



## PERMANENT ADMINISTRATIVE ORDER

### SSP 49-2021

CHAPTER 461  
DEPARTMENT OF HUMAN SERVICES  
SELF-SUFFICIENCY PROGRAMS

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#### RULES:

461-135-1270, 461-145-0910, 461-155-0180, 461-155-0190, 461-160-0015, 461-160-0420, 461-160-0430, 461-165-0060, 461-175-0210, 461-180-0125

AMEND: 461-135-1270

REPEAL: Temporary 461-135-1270 from SSP 32-2021

NOTICE FILED DATE: 07/31/2021

RULE SUMMARY: OAR 461-135-1270 is being amended to expand eligibility for TANF program employment payments to JOBS Volunteers who meet specific criteria, a provision that was adopted into rule temporarily on June 3, 2021.

#### CHANGES TO RULE:

461-135-1270

Specific Requirements; Employment Payments ¶¶

(1) Effective April 1, 2016, a benefit group (see OAR 461-110-0630) that includes an individual who meets the requirements in section (2) of this rule is eligible to receive \$225 in Employment Payments (see OAR 461-001-0025) paid over three months as provided in section (3) of this rule.¶¶

(2) To be eligible for three months of Employment Payments, an individual in the benefit group (see OAR 461-110-0750) or an individual not in the benefit group due to the time limit in OAR 461-135-0071 must meet all of the following requirements:¶¶

(a) Have obtained unsubsidized paid employment and reported it timely.¶¶

(b) Have been a JOBS eligible or JOBS volunteer (see OAR 461-130-0310) individual who closed TANF for one of the following reasons:¶¶

(A) Became ineligible for the Pre-TANF, SFPSS or TANF programs due to income above the applicable income standard in OAR 461-155-0030.¶¶

(B) Voluntarily closed TANF to avoid accruing time toward the time limit in OAR 461-135-0071.¶¶

(C) Voluntarily closed TANF to be eligible for TBA (see OAR 461-135-0506).¶¶

- (c) Meet the TANF residency requirements in OAR 461-120-0010.¶¶
  - (d) Remain at or below 350 percent FPL in OAR 461-155-0180.¶¶
  - (3) Employment Payments begin the month following the month in which Pre-TANF, SFPSS, or TANF benefits close. Payments are limited to one payment per month per benefit group. Payments may not be prorated and are paid in the following amounts and order:¶¶
    - (a) \$100 the first month after benefits close.¶¶
    - (b) \$75 the second month after benefits close.¶¶
    - (c) \$50 the third month after benefits close.¶¶
  - (4) An individual receiving Employment Payments is not eligible for JOBS Plus or JPI (see OAR 461-135-1260).¶¶
  - (5) Employment Payments end when an individual:¶¶
    - (a) Is approved for REF, Pre-TANF, SFPSS, or TANF program benefits;¶¶
    - (b) Is a member of a filing group (see OAR 461-110-0330) approved for REF, Pre-TANF, SFPSS, or TANF program benefits; or¶¶
    - (c) Loses unsubsidized paid employment and the loss is verified by the Department.
- Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 412.049, 412.124
- Statutes/Other Implemented: ORS 409.050, 411.060, 411.070, 412.049, 412.124

AMEND: 461-145-0910

NOTICE FILED DATE: 07/31/2021

RULE SUMMARY: OAR 461-145-0910 is being amended to adopt into rule Department policy that providers considered an employee of an Aging and People with Disabilities, Office of Developmental Disabilities Services, or Oregon Health Authority benefit recipient are not self-employed.

