

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**

12/29/2021 1:25 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Making Permanent Six Temporary Self-Sufficiency Rules About Pandemic EBT and Support Service Payments

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 01/24/2022 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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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: 01/24/2022

TIME: 9:00 AM - 12:00 PM

OFFICER: Meorah Solar

ADDRESS: Virtual Hearing - No Physical Location

Phone 1-971-277-2343, code 428 959 418#

Microsoft Teams link also available

No Physical Location, OR 0

SPECIAL INSTRUCTIONS:

Everyone has a right to know about and use Oregon Department of Human Services (ODHS) programs and services. ODHS 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)

OAR 461-135-1501 about Pandemic-related Supplemental Nutrition Assistance Program; PSNAP (renumbered from 461-135-0498), OAR 461-135-1502 about Application and Eligibility; P-EBT, OAR 461-135-1503 about Benefit Amount and Issuance of Benefit; P-EBT, OAR 461-135-1504 about Benefit Access and Use; P-EBT, OAR 461-135-1505 about Hearings, Claims, and Liability; P-EBT, need to be amended to put into permanent rule the current Food and Nutrition Service (FNS) pandemic food benefit program, called Pandemic Electronic Benefits Transfer (P-EBT). This rule set puts into rule the necessary provisions guiding the program, including acronyms, definitions, eligibility, benefit amounts, how individuals access benefits, and program overpayments and hearings.

OAR 461-190-0211 about Case Plan Activities and Standards for Support Service Payments; JOBS, Pre-TANF, REF,

REP, SFPSS, TANF; needs to be permanently amended to align rule with ODHS support service expansions.

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#### DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

- P-EBT Guidance – Summer 2021 (4/26/2021), available here: <https://www.fns.usda.gov/pandemic-ebt-summer2021>
  - P-EBT Q&A – Summer 2021 (4/26/2021), available here: <https://fns-prod.azureedge.net/sites/default/files/resourcefiles/2021-pandemic-ebt-summer-qas.pdf>
  - P-EBT State Plan Template – Summer 2021 (4/26/2021), available here: <https://fnsprod.azureedge.net/sites/default/files/resource-files/2021-pandemic-ebt-summer-state-plan-template.pdf>
  - P-EBT Guidance - Assistance for Children in Schools and Child Care SY 2020-21 (1/29/21), available here: <https://www.fns.usda.gov/disaster/pandemic/covid-19/ebt-state-plans-2020-2021>
  - P-EBT Q&A - Assistance for Children in Schools and Child Care SY 2020-21 (1/29/21), available here: <https://fnsprod.azureedge.net/sites/default/files/resource-files/Pandemic%20EBT%20%20State%20Plans%20for%202020-2021%20Schools%20and%20Child%20Care%20January%202021%20Attachment%201%20QA.pdf>
  - P-EBT State Plan Template - Children in Schools and Child Care SY 2020-21 (1/29/21), available here: <https://fnsprod.azureedge.net/sites/default/files/resourcefiles/Pandemic%20EBT%20%E2%80%93%20State%20Plans%20for%202021%20Schools%20and%20Child%20Care%20January%202021%20Attachment%202%20Template.pdf>
  - State Plans for SY 2020-21 (11/16/20), available here: <https://www.fns.usda.gov/snap/p-ebt-state-plans-sy-20-21>
  - SY 2019-2020 P-EBT State Participation, available here: <https://www.fns.usda.gov/snap/sy-2019-2020-pebt-stateparticipation>
  - Oregon Pandemic EBT State Plan (approved 05/07/2021), available here: [https://fnsprod.azureedge.net/sites/default/files/resourcefiles/Oregon-PEBT-State-Plan-050521\\_0.pdf](https://fnsprod.azureedge.net/sites/default/files/resourcefiles/Oregon-PEBT-State-Plan-050521_0.pdf)
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#### FISCAL AND ECONOMIC IMPACT:

The Department estimates that amending OAR 461-190-0211 will have a fiscal impact on individuals receiving or applying for SSP programs who lose SNAP eligibility due to qualifying winnings. The exact amount will vary based on the SNAP allotment of the individual with a maximum SNAP loss of \$250 monthly for a single individual. The Department estimates no fiscal impact on 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.

