



PERMANENT ADMINISTRATIVE ORDER

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CHAPTER 461
DEPARTMENT OF HUMAN SERVICES
SELF-SUFFICIENCY PROGRAMS

FILING CAPTION: Amendments to Two Department Asset Treatment Rules

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RULES:

461-145-0140, 461-145-0210

AMEND: 461-145-0140

REPEAL: Temporary 461-145-0140 from SSP 1-2022

NOTICE FILED DATE: 12/30/2021

RULE SUMMARY: OAR 461-145-0140 is being amended to adopt temporary changes about how the Child Tax Credit is treated by various Department programs.

CHANGES TO RULE:

461-145-0140

Earned Income Tax Credit (EITC) ~~and Child Tax Credit~~

(1) There are federal and state earned income tax credit (EITC) programs for low-income families.

(1a) An EITC may be received in one of two ways:

(aA) As one annual payment received at the time of the normal income tax return at the time an income tax return is filed with the Internal Revenue Service (IRS).

(bB) As an advance in the employee's paycheck.

(2b) The EITC is excluded from assets (see OAR 461-001-0000) in the month of receipt and then for a maximum of 12 calendar full months starting with the month following the month of receipt of the refund or payment. All funds remaining after the 12-month period are counted as a resource.

(2) The Child Tax Credit is determined and administered by the IRS.

(a) A Child Tax Credit may be claimed in one of two ways:

(A) At the time an income tax return is filed with the IRS.

(B) As monthly advance Child Tax Credit payments from the IRS.

(b) The Child Tax Credit is excluded from assets in the month of receipt and then for a maximum of 12 calendar months starting with the month following the month of receipt of the refund or payment. All funds remaining after the 12-month period are counted as a resource.

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

Statutes/Other Implemented: ORS 329A.500, 4090.010, 411.060, 411.083, 411.404, 411.706, 411.816, 412.049,

414.231

AMEND: 461-145-0210

REPEAL: Temporary 461-145-0210 from SSP 1-2022

NOTICE FILED DATE: 12/30/2021

RULE SUMMARY: OAR 461-145-0210 about Gifts and Winnings, is being amended to permanently adopt temporary changes about how lottery and gambling winnings income is treated by various Department programs.

CHANGES TO RULE:

461-145-0210

Gifts and Winnings ¶¶

(1) For the purposes of this rule:¶¶

(a) "Gifts" are items given to or received by an individual on or for a special occasion, such as a holiday, birthday, graduation, or wedding. "Gifts" are not given or received on a regular basis.¶¶

(b) "Winnings" are prizes given to an individual in a contest, game of chance, or similar event. "Winnings" in the form of money may be distributed in different payment frequencies, such as monthly, periodically (such as monthly or quarterly), or in a lump-sum single payment.¶¶

~~(2) In the ERDCall programs, gifts (see section (1) of this rule) and winning gambling losses are not subtracted from gambling winnings (see section (1) of this rule) in determining the individual's countable (see OAR 461-001-0000) income.~~¶¶

~~(3) In the ERDC program, gifts (see section (1) of this rule) and winnings are excluded.~~¶¶

~~(34) In all programs except the ERDCthe OSIP, OSIPM, and QMB program and, except as provided otherwise in sections (4) and (57) of this rule:~~¶¶

(a) In-kind gifts and winnings are treated according to the rule applicable to the specific type of asset. ~~In the OSIP, OSIPM, and QMB programs, except for, if an individual is offered a choice between an in-kind item and cash, the cash amount is considered unearned income, even if the individual chooses the in-kind item and regardless of the value, if any, of the in-kind item.~~¶¶

(b) ~~The value of gifts and winnings in the form of money or credit card company gift cards are treated as periodic or lump-sum cash are treated in accordance with the rule applicable to the payment frequency: stable income under OAR 461-150-0070, variable income under OAR 461-150-0080, periodic income (see under OAR 461-140-0110 and 461-140-0120). In the OSIP, OSIPM, and QMB programs, gambling losses are not subtracted from gambling winnings in determining the individual's countable (see OAR 461-001-0000) income.~~¶¶

~~(c) In all programs except the OSIP, OSIPM, and QMB programs, e, or lump-sum income under OAR 461-140-0120.~~¶¶

(c) The value of a gift card or certificate is considered income in the month it is received if the gift card or certificate can be used to purchase food or shelter or can be resold. There is a rebuttable presumption that the gift card can be resold.¶¶

(d) Monetary gifts given for educational purposes are treated in accordance with OAR 461-145-0145.¶¶

(5) In the SNAP program, except as provided otherwise in section (7) of this rule.¶¶

(a) A filing group immediately loses SNAP benefit eligibility due to lottery or gambling winnings when provisions of section (1) of OAR 461-140-0262 are met.¶¶

(b) In-kind gifts and winnings are treated according to the rule applicable to the specific type of asset.¶¶

(c) Gifts and winnings, except cash prizes from lottery or gambling subject to section (1) of OAR 461-140-0262, in the form of money or credit card company gift cards are treated in accordance with the rule applicable to the payment frequency: stable income under OAR 461-150-0070, variable income under OAR 461-150-0080, periodic income under OAR 461-140-0110, or lump-sum income under OAR 461-140-0120.¶¶

(d) Establishment-specific gift cards are excluded as income and not considered a resource assets (see OAR 461-001-0000).¶¶

~~(d6) In the OSIP, OSIPM, and QMB programs, the value of a gift card or certificate is considered income in the month it is received.~~ In all programs except the ERDC, OSIP, OSIPM, QMB, and SNAP programs and except as provided otherwise in section (7) of this rule:¶¶

(a) In-kind gifts and winnings are received if the gift card or certificate can be used to purchase food or shelter or can be resold. There is a rebuttable presumption that the gift card can be resold.¶¶

(b) Gifts and winnings in the form of money or credit card company gift cards are treated in accordance with the rule applicable to the payment frequency: stable income under OAR 461-150-0070, variable income under OAR 461-150-0080, periodic income under OAR 461-140-0110, or lump-sum income under OAR 461-140-0120.¶¶

(4) For employment-related items, see OAR 461-145-0130.¶¶

(5) In the OSIP, OSIPM, and QMB programs, monetary gifts given for educational purposes are treated in accordance with OAR 461-145-0145.¶¶

with the rule applicable to the payment frequency: stable income under OAR 461-150-0070, variable income under OAR 461-150-0080, periodic income under OAR 461-140-0110, or lump-sum income under OAR 461-140-0120. ¶

(c) Establishment-specific gift cards are excluded as income and not considered a resource. ¶

(7) For employment-related gifts or winnings, see OAR 461-145-014530.

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

Statutes/Other Implemented: ORS 329A.500, 409.010, 411.060, 411.070, 411.404, 411.700, 411.706, 411.816, 412.014, 412.049