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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 461
DEPARTMENT OF HUMAN SERVICES
SELF-SUFFICIENCY PROGRAMS

FILED

07/22/2022 11:57 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Proposing Permanent Rule Changes about Income Standards and Multiple Self-Sufficiency Program Provisions

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 09/09/2022 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: 08/23/2022

TIME: 3:00 PM - 4:30 PM

OFFICER: Meorah Solar

ADDRESS: Virtual Hearing - No Physical Location

Phone: 971-277-2343, Code: 138544549

Ask Hearings Officer for MS Teams link

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. 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)

OAR 461-001-0020 about Definitions; SNAP Employment and Training Components and Activities needs to be amended to keep Oregon's SNAP Employment & Training program aligned with federal language and Oregon's contract language with contracted providers. The definitions in this rule have not been updated in over 4.5 years and no longer reflect federal terminology. Updating the rule will strengthen ODHS SNAP Employment & Training intergovernmental and services contracts and rule.

OAR 461-115-0230 about Interviews needs to be amended to align with the programming of the ONE system for those who meet "priority processing" provisions.

OARs 461-155-0180 about Income Standards; Not OSIP, OSIPM, QMB, 461-155-0190 about Income and Payment Standards; SNAP and DSNAP, 461-160-0015 about Resource Limits, 461-160-0420 about Shelter Cost; SNAP, 461-160-0430 about Income Deductions; SNAP, 461-165-0060 about Minimum Benefit Amount; REF, SNAP, TANF; need to be changed to keep Oregon SNAP rules regarding income standards, income and payment standards, resource limits, benefit amounts, shelter deductions, and income deductions; aligned with annual Cost of Living Adjustments set forth by Food and Nutrition Services.

OARs 461-001-0025 about Definitions of Terms, Components, and Activities; JOBS, Pre-TANF, TANF and 461-190-0211 about Case Plan Activities and Standards for Support Service Payments; JOBS, Pre-TANF, REF, REP, SFPSS, TANF, need to be changed to adopt into permanent rule, temporary rule provisions made effective June 15, 2022. These changes implement a recent Department decision that expands support services. Currently, tuition payments are limited to those that are engaged in a vocational training activity or areas in which a JOBS contractor is able to issue support services to assist with tuition cost. This policy is inequitable and does not help families who may be working towards clearing their financial aid standing due to circumstances from the past. This rule change implements the recent decision and expands the activities for which tuition payments can be made, allowing the Department an ability to assist more families in obtaining their employment goals.

OARs 461-135-0900 about Specific Requirements; REF, REFM, 461-135-0920 about Refugees Applying for Supplemental Security Income (SSI), 461-135-0930 about Medical Coverage for Refugees; REFM, and 461-195-0621 about Intentional Program Violations; Penalties and Liability for Overpayments, need to be amended to adopt into permanent rule, temporary rule provisions made effective June 15, 2022. These changes align rule with the recent announcement by the Office of Refugee Resettlement (ORR). On March 28, 2022, ORR announced the expansion of the eligibility period for Refugee Cash Assistance (RCA) and Refugee Medical Assistance (RMA) from eight (8) to twelve (12) months for ORR-eligible populations whose date of eligibility for ORR benefits is on or after October 1, 2021.

OAR 461-135-0900 about Specific Requirements; REF, REFM, also needs to be amended by permanent rule filing to add specific provisions about when the twelve-month eligibility begins for humanitarian parolees who were paroled into the U.S. on or after February 24, 2022, from Ukraine. The provisions are listed in H.R. 7691, the Additional Ukraine Supplemental Appropriation Act 2022, signed by President Biden on May 21, 2022.

OAR 461-175-0210 needs to be changed to adopt into permanent rule, temporary rule provisions made effective June 27, 2022. These changes implement new policy decisions for the ERDC, REF, and TANF programs regarding what actions the Department shall take when an individual's mail is returned without a forwarding address, or when their whereabouts become unknown through a different information source. These policy changes will reduce the amount of case closures in these programs based on an individual's whereabouts becoming unknown.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

OAR 461-001-0020

"SNAP E&T Program Toolkit" available here: <https://fns-prod.azureedge.us/sites/default/files/resource-files/SNAPemployment-june-2021.pdf>

OARs 461-001-0025 and 461-190-0211

Briefing Decision - Tuition Payments email available from Rule Coordinator.