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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 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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RULES PROPOSED:

461-135-1501, 461-135-1502, 461-135-1503, 461-135-1504, 461-135-1505, 461-190-0211

AMEND: 461-135-1501

RULE SUMMARY: OAR 461-135-1501 (renumbered from 461-135-0498), is being amended to put into permanent rule the current Food and Nutrition Service (FNS) pandemic food benefit program, Pandemic Electronic Benefits Transfer (P-EBT). OAR 461-135-1501 sets in place general P-EBT information and terms that are specific to the P-EBT OARs 461-135-1501 through 461-135-1505.

CHANGES TO RULE:

461-135-1501

~~Pandemic-related Supplemental Nutrition Assistance Program; PSNAP~~ Electronic Benefits Transfer (P-EBT) ¶

~~In the Pandemic-related Supplemental Nutrition Assistance Program (PSNAP):~~ ¶

~~(1) The purpose of this rule is to set forth the policies for determining the activation of, eligibility for, and issuance of~~ (1) OARs 461-135-1501 through 461-135-1505 apply to Pandemic Electronic Benefits Transfer (P-EBT). Except as provided for in OARs 461-135-1501 through 461-135-1505, P-EBT is not subject to Chapter 461 rules. ¶

~~(2) P-EBT is a food benefits u intended d the PSNAP program for children certified eligible to receive free and reduced price school lunch benefits during a pandemic-related school closure. This program may be activated and benefits issued for the period October 1, 2009 through September 30, 2010.~~ ¶

~~(2) The PSNAP program is activated when:~~ ¶

~~(a) The reimburse eligible individuals for the value of the free or reduced-priced meals and snacks usually provided at school or school district notifies the Department of a school closure lasting a minimum of five consecutive school days due to pandemic-related illness; and~~ ¶

~~(b) The school identifies each child participating in the free or reduced price school lunch program.~~ ¶

~~(3) Child care centers. Any person using an Electronic Benefits Transfer (EBT) card issued on behalf of a P-EBT eligible individual shall spend the PSNAP program has been activated, only households meeting the following requirements may qualify for PSNAP program benefits. The school or school district provides the following items to the Department:~~ ¶

~~(a) The name of the parent (head of the household);~~ ¶

~~(b) The address of the household; and EBT benefits to provide meals and snacks to the P-EBT eligible individual.~~ ¶

~~(3) Although P-EBT benefits are issued to an EBT account linked to an EBT card, P-EBT is separate and apart from the SNAP program.~~ ¶

~~(c4) The name and date of birth for each child participating in the free or reduced price school lunch program.~~ ¶

~~(4) The Department matches the school data with the existing SNAP program files to identify which children are in households already participating in the SNAP or TANF programs. The Department deems these households to have EBT cards and does not send new EBT cards to them.~~ ¶

~~(5) The Department issues a new EBT card to each household in the school data that is not currently participating in a Department program via an EBT card P-EBT is administered in partnership between ODHS and the Oregon Department of Education Child Nutrition Program.~~ ¶

~~(5) The following definitions apply to OAR 461-135-1501 to 461-135-1505:~~ ¶

~~(a) "FNS" refers to the Food and Nutrition Service, United States Department of Agriculture.~~ ¶

~~(b) "NSLP" refers to the National School Lunch Program.~~ ¶

~~(6c) PSNAP program benefits are given to all eligible households for the expected five consecutive days of school closure.~~ ¶

~~(a) The allotment amount is equal to the value of the school lunch multiplied by the number of lunches that will be missed. The value of the s"NSLP school" refers to an Oregon public school, nonprofit private school, or residential child care institution that is a sponsor of the National School Lunch must be equal to the federal reimbursement rate for the lunch at the free rate.~~ ¶

~~(b) A household may qualify for a second week of benefits when the school is closed for six or more consecutive school days.~~ ¶

~~(7) PSNAP program benefits are issued via an EBT account and restricted to the purchase of food only.~~ ¶

~~(8) PSNAP program benefits are issued to an eligible household within ten business days from the day the~~

Department receives notice of the school closure and the school data. The benefits are issued no later than 45 days following the first day of the school closure.¶¶

(9) A household certified to receive PSNAP program benefits receives a written decision notice (see OAR 461-001-0000) which includes the reason for the PSNAP program benefits, the amount of the benefits, how the benefits may be used, and contested case hearing right Program (NSLP).¶¶

(d) "NSLP students" refers to individuals enrolled in Oregon public schools, nonprofit private schools, or residential child care institutions that provide meal service as a sponsored National School Lunch Program (NSLP) school.¶¶

(e) "ODE" refers to the Oregon Department of Education.¶¶

(f) "P-EBT" refers to Pandemic Electronic Benefits Transfer.¶¶

(g) "SNAP participants" refers to individuals who are a member of a SNAP benefit group (see OAR 461-110-0750) that received more than \$0 in SNAP benefits.