CHANGES TO RULE:

461-145-0910

Self-Employment; General; Not OSIP, OSIPM, or QMB ¶¶

(1) Self-employment income is income resulting from an individual's business, trade, or profession, rather than from a salary or wage paid by an employer. An individual is considered self-employed if the individual meets the criteria in sections (2) or (3) of this rule. Except as noted in section (3) of this rule when an individual has established a corporation, determine if the individual is self-employed according to section (2) of this rule. If the individual has more than one self-employment business, trade, or profession, the income from each is determined separately.¶¶

(2) Except as provided in OAR 461-145-0250(1), an individual is self-employed for the purposes of this division of rules if the individual meets the requirements of one or more of (a), (b), or (c):¶¶

(a) Files taxes as self-employed for their business on their personal taxes.¶¶

(b) Is considered an independent contractor by the business.¶¶

(c) Meets all the following criteria:¶¶

(A) Is not required by the business to complete an IRS W-4 form;¶¶

(B) Is not required to pay federal income tax or FICA payments from their paycheck(s);¶¶

(C) Liability or worker's compensation insurance for the individual is not paid by the business;¶¶

(D) Meets at least one of the following:¶¶

(i) Creates or provides the products or services they sell, or¶¶

(ii) Sets the price for the products or services they sell;¶¶

(E) Is responsible for the business expense and losses; and¶¶

(F) Receives profits from the business.¶¶

(3) Notwithstanding section (2) of this rule:¶¶

(a) Homecare Workers (see OAR 411-031-0020) paid by the Department are not self-employed.¶¶

(b) Providers considered an employee of an Aging and People with Disabilities, Office of Developmental Disabilities Services, or Oregon Health Authority benefit recipient, such as Independent Choices Program (see OAR 411-030-0100) providers, Personal Support Workers (see OAR 411-375-0000), and Personal Care Attendants (see OAR 410-172-0810) are not self-employed.¶¶

(c) Child care providers (see OAR 461-165-0180) paid by the Department, adult foster home providers (see OAR 411-050-0602) paid by the Department, realty agents, and individuals who sell plasma, redeem beverage containers, pick mushrooms for sale, or engage in similar enterprises are considered to be self-employed.¶¶

(4) In the ERDC, REF, SNAP, and TANF programs, self-employment income is counted prospectively to determine eligibility (see OAR 461-001-0000) as follows:¶¶

(a) Self-employment income is annualized when it is:¶¶

(A) Received during less than a 12-month period but is intended as a full year's income.¶¶

(B) From a business that has operated for a full year and the previous year is representative of what the income and costs will be during the budget month.¶¶

(b) Except in the ERDC program, self-employment income is treated as anticipated income when a financial group (see OAR 461-110-0530) begins self-employment and is unable to determine what the income and costs will be during the budget month.¶¶

(5) In the REFM program:¶¶

(a) Self-employment income is counted only if received in the month of application.¶¶

(b) If self-employment income counted in the month of application puts the applicant over the income limits for REFM, the income is calculated according to section (4) of this rule.¶¶

(6) When determining the amount of countable (see OAR 461-001-0000) self-employment income, use gross receipts and sales, including mileage reimbursements, before costs.

Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 411.404, 411.816, 412.006, 412.049, 413.085, 414.685

Statutes/Other Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.404, 411.816, 412.006, 412.049, 413.085, 414.685

AMEND: 461-155-0180

NOTICE FILED DATE: 07/31/2021

RULE SUMMARY: OAR 461-155-0180 is being amended effective October 1, 2021, to update a few federal poverty level income standards aligning the financial eligibility guidelines in the rule with the annual adjustments set forth by the Food and Nutrition Service.

CHANGES TO RULE:

461-155-0180

Income Standards; Not OSIP, OSIPM, QMB ¶

(1) A Department program may cite this rule if the program uses a monthly income standard based on the federal poverty level or state median income. The standards in this rule are effective as of ~~March~~October 1, 2021, except as provided otherwise. ¶

(2) A monthly income standard set at 100 percent of the 20201 federal poverty level is set at the following amounts: ¶

Size of Group&&&&Standard¶

1&&&&&&&&&\$ 1,0674¶

2&&&&&&&&& 1,43752¶

3&&&&&&&&& 1,8430¶

4&&&&&&&&& 2,184209¶

5&&&&&&&&& 2,5587¶

6&&&&&&&&& 2,93065¶

7&&&&&&&&& 3,3044¶

8&&&&&&&&& 3,677222¶

9&&&&&&&&& 4,1051¶

10&&&&&&&&&.. 4,42580¶

+1&&&&&&&&&... +3749¶

(3) A monthly income standard set at 130 percent of the 20201 federal poverty level is set at the following amounts:¶