OAR 461-115-0230 and OAR 461-175-0210

No documents

OARs 461-135-0900, 461-135-0920, 461-135-0930, and 461-195-0621

Dear Colleague Letter 22-12 from Office of Refugee Resettlement dated March 28, 2022, available here:

<https://www.acf.hhs.gov/sites/default/files/documents/orr/ORR-DCL-22-12-Expansion-of-RCA-and-RMA-Eligibility-Period.pdf>

OARs 461-155-0180, 461-155-0190, 461-160-0015, 461-160-0420, 461-160-0430, and 461-165-0060

After the federal government posts updates, which should occur in mid August 2022, documents used to update the rules should be available on the Food and Nutrition Service "Cost of Living Adjustment (COLA) Information" website here: <https://www.fns.usda.gov/snap/all>

After the ASPE releases the annual U.S. Federal Poverty Guidelines, which should occur around mid-August, a link to 2023 Poverty Guidelines should be available here: <https://aspe.hhs.gov/topics/poverty-economic-mobility>

The Department anticipates using PUC data to project rates for phones, gas, and electricity and EIA data for heating oil and to project electricity rates for heating costs and others. The PUC website is available here:

https://www.oregon.gov/puc/Pages/default.aspx?utm_source=PUC&utm_medium=egov_redirect&utm_campaign=https%3A%2F%2Fwww.oregon.gov/puc/Pages/default.aspx

The EIA website is available here: <https://www.eia.gov/>.

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

OARs 461-001-0020, 461-155-0180, 461-155-0190, 461-160-0015, 461-160-0420, 461-160-0430, and 461-165-0060

ODHS estimates adoption of these rule changes will not affect racial equity in Oregon.

OAR 461-001-0025 and 461-190-0211

ODHS estimates adoption of these rule changes will not affect racial equity in Oregon, even though ODHS is aware many studies associate higher earnings with higher educational levels, and despite the fact that communities of color are receiving TANF at a slightly higher disproportion (when comparing the SFY 2016 data available here <https://www.oregon.gov/dhs/ABOUTDHS/DataDocuments/Client-Data-By-Race-2017.pdf> and the Oregon 2020 U.S. Census data). This estimate is due to additional data that reflects the negative effect of race on income of Oregonians with college degrees. "White Oregonians who hold at least a bachelor's degree earn nearly \$3,000 more than Oregonians of all races with a similar education. African Americans and Hispanics with at least a four-year degree earn much less than the typical Oregonian with a comparable education." (see February 2, 2020 Oregon Live article "Oregon Insight: Education produces a big wage boost – but race and gender can matter as much, or more" and links to data sources here: <https://www.oregonlive.com/business/2020/02/oregon-insight-education-produces-a-big-wage-boost-but-race-and-gender-can-matter-as-much-or-more.html>)

OARs 461-115-0230 and 461-175-0210

ODHS estimates adoption of these rule changes may affect racial equity as the rule changes remove barriers to accessing services for those without housing or with unstable housing. ODHS arrives at the estimation due to recent studies regarding the disproportionate number of Communities of Color experiencing homelessness in Oregon. Portland's most recent Homelessness Statistics specifically cite Black adults as the fastest growing racial group of unsheltered individuals, along with women and individuals older than 55. (see <https://www.portlandoregon.gov/toolkit/article/562207>)

Similarly, the recently published "Findings and Recommendations of the Task Force on Homelessness and Racial Disparities in Oregon" January 2022 report to the Oregon legislature found that "American Indian/Alaska Native Oregonians are represented in homelessness more than four times their share of the total state population." It also found that "Black Oregonians are represented in homelessness more than three times their share of the total state population." (see <https://www.oregon.gov/ohcs/get-involved/Documents/01-21-2022-Findings-and-Recommendation.pdf>)

OARs 461-135-0900, 461-135-0920, 461-135-0930, and 461-195-0621

ODHS estimates adoption of these rule changes will have a positive Racial Equity Impact on members who are from Office of Refugee Resettlement eligible Communities of Color. Extending the benefit eligibility period will lead to more effective resettlement by providing those members with additional time to become self-sufficient and address any medical and mental health concerns they would like addressed. The Department has been in weekly communication with organizations who serve the refugee community to provide guidance and support.