Statutory/Other Authority: ORS 411.806 - 411.845

Statutes/Other Implemented: ORS 411.806 - 411.845

ADOPT: 461-135-1502

RULE SUMMARY: OAR 461-135-1502 is being permanently adopted to put provisions regarding Pandemic-Electronic Benefits Transfer (P-EBT) application process, verification requirements, and eligibility into rule.

CHANGES TO RULE:

461-135-1502

Application and Eligibility; P-EBT

(1) Apart from applying for free or reduced meals through ODE or an NSLP school, there is no application for P-EBT program period October 2020 through May 2021.

(2) P-EBT eligibility is based upon and evaluated under two separate criteria, NSLP students and SNAP participants.

(a) Individuals who were homeschooled or enrolled in a school that does not participate in the NSLP are not eligible for P-EBT.

(b) NSLP students who were determined eligible for free or reduced meals under Oregon's Extended Income Limits, and were not SNAP participants for at least one month between October 2020 and May 2021, are not eligible for P-EBT.

(c) NSLP student-based P-EBT: P-EBT eligibility for NSLP students is determined by the NSLP school and is based on the individual meeting one of the following criteria, or receiving services from one of the following programs, for any months beginning October 2020 through the 2020-21 school year:

(A) Determined income eligible based on NSLP eligibility criteria as determined by ODE, the local education agency, or a state agency that ODE has designated to determine student eligibility for P-EBT;

(B) SNAP participant or a member of a TANF program benefit group (see OAR 461-110-0750);

(C) Placement in foster care;

(D) Food Distribution Program on "Indian" Reservations (FDPIR);

(E) Migrant Education Program (MEP); or

(F) McKinney-Vento Act's Education of Homeless Children and Youth Program.

(d) SNAP Participant-based P-EBT: P-EBT eligibility for children ages six years old and younger is determined by ODHS and evaluated in two separate age groups, children ages five and younger and children age six years old. P-EBT eligibility begins the month the child became a SNAP participant.

(A) Children ages five years and younger are eligible for P-EBT if they were a SNAP participant for at least one month between October 2020 and May 2021.

(B) Children age six years old are eligible for P-EBT by meeting the following for at least one month between October 2020 and May 2021:

(i) SNAP participant;

(ii) Not enrolled in school (except for an NSLP school, and in such case, eligibility is determined under subsection (c) of this rule), and

(iii) Enrolled in a child care center that reduced hours or attendance due to a designated public health emergency. A caretaker of the child shall provide verification of the enrollment and child care center's reduced hours or attendance. A verbal statement is acceptable verification.

Statutory/Other Authority: ORS 411.816

Statutes/Other Implemented: ORS 411.816, PL 116-127, PL 116-159, PL116-260, PL 117-2

ADOPT: 461-135-1503

RULE SUMMARY: OAR 461-135-1503 is being permanently adopted to put Pandemic Electronic Benefits Transfer (P-EBT) benefit standards, benefit amounts, and benefit issuance rules into place.

CHANGES TO RULE:

461-135-1503

Benefit Amount and Issuance of Benefit; P-EBT

(1) P-EBT Benefit Standard and Determination¶¶

(a) The full P-EBT benefit standard is \$136 monthly.¶¶

(b) The partial P-EBT benefit standard is \$75 monthly.¶¶

(c) The P-EBT benefit amount is evaluated on a month-by-month basis and may vary from month to month. The September 2020 P-EBT benefit amount is evaluated under subsection (2)(d) of this rule.¶¶

(d) NSLP students - Each NSLP school determines a P-EBT benefit amount for each month. This amount applies to all NSLP students of the school who are P-EBT eligible (see OAR 461-135-1502) during that month.¶¶

(e) SNAP participants - Children ages six and younger shall receive, for each month they are P-EBT eligible (see OAR 461-135-1502), the greater of the P-EBT benefit amount determined by any NSLP school in the county in which the child:¶¶

(A) Resided, or¶¶

(B) Attended child care, unless a statewide order is present which closed or reduced attendance statewide at child care centers.¶¶