Size of Group&&&&Standard¶

1&&&&&&&&&\$ 1,38396¶

2&&&&&&&&& 1,8688¶

3&&&&&&&&& 2,35379¶

4&&&&&&&&& 2,83971¶

5&&&&&&&&& 3,32463¶

6&&&&&&&&& 3,80955¶

7&&&&&&&&& 4,295347¶

8&&&&&&&&& 4,780839¶

9&&&&&&&&& 5,266331¶

10&&&&&&&&&.. 5,752823¶

+1&&&&&&&&&... +48692¶

(4) A monthly income standard set at 165 percent of the 20201 federal poverty level is set at the following amounts: ¶

Size of Group&&&&Standard¶

1&&&&&&&&&\$ 1,75571¶

2&&&&&&&&& 2,37496¶

3&&&&&&&&& 2,9873,020¶

4&&&&&&&&& 3,60344¶

5 4,219<sup>68</sup>

6 4,823<sup>5</sup>

7 5,451<sup>7</sup>

8 6,067<sup>141</sup>

+1 +616<sup>25</sup>

(5) A monthly income standard set at 185 percent of the 2021 federal poverty level is set at the following amounts:

Size of Group Standard

1 \$ 1,986

2 2,686

3 3,386

4 4,086

5 4,786

6 5,486

7 6,186

8 6,886

9 7,586

10 8,286

+1 +700

(6) A monthly income standard set at 200 percent of the 2021 federal poverty level is set at the following amounts:

Size of Group Standard

1 \$ 2,147

2 2,904

3 3,660

4 4,417

5 5,174

6 5,930

7 6,687

8 7,444

+1 +757

(7) A monthly income standard set at 250 percent of the 2021 federal poverty level is set at the following amounts:

Size of Group Standard

1 \$ 2,684

2 3,630

3 4,575

4 5,521

5 6,467

6 7,413

7 8,359

8 9,305

(8) A monthly income standard set at 350 percent of the 2020<sup>1</sup> federal poverty level is set at the following amounts:

Size of Group Standard

1 \$ 3,722<sup>57</sup>

2 5,029<sup>81</sup>

3 6,334<sup>05</sup>

4 7,642<sup>730</sup>

5 8,949,054  
 6 10,255,378  
 7 11,567,021  
 8 12,869,026  
 9 14,176,351  
 10 15,483,676  
 +1 +1,307,251

(9) A monthly income standard set at 85 percent of the 2021 state median income is set at the following amounts:

¶  
 Size of Group Standard  
 2 \$ 4,293  
 3 5,303  
 4 6,313  
 5 7,323  
 6 8,333  
 7 8,523  
 8 8,712

(10) A monthly Disaster Supplemental Nutrition Assistance Program (DSNAP) income standard is set at the following amounts for the household (see OAR 461-135-0491):

Size of Group Standard  
 1 \$ 1,817,481  
 2 2,190,226  
 3 2,563,604  
 4 2,951,901  
 5 3,355,991  
 6 3,759,808  
 7 4,133,871  
 8 4,506,511  
 +1 +3749

Statutory/Other Authority: ORS 329A.500, 409.050, 411.060, 411.070, 411.816, 412.049

Statutes/Other Implemented: ORS 329A.500, 409.010, 411.060, 411.070, 411.816, 412.014, 412.049, 7 CFR 280.1

AMEND: 461-155-0190

NOTICE FILED DATE: 07/31/2021

RULE SUMMARY: OAR 461-155-0190 is being amended effective October 1, 2021, to align the SNAP Payment Standard (Thrifty Food Plan) with annual adjustments set forth by the Food and Nutrition Service.

