable individuals to

participate in an approved activity specified in the individual's case plan. If authorized, payment for child care is:¶

(A) The lesser of the actual rate charged by the care provider and the rate established in OAR 461-155-0150. The Department rate for children in care less than 158 hours in a month is limited by OAR 461-155-0150.¶

(B) The minimum hours necessary, including meal and commute time, for the individual to participate in an approved activity.¶

(f) Clothing: Payments for clothing items to support the individual to engage in an approved activity.¶

(g) Moving Expense/Relocation: Payments for housing and utilities expenses. Payments are subject to the following:¶

(A) Except as provided in paragraph (C) and (D) of this subsection, each payment type (such as rent, mortgage, utility bill, storage fees) is limited to two months per benefit group (see OAR 461-110-0750).¶

(B) Except as provided in paragraph (C) and (D) of this subsection, this payment is limited to \$3,000 per benefit group for each three-month period.¶

(C) Except as provided in paragraph (D) of this subsection, internet service payments are limited to four months per benefit group.¶

(D) With prior manager approval, and upon verification that an individual has greater needs to stabilize a living situation or prevent homelessness/loss of housing, the Department may approve payments that exceed the limits in paragraphs (A), (B), and (C) of this subsection.¶

(h) Grooming Needs: Payments for grooming needs for an approved activity.¶

(i) Professional Fees: Payments for professional fees to support the case plan.¶

(j) Tools/Equipment: Payments for equipment or tools an individual needs to accept a job offer, or for a work-related activity.¶

(k) Books/Supplies: Payments for books and supplies an individual needs to engage in an educational activity, including vocational training (see OAR 461-001-0025).¶

(l) Vocational Training: Payment for tuition and other educational costs for vocational training and self-initiated training (see OAR 461-001-0025), excluding payments for books and supplies. Payments are subject to the following:¶

(A) Tuition payments for a vocational training activity are limited to single payments by session as defined by the educational or vocational training entity, such as a term, semester, or quarter.¶

(B) Tuition payments for a self-initiated training activity are limited to payments provided through the Education and Training Pilot Program established in HB 2032. These payments will be issued via the contracted partner.¶

(C) For tuition payments, lower cost alternatives, as described in section (2) of this rule, must be explored, including the individual pursuing financial aid and other sources of assistance.¶

(m) Auto Expenses: Payments for auto expenses, repairs, or car insurance to support the goals specified in the individual's case plan. Payments for auto expenses are subject to the following limitations:¶

(A) Payments for vehicle repairs may be authorized at the discretion of the district if the cost to repair the individual's vehicle is reasonable in relation to the value of the vehicle and the minimum necessary repairs.¶

(B) Payments for car insurance may be authorized for no more than two months in a 12-month period.¶

(n) Other Payments: When the need is identified and no other sources are available, the Department may provide other payments needed --¶

(A) To look for work.¶

(B) To accept a job offer.¶

(C) To attain a high school diploma or GED.¶

(D) That are not otherwise restricted, with manager approval.¶

(o) None of the following payments are allowed:¶

(A) Medical Assistance or medical services.¶

(B) Mental health services.¶

(C) Alcohol and drug treatment services.¶

(D) Professional Services.¶

(E) Non-essential items.¶

(F) Television and cable.¶

(G) Fines, reinstatement fees, restitution, legal fees, civil fees, court costs, or other costs associated with a penalty.¶

(H) Purchase of a car, recreational vehicle, or motor home.¶

(I) Any payments described in this rule for individuals employed in, seeking employment in, or engaged in an illegal activity (see OAR 461-120-0215).¶

(J) Pet-related costs.¶

(K) ERDC co-payments.¶

(6) The Department may require an individual to provide verification of a need for, or costs associated with, support services prior to approval and issuance of payments if verification is reasonably available.¶

(7) The Department may reduce, close, or deny in whole or in part a request for support services payments in the following circumstances:¶

(a) The purpose for the payments is not related to the individual's case plan.¶

(b) The individual is failing to comply with the case plan or disqualified, unless the payments in question are necessary for the individual to demonstrate cooperation with the individual's case plan.¶

(c) The individual disagrees with support services payments offered or made by the Department as outlined in the individual's case plan.¶

(8) In the REF and REP programs, the Department may provide payments for support services for individuals eligible for REP engaged in an approved activity specified in the individual's case plan, subject to provisions in section (1)(e). Support services are subject to the following limitations:¶

(a) Transportation. The Department may provide payments to an individual when transportation costs is for travel to and from an approved REP activity. Payments are only for the cost of public transportation or fuel costs. For fuel costs the individual providing the transportation must report having a valid driver's license and vehicle insurance..¶

(b) Other Payments. When the need is identified and no other sources are available, the Department may provide other payments needed -¶

(A) To accept a job offer.¶

(B) For books and supplies to complete a an approved educational activity.¶

(c) All other payments are not allowed.

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

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