(2) P-EBT Benefit Amount; Program Period October 2020 through May 2021 and September 2020 Supplement -¶¶

(a) Full P-EBT benefit of \$136 - An NSLP school shall determine a full P-EBT benefit amount for a month in which the majority of NSLP students attended comprehensive distance learning, or breakfast and lunch meal service was not provided on-site.¶¶

(b) Partial P-EBT benefit of \$75 - An NSLP school shall determine a partial P-EBT benefit amount for a month in which 75 percent or greater of NSLP students attended both onsite and virtual through a hybrid learning model and breakfast and lunch meal service was provided on-site.¶¶

(c) No P-EBT benefit - An NSLP school shall determine a zero P-EBT benefit amount when NSLP students attended school on-site and breakfast and lunch meal service was provided.¶¶

(d) The P-EBT benefit supplement for September 2020 is evaluated by subtracting the P-EBT benefit amount issued during September 2020 from \$136. The difference is the supplement. If the difference is zero, or less than zero, no P-EBT benefit supplement is issued.¶¶

(3) P-EBT benefits for program period October 2020 through May 2021, and the September 2020 supplement, shall be issued as follows on a date determined by ODHS:¶¶

(a) P-EBT benefits for the months of October, November, and December 2020 shall be issued in July 2021.¶¶

(b) P-EBT benefits for the months of January, February, and March 2021 shall be issued in August 2021.¶¶

(c) P-EBT for the months of April and May 2021, and the supplement for September 2020, shall be issued in September 2021.¶¶

(d) P-EBT benefits, once issued, shall not be transferred to another EBT account.

Statutory/Other Authority: ORS 411.816

Statutes/Other Implemented: ORS 411.816, PL 116-127, PL 116-159, PL116-260, PL 117-2

RULE SUMMARY: OAR 461-135-1504 is being permanently adopted to put provisions regarding Pandemic Electronic Benefits Transfer (P-EBT) benefit access and use into rule.

CHANGES TO RULE:

461-135-1504

Benefit Access and Use; P-EBT

(1) P-EBT benefit eligibility is based solely on the individual circumstances of the student or child, therefore, P-EBT benefits issued to an EBT account are to be used to provide meals and snacks for the P-EBT eligible individual, except for:

(a) When the P-EBT eligible individual has passed away, or

(b) When the P-EBT eligible individual is a SNAP participant at the time of P-EBT issuance, but not residing with the benefit group (see OAR 461-110-0750).

(2) P-EBT benefits, once issued, shall not be transferred to a new EBT account.

(3) P-EBT benefit EBT accounts that are not also the EBT account of a SNAP case, shall have only one active EBT card at a time. When a new EBT card is issued, the previous EBT card shall be cancelled.

(4) When an individual age six and younger is found eligible for "SNAP participant-based P-EBT" under subsection (2)(d) of OAR 461-135-1502, EBT accounts and EBT cards are handled as follows:

(a) P-EBT benefits are issued to the existing EBT account of the SNAP benefit group, and

(b) No additional EBT card is issued, unless

(c) A primary person (see OAR 461-001-0015) in the SNAP benefit group requests P-EBT benefits be issued separately. When this occurs:

(A) An EBT account is established in the name of the P-EBT eligible child, and

(B) An EBT card linked to the EBT account is sent to the address of the primary person.

(5) When an individual is found eligible for "NSLP student-based P-EBT" under subsection (2)(c) of OAR 461-135-1502, EBT accounts and EBT cards are handled as follows:

(a) NSLP students who are also SNAP participants-

(A) P-EBT benefits are issued to the existing EBT account of the SNAP benefit group, and

(B) No additional EBT card is issued, unless

(i) The Department determines an EBT card shall be issued to a different caretaker of the NSLP student under section (6) of this rule, or

(ii) A primary person (see OAR 461-001-0015) in the SNAP benefit group requests P-EBT benefits be issued separately.

(C) When paragraph (B) of this subsection occurs,

(i) An EBT account is established in the name of the P-EBT eligible child, and

(ii) An EBT card linked to the EBT account is sent to the caretaker or primary person, as determined appropriate by ODHS.

(b) All other NSLP students-

(A) An EBT account is established in the name of the NSLP student,

(B) An EBT card linked to the EBT account is sent to the address (reported to ODHS by ODE) of the NSLP student,

(C) Caretakers of the NSLP student will ensure the EBT card follows the P-EBT eligible individual, and

(D) No additional EBT card is issued, unless the Department determines an EBT card shall be issued to a different caretaker of the NSLP student under section (6) of this rule.