CHANGES TO RULE:

461-155-0190

Income and Payment Standards; SNAP and DSNAP ¶

(1) The monthly SNAP Countable Income Limit is set at 130 percent of the federal poverty level under OAR 461-155-0180 for the number of individuals in the need group (see OAR 461-110-0630). The monthly SNAP Adjusted Income Limit is set at 100 percent of the federal poverty level under OAR 461-155-0180 for the number of individuals in the need group.¶

(2) The SNAP Payment Standard (Thrifty Food Plan) is:¶

No. in Benefit Group.....Monthly Amount.¶

1.....	\$ 23450¶
2.....	43059¶
3.....	61658¶
4.....	782835¶
5.....	9929¶
6.....	1,14490¶
7.....	1,232316¶
8.....	1,408504¶
+1.....	+ 17688¶

(3) The full-month Disaster SNAP (DSNAP) Payment Standard is: ¶

No. in Benefit Group.....Monthly Amount¶

1.....	\$ 204¶
2.....	374¶
3.....	535¶
4.....	680¶
5.....	807¶
6.....	969¶
7.....	1,071¶
8.....	1,224¶
+1.....	+ 153¶

(4) The DSNAP Gross Income Limit is set under OAR 461-155-0180 for the number of individuals in the household (see OAR 461-135-0491) group.

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

Statutes/Other Implemented: ORS 411.070, 411.816, 411.825, 411.837, ORS 409.010, 409.050, 411.060, 7 CFR 273.1, 7 CFR 273.10, 7 CFR 280.1, H.R. 133



AMEND: 461-160-0015

NOTICE FILED DATE: 07/31/2021

RULE SUMMARY: OAR 461-160-0015 is being amended to align resource limit eligibility guidelines for SNAP with the annual adjustments set forth by the Food and Nutrition Service.

CHANGES TO RULE:

461-160-0015

Resource Limits ¶¶

- (1) In the EA program, all countable (see OAR 461-001-0000) resources must be used to meet the emergent need.¶¶
  - (2) In the ERDC program, the limit is \$1,000,000.¶¶
  - (3) In the OSIP and OSIPM programs, the resource limit is as follows:¶¶
    - (a) \$2,000 for a one-person need group (see OAR 461-110-0630) and \$3,000 for a two-person need group.¶¶
    - (b) \$5,000 for the OSIP-EPD and OSIPM-EPD programs (see OAR 461-001-0035 and 461-145-0025 for funds that may be excluded as approved accounts).¶¶
  - (4) In the QMB-BAS, QMB-SMB, and QMB-SMF programs, all resources are excluded.¶¶
  - (5) In the QMB-DW program, the resource limit is \$4,000 for a one-person need group and \$6,000 for a need group containing two or more individuals.¶¶
  - (6) In the REF and REFM programs, the resource limit is:¶¶
    - (a) \$2,500 for any of the following:¶¶
      - (A) A new REF or REFM applicant for benefits.¶¶
      - (B) In the REF program, the need group that has at least one mandatory (see OAR 461-130-0305) participant in an employment program who is:¶¶
        - (i) Receiving REF and not progressing in a required activity of an open case plan; or¶¶
        - (ii) Serving a current employment program disqualification (see OAR 461-130-0330).¶¶
    - (b) \$10,000 for an REF need group not covered under subsection (a) of this section.¶¶
  - (7) In the SNAP program, unless categorically eligible (see OAR 461-135-0505), ~~the program~~ the resource limit is:¶¶
    - (a) \$3,750 for a financial group (see OAR 461-110-0530) with at least one member who is elderly (see OAR 461-001-0015) or an individual with a disability (see OAR 461-001-0015).¶¶
    - (b) \$2,250 for all other financial groups.¶¶
  - (8) In the TANF program, the resource limit is:¶¶
    - (a) \$2,500 for any of the following:¶¶
      - (A) A new TANF applicant for benefits.¶¶
      - (B) TANF need group that does not have at least one caretaker relative (see OAR 461-001-0000) or parent (see OAR 461-001-0000) who is receiving TANF.¶¶
      - (C) TANF need group that has at least one JOBS participant who is serving a current JOBS disqualification (see OAR 461-130-0330).¶¶
    - (b) \$10,000 for a need group not covered under subsection (a) of this section.
- Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 411.083, 411.404, 411.706, 411.816, 412.049, 413.085, 414.685
- Statutes/Other Implemented: ORS 409.010, 411.060, 411.070, 411.083, 411.404, 411.704, 411.706, 411.816, 411.837, 412.049, 413.085, 414.685, 414.839

AMEND: 461-160-0420

NOTICE FILED DATE: 07/31/2021

RULE SUMMARY: OAR 461-160-0420 is being amended October 1, 2021, to align the amount of shelter cost used to determine the shelter deduction for SNAP with the annual adjustments set forth by the Food and Nutrition Service.

CHANGES TO RULE:

461-160-0420

Shelter Cost; SNAP ¶

(1) This rule explains how to calculate the shelter cost. The shelter cost is used to determine the shelter deduction (see OAR 461-160-0430). The shelter cost is the sum of the filing group's cost of housing plus an allowance for utilities, if the individual incurs a utility cost. The shelter deduction is based on the shelter cost but is subject to a limitation described in OAR 461-160-0430.¶

(2) Cost of housing.¶

(a) The following comprise the cost of housing if they are incurred with respect to the filing group's current residence or the home described in section (5) of this rule:¶

(A) Regular, periodic charges for the shelter of the filing group (see OAR 461-110-0370), such as rent, mortgage payments, and condominium or association fees. Late fees charged because a mortgage or rent payment was made late are not deductible.¶

(B) Property taxes, state and local assessments, and property insurance on the structure.¶

(C) Costs for repairing a home substantially damaged or destroyed by a natural disaster (such as a fire or flood), if such costs are not reimbursed.¶

(D) If the filing group is homeless and living in a vehicle---vehicle payments and collision and comprehensive insurance premiums for the vehicle.¶

(b) If housing costs are billed on a weekly or biweekly basis, the monthly cost is the weekly cost multiplied by 4.3 or the biweekly cost multiplied by 2.15.¶

(c) The filing group has the following choices about housing costs:¶

(A) The group may choose to apply the cost in the month it is billed or becomes due.¶

(B) The group may choose to have periodic costs averaged.¶

(C) For expenses that are billed less often than monthly, the group may choose to have them averaged over the period they are intended to cover.¶

(3) Shared housing. If the filing group shares housing costs with an individual in the dwelling who is not in the filing group, only the housing costs incurred by the filing group are included in the calculation. If the portion paid by an individual outside the filing group cannot be ascertained, the cost is apportioned among the individuals contributing to the cost. The pro rata share of those not in the filing group is deducted from the total, and the balance is considered a housing cost of the filing group.¶

(4) Cost for utilities.¶

(a) A filing group has a cost for utilities if it incurs a cost for heating or cooling; cooking fuel; electricity; water and sewerage; well installation and maintenance; septic tank system installation and maintenance; garbage and trash collection; service for a telephone, such as basic service fee, wire maintenance, subscriber line charges, relay center surcharges, 911 service, and taxes; or initial installation fees charged by a utility provider.¶

(b) If the group incurs no cost for utilities in either its current home or in the home described in section (5) of this rule, then the shelter cost is calculated without an allowance for utilities.¶

(c) If a homeless filing group uses a vehicle for shelter, the cost of fuel for the vehicle is considered a utility cost.¶

(d) If a filing group incurs a cost for utilities, then the utility allowance is one of the following:¶

(A) Allowance with heating or cooling. A full standard utility allowance of ~~\$442~~50 per month is used if the household group (see OAR 461-110-0210) is billed for heating or cooling costs for its dwelling. Charges for any fuel and for electricity are considered heating costs if they are used for heating. A filing group who receives an

energy assistance payment for the dwelling provided through the Low Income Energy Assistance Act of 1981 is eligible for the utility allowance established by this paragraph (A). This energy assistance payment must be greater than \$20 annually.¶

(B) Allowance without heating or cooling.¶

(i) A limited standard utility allowance of ~~\$344~~53 per month is used if the filing group is not billed for heating or cooling costs but is billed for at least two other costs enumerated in subsection (4)(a) of this rule.¶

(ii) An individual standard utility allowance of ~~\$55~~7 per month is used if the filing group is not billed for heating or cooling costs but is billed for only one of the costs enumerated in subsection (4)(a) of this rule other than the service cost for a telephone, including the related taxes or fees.¶

(iii) A telephone standard utility allowance of ~~\$68~~70 per month is used if the filing group is billed only for telephone service, such as basic service fee, wire maintenance, subscriber line charges, relay center surcharges, 911 service, and taxes.¶

(5) Housing costs for a home not occupied by the filing group. Housing and utility costs with respect to a home not currently occupied may be considered in calculating the shelter cost if--¶

(a) The home is temporarily unoccupied because of employment or training away from home, illness, or abandonment caused by casualty or natural disaster;¶

(b) The filing group intends to return to the home;¶

(c) No other, current occupant is claiming a deduction for shelter costs in the SNAP program; and¶

(d) The home is not leased during the household's absence.

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

Statutes/Other Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.816, 411.825, 411.837

AMEND: 461-160-0430

NOTICE FILED DATE: 07/31/2021

RULE SUMMARY: OAR 461-160-0420 is being amended effective October 1, 2021, to align income deductions used to determine adjusted income for SNAP with the annual adjustments set forth by the Food and Nutrition Service.

CHANGES TO RULE:

461-160-0430

Income Deductions; SNAP ¶¶

In the SNAP program:¶¶

(1) Deductions from income are subtracted from countable (see OAR 461-001-0000) income (see OAR 461-140-0010) in the following order to determine adjusted income (see OAR 461-001-0000) for the SNAP program:¶¶

(a) An earned income deduction of 20 percent of countable earned income. The 20 percent deduction is not taken from the wages funded by grant diversions such as Work Supplementation wages.¶¶

(b) A standard deduction of:¶¶

(A) ~~\$16,177~~ per month for a benefit group (see OAR 461-110-0750) of one, two, or three individuals.¶¶

(B) ~~\$1,814~~ per month for a benefit group of four individuals.¶¶

(C) ~~\$2,125~~ per month for a benefit group of five individuals.¶¶

(D) ~~\$2,436~~ per month for a benefit group of six or more individuals.¶¶

(c) A dependent care deduction for dependent care costs billed to a member of the filing group (see OAR 461-110-0370) and not paid for through any other program of the Department. For the cost to be deductible under this section, the care must be necessary to enable a member of the filing group to--¶¶

(A) Accept or continue employment;¶¶

(B) Seek employment, including a job search that meets the requirements of a case plan (see OAR 461-001-0020); or¶¶

(C) Attend vocational or educational training. A student receiving educational income is entitled to a deduction only for costs not excluded from educational income by OAR 461-145-0150.¶¶

(d) The medical deduction for elderly (see OAR 461-001-0015) individuals and individuals who have a disability (see OAR 461-001-0015) in the filing group. The deduction is calculated by determining the total of their deductible medical costs (see OAR 461-160-0415) and subtracting \$35. The Department uses the resulting amount to determine the allowable deduction as follows:¶¶

(A) For an amount less than \$0, no deduction is allowed.¶¶

(B) For an amount greater than \$0 but less than \$170.01, a deduction of \$170 is allowed.¶¶

(C) For an amount greater than \$170, a deduction of the amount determined under this subsection is allowed.¶¶

(e) A deduction for child support payments (including cash medical support) a member of the filing group makes under a legal obligation to a child (see OAR 461-001-0000) not a member of the filing group, including payments for the current month and for payments on arrearages. Child support is not deductible if collected by setoff through the Oregon Department of Revenue or by interception of a federal tax refund.¶¶

(f) A shelter deduction, calculated as follows:¶¶

(A) For SNAP filing group members required to pay room and board in a nonstandard living arrangement (see OAR 461-001-0000), the shelter deduction is:¶¶

(i) The cost of room and board, minus the payment standard for the benefit group; or¶¶

(ii) The actual room cost, if the individual can prove that the room cost exceeds the cost described in subparagraph (i) of this paragraph.¶¶

(B) For all other filing group members, the shelter deduction is calculated as follows:¶¶