FISCAL AND ECONOMIC IMPACT:

The Department estimates that amending OARs 461-001-0020, 461-115-0230, and 461-175-0210 will have no fiscal impact on the Department, those who receive or apply for benefits, 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 estimates that amending OARs 461-001-0025 and 461-190-0211 will have a negative fiscal impact on the Department through an increase in support services spending by about \$69,000 annually. This figure is based on data from current engagement levels, and assumes all participating in a jobs skills or self-initiated training activity will request support services for tuition payments. The Department estimates a positive fiscal impact on individuals who do not incur tuition costs as a result of eligibility for tuition support services. An estimate is not available as credit and tuition costs will vary. The Department estimates that these amendments will have no fiscal impact on other state agencies, local government, and business including small business. There is no cost of compliance for small business.

The Department estimates that amending OARs 461-135-0900, 461-135-0920, 461-135-0930, and 461-195-0621 will have a positive fiscal impact on the Department due to extending eligibility by 4-months to those deemed eligible. The fiscal increase that might occur would be from federal funds of approximately \$325,000 per year for RCA and RMA costs. The Department estimates a negative fiscal impact to the Department due to necessary programming changes to the ONE system of about \$80,000. The Department estimates a positive fiscal impact for individuals eligible for the Refugee program benefit extension, but is not able to provide a specific dollar amount as benefit allotments are unique to each group. The Department estimates a fiscal impact to local governments and non-profit organizations that provide services to individuals who are eligible for RCA and RMA and will need to increase service periods from eight to twelve months, but is not able to provide a specific dollar amount as services and costs are unique to each agency or organization.

Beyond what has been stated above: 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 business. No small businesses are subject to this rule.

The Department is unable to estimate the fiscal impact of amending OAR 461-155-0180, OAR 461-155-0190, OAR 461-160-0015, OAR 461-160-0420, OAR 461-160-0430, and 461-165-0060 on individuals receiving or applying for SSP programs because the annual adjustments set forth by the Food and Nutrition Service are not yet known. The Department estimates that these amendments will have no fiscal impact on the Department, other state agencies, local government, and business including small business. There is no cost of compliance for small business. No small businesses are subject to this rule.

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).

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.

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

OAR 461-001-0020 was amended to align with Federal terminology for the SNAP Employment and Training Programs.

OARs 461-001-0025, 461-175-0210, and 461-190-0211 were amended by consulting with TANF redesign group, which includes TANF advocates and community partners.

OAR 461-115-0230 was an amendment to align with current standing policy, programming, and OAR.

OARs 461-135-0900, 461-135-0920, 461-135-0930, and 461-195-0621 were amended to align with and implement new federal laws regarding the refugee program.

OARs 461-155-0180, 461-155-0190, 461-160-0015, 461-160-0420, 461-160-0430, and 461-165-0060 were amended due to Federal Fiscal Year Cost-of-Living Adjustments which occur annually.

RULES PROPOSED:

461-001-0020, 461-001-0025, 461-115-0230, 461-135-0900, 461-135-0920, 461-135-0930, 461-155-0180, 461-155-0190, 461-160-0015, 461-160-0420, 461-160-0430, 461-165-0060, 461-175-0210, 461-190-0211, 461-195-0621

AMEND: 461-001-0020

RULE SUMMARY: OAR 461-001-0020 is being amended to update SNAP Employment and Training program and definition language in the rule with current federal language, as well as to consistently use program acronyms and OARs throughout the rule.