(6) The Department may issue a new EBT card when a caretaker reports to ODHS they are the primary caretaker and meal provider of an NSLP student and requests access to the individual's P-EBT benefits, as follows:

(a) The Department shall only make this evaluation and new EBT card issuance for individuals with NSLP student-based P-EBT (see OAR 461-135-1502(2)(c)).

(b) NSLP students whose P-EBT benefits are issued to the EBT account of a SNAP benefit group:

(A) Access to remaining P-EBT benefits issued to the EBT account of a SNAP benefit group is not permitted.

(B) Access to future P-EBT benefit issuances shall begin when the Department establishes an EBT account in the name of the NSLP student, issues a new EBT card to the primary caretaker, and completes all required changes in the system.

(C) A request for P-EBT benefit access made by the 10th of a month may result in access to the P-EBT benefits issued in the following month.

(c) NSLP students whose P-EBT benefits are issued to an EBT account in the student's name:

(A) Access to remaining P-EBT benefits begins on the date the Department issues the new EBT card. When a new EBT card is issued to a caretaker under this section, the previous EBT card is cancelled and access to any

remaining P-EBT benefits through the cancelled card ends immediately.

(B) Access to future P-EBT benefit issuances shall begin on the date the Department issues the new EBT card.

(d) Evaluating a caretaker request for access to NSLP student-based P-EBT-

(A) There is a rebuttable presumption that the below individuals are the primary caretaker and meal provider:

(i) A caretaker granted sole legal custody,

(ii) An individual who has adopted the child,

(iii) The parent or guardian of a student temporarily away at school (e.g. attending boarding school) or a child attending but not residing at a Residential Child Care Institution, or

(iv) An emancipated child or a child independently responsible for their basic needs.

(B) When a request to access P-EBT comes from parents granted joint custody or an individual not listed in subsection (e) of this section, the Department shall request reasonable verification to assist in determining who is the primary caretaker and meal provider of the NSLP student. This may include, but is not limited to, parenting time schedules, statement from a healthcare or other professional, or a written affidavit from the caretaker.

(e) No notice is sent when access to the P-EBT benefits of an NSLP student is changed.

Statutory/Other Authority: ORS 411.816

Statutes/Other Implemented: ORS 411.816, PL 116-127, PL 116-159, PL116-260, PL 117-2



ADOPT: 461-135-1505

RULE SUMMARY: OAR 461-135-1505 is being permanently adopted to place Pandemic Electronic Benefits Transfer (P-EBT) hearings, claims, and liability provisions into rule.

CHANGES TO RULE:

461-135-1505

Hearings, Claims, and Liability; P-EBT

(1) Excepting an overpayment (see OAR 461-195-0501) or an intentional program violation (see OAR 461-195-0601), there is no right to a contested case hearing to dispute P-EBT and no right to continuing benefits. The Department adopts the general hearings rule provisions (see division 025 of Chapter 461) for allowed contested case hearings.¶

(2) The Department adopts the SNAP program intentional program violation rule provisions (see OARs 461-195-0601 through 461-195-0621) for P-EBT when an individual:¶

(a) Accesses or uses P-EBT benefits outside of intended access or use under OARs 461-135-1501(2) or 461-135-1504(1).¶

(b) Makes a false or misleading statement; misrepresents, conceals or withholds a fact relating to use, presentation, transfer, acquisition, receipt, or possession; or traffics P-EBT (as defined under "trafficking" (see OAR 461-195-0601(2)) for the SNAP program), or¶

(c) Commits any act that constitutes a violation of P-EBT FNS regulations, or any state statute relating to the use, presentation, transfer, acquisition, receipt, possession, or trafficking of benefits.¶

(3) The Department adopts the SNAP program overpayment rule provisions in OARs 461-195-0501 through 461-195-0621 for P-EBT when an intentional program violation is established.

Statutory/Other Authority: ORS 411.816

Statutes/Other Implemented: ORS 411.816, PL 116-127, PL 116-159, PL116-260, PL 117-2

AMEND: 461-190-0211

RULE SUMMARY: OAR 461-190-0211 is being changed to place into permanent rule the allowance of up-to four months of internet services as a support service for families receiving TANF, rather than two months allowed in rule before it was temporarily changed.

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