(i) The standard deduction and the deductions of earned income, dependent care, court-ordered child support, and medical expenses are subtracted from countable income. Fifty percent of the remainder is subtracted from the shelter cost calculated in accordance with OAR 461-160-0420.¶¶

(ii) The rounded balance is the deduction, except the deduction is limited if the filing group has no member who has a disability or is elderly. The limit is ~~\$586~~ 597 per month.¶

(2) If an individual cannot verify a medical or court-ordered child-support expense or cannot verify any other expense when asked to do so, the unverified expense is not used to calculate the deduction. If the individual provides verification, the deduction is applied when calculating the next month's benefits. If verification is provided within the period authorized for processing applications (see OAR 461-115-0210), the benefits for the initial month (see OAR 461-001-0000) are recalculated using the deduction.

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

Statutes/Other Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.816, 411.825, 411.837

AMEND: 461-165-0060

NOTICE FILED DATE: 07/31/2021

RULE SUMMARY: OAR 461-165-0060 is being changed effective October 1, 2021 to align the minimum SNAP Payment Standards (Thrifty Food Plan) with annual adjustments set forth by the Food and Nutrition Service.

CHANGES TO RULE:

461-165-0060

Minimum Benefit Amount; REF, SNAP, TANF ¶

(1) In the SNAP program:¶

(a) A benefit group (see OAR 461-110-0750) is not eligible for benefits in the initial month (see OAR 461-001-0000) if the allotment is less than \$10.¶

(b) Except as provided otherwise in section (1) of this rule and in OAR 461-160-0070, minimum benefits are determined as follows:¶

(A) An eligible benefit group of one or two persons receives ~~the a minimum~~ monthly calculated benefit with a lotment of \$20 for an ongoing month (see OAR 461-001-0000) and a proration of \$20 when OAR 461-160-0070 applies. The minimum monthly allotment is a calculation of eight percent of the Thrifty Food Plan (TFP) (see OAR 461-155-0190), rounded to the nearest whole dollar, for one person as determined annually by FNS.¶

(B) An eligible benefit group of three or more persons receives the monthly calculated benefit, except that a group whose calculated benefit is \$1, \$3, or \$5 receives instead an allotment of \$2, \$4, or \$6 respectively. A benefit group in a categorically eligible filing group may be eligible for zero benefits (\$0) for the certification period (see OAR 461-001-0000).¶

(2) In the REF and TANF programs, except as provided in section (3) of this rule, benefits are not issued if the monthly benefit is less than \$10. Individuals who do not receive a cash payment because the monthly benefit is less than \$10 may be eligible for medical benefits.¶

(3) The \$10 requirement in section (2) of this rule does not apply to any of the following:¶

(a) Special payments, such as one-time special needs, emergency assistance, supplements, or a benefit reduced from \$10 or more to under \$10 due to the recovery of an overpayment.¶

(b) Dual payee payments made in money management cases if the monthly benefit amount is \$10 or more.¶

(c) Wage supplements issued to JOBS Plus participants.

Statutory/Other Authority: ORS 411.060, 411.816, 412.049

Statutes/Other Implemented: ORS 411.060, 411.816, 412.049

AMEND: 461-175-0210

REPEAL: Temporary 461-175-0210 from SSP 36-2021

NOTICE FILED DATE: 07/31/2021

RULE SUMMARY: OAR 461-175-0210 is being amended to align rule with federal regulation and Oregon policy that have prohibited, for some time, closure of SNAP cases certified in Simplified Reporting System or Transitional Benefit Alternative, when the Department receives returned mail. It is also being amended to restructure the rule to make clear the unique returned mail and moved out of state rules that apply to the SNAP program. Lastly, it is being amended for the TA-DVS Program to cease case closure when mail is returned or whereabouts become unknown. ODHS is making this change because they are aware that in the TA-DVS Program, survivors may decide it is best to flee from a residence, which results in a change in address or whereabouts.

CHANGES TO RULE:

461-175-0210

Notice Situation; ~~Client~~ Individual Moved or Whereabouts Unknown ¶

(1) ~~In all programs except the SNAP program, to end benefits for an individual who has moved out of Oregon and no longer meets residency requirements under OAR 461-120-0010, the Department sends the following decision notice (see OAR 461-001-0000):¶~~

(a) In the ERDC, OSIP, OSIPM, QMB, REF, REFM, and TANF programs:¶

(A) The Department sends a timely continuing benefit decision notice (see OAR 461-001-0000) to the individual who has moved out of Oregon.¶

(B) The Department sends a basic decision notice (see OAR 461-001-0000) if the individual becomes eligible for benefits in another state.¶

(b) In the GA program:¶

(A) No decision notice is required to end housing assistance payments.¶

(B) The Department sends a timely continuing benefit decision notice to end Personal Incidental Fund and utility assistance payments.¶

(c) For Employment Payments (see OAR 461-001-0025 and 461-135-1270), ~~and~~ JPI (see OAR 461-135-1260), ~~and the SNAP program~~, no decision notice is required if the Department determines that the benefit group (see OAR 461-110-0750) has moved out of Oregon.¶

(2) ~~In all programs except the SNAP and TA-DVS programs, if Department mail or benefits have been returned with no forwarding address, the Department gives the individual the benefits if the individual's whereabouts become known during the period covered by the returned benefits. See OAR 461-165-0130 for when SNAP¶~~

(3) ~~In all programs except the SNAP and TA-DVS programs, if Department mail or benefits may be sent out of Oregon. If have been returned with no forwarding address, and the individual's whereabouts are main unknown, the Department ends benefits by sending the following decision notice to their last known address:¶~~

(a) ~~Except for Employment Payments, and JPI, and the SNAP program, a basic decision notice.¶~~

~~(b) For Employment Payments, JPI, and the SNAP program, no decision notice is required basic decision notice.¶~~

~~(b) For Employment Payments and JPI, no decision notice is required.¶~~

~~(4) In the SNAP program, ¶~~

~~(a) When the filing group is participating in the Change Report System (CRS) and: ¶~~

~~(A) Department mail or benefits have been returned with no forwarding address, or with an Oregon address not yet reported to ODHS, the Department shall allow the filing group 10 days to meet residence and shelter cost reporting requirements under OAR 461-170-0011. If the information is not provided, the Department sends a timely continuing benefit decision notice.¶~~

~~(B) Department mail or benefits have been returned with an address outside of Oregon, no decision notice is required to end benefits.¶~~

~~(b) When the filing group is participating in the Simplified Reporting System (SRS) or Transitional Benefit~~

Alternative (TBA), ¶

(A) The Department shall not end SNAP program benefits when Department mail or benefits have been returned.¶

(B) The Department shall end benefits when the head of household (see OAR 461-001-0015) reports they moved out of Oregon and no longer meet residency requirements under OAR 461-120-0010, or when they are applying for benefits in another state. No decision notice is required.¶

(5) In the TA-DVS program, the Department shall not end benefits when Department mail or benefits have been returned with no forwarding address and the individual's whereabouts remain unknown.¶

(6) See OAR 461-165-0130 for when benefits may be sent out of Oregon.

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

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



AMEND: 461-180-0125

NOTICE FILED DATE: 07/31/2021

RULE SUMMARY: OAR 461-180-0125 is being changed to remove the SNAP program from the rule and to make remaining language more accurate and respectful.

CHANGES TO RULE:

461-180-0125

Effective Dates; Reopen After Returned Mail; ERDC, ~~SNAP~~ ¶

In the ERDC and ~~SNAP~~ programs, benefits may be reopened effective the first of the month when mail is returned by the U.S. Post Office marked undeliverable, no forwarding address" OAR 461-175-0210 in the following situation:¶

- (1) Benefits ended as of the last calendar day of the prior month;¶
- (2) The reason for the case closure was mail returned, no forwarding address; and¶
- (3) ~~The client~~ A responsible member of the filing group (see OAR 461-110-0350) contacted the Department within the first calendar month following the case closure with a new mailing address.

Statutory/Other Authority: 411.060, 411.816

Statutes/Other Implemented: ORS 411.060, 411.816