CHANGES TO RULE:

461-001-0020

Definitions; SNAP Employment and Training Components and Activities ¶¶

The SNAP Employment and Training (SNAP E&T) program consists of ~~three types of employment programs: the Oregon Food Stamp Employment Transition (OFSET) program, the 50 STEP (see OAR 461-101-0010) and ABAWD (see OAR 461-101-0010).~~ The purpose of these programs is to assist individuals receiving SNAP benefits to obtain skills, training, work and experience (50/50) reimbursement program, and to increase their able-bodied adults without dependents (ABAWD) employment program. For limitations in the SNAP Employment and Training ability to obtain living-wage employment that leads to a gainful career path. For limitations in the SNAP E&T programs, see OAR 461-190-0310. For detailed rules about the SNAP E&T programs, see OAR 461-1930-0310 through 461-130-0335 and OAR 461-135-0520. The following definitions apply to rules about the SNAP Employment and Training programs in OAR chapter 461:¶¶

(1) "Assessment" means an activity that involves a one-on-one meeting for gathering information to identify a client's strengths, interests, family circumstances, status in the Employment and Training programs, goals, and vocational aptitudes and preferences and to mutually determine an employment goal, the level of the client's participation in the Employment and Training programs, and which support services are needed to be able to participate in the components and activities.¶¶

(2) "Case plan", also called a personal plan or personal development plan, SNAP E&T participant information to enable them to engage in SNAP E&T components. The assessment shall be delivered using trauma-informed

person-centered practices. The assessment is completed with each SNAP E&T participant prior to any component being offered by the SNAP E&T provider.¶

(2) "Case plan" means a written outline plan, developed together by with the elieparticipant and Department staff or contactor staff listing activities for the client. The components and activities are identified during the assessment (see section (1) of this rule) and are intended to reduce the effect of barriers to the client's self-sufficiency, employment, job retention, and wage enhancement. The "case plan" also identifies the support services the Department will make available to help the client complete the plan or SNAP E&T provider staff, as a result of the assessment. The case plan lists approved and appropriate components to be case managed and administered or purchased by the SNAP E&T provider. SNAP E&T providers or Department staff shall complete a case plan with each participant prior to any component being offered.¶

(3) "Case management" means the ongoing provision by the contractesupport by the SNAP E&T provider to the participant of encour, Case management, advocacy, and resource referrals for issues and barriers to eventual successful employment as those issues and barriers arise or may be anticipated. So includes tracking of case plan progress and making adjustments as needed, completed by the SNAP E&T provider at least once per month.¶

(4) "Component" means a group of employment or training activities with a demonstrable impact on improving self-sufficiency. Components are created and defined by the Food and Nutrition Act of 2008 and are comprised of a variety of activities that directly provide participants with the skills or training to obtain employment.¶

(45) "Education" means a componental Component" means education-based activities that improves basic skills or employability and has a direct link to employment. "Education" includes a wide range of activities including, but not limited to, English as a second language (ESL) instruction, high school attendance, and, for individuals 21 and over, high school or equivalent educational programs. In the 50/50 program only, this activity could also include post-secondary education. The educational components are: Basic Education / Foundational Skills Instruction, Career/Technical Education, Short-Term Training, or other Vocational Training, English Language Acquisition, Integrated Education and Training / Bridge Programs and Work Readiness Training. Activities charged to the SNAP E&T program may not supplant non-federal funds for existing educational services or activities or be more than what the general public would pay for the same service.¶

(56) "FLSA" means Fair Labor Standards Act, the law that applies to subject employers with individuals working in the Workfare. "FLSA" requires that individuals engaged in unpaid employment, in effect, may not "work off" their SNAP and TANF benefits at an hourly rate less than the state minimum wage.¶

(67) "Job-search" means a component that focuses on elieNon-Education, Non-Work Component" means activities to support a participant's looking for and obability to obtain or maintaining employment.¶

(7) "Job skills through training" means a component that includes training designed to improve skills in locating and competing factivities designed to meet their employment in the local labor market and may include writing resumes and receiving instruction in interviewing skills.¶

(8) "Other employment-related activities" means a component composed needs. The non-education, non-work components are: Supervised Job Search, Job Search Training, Self-Employment and Job Retention.¶

(8) "Orientation" means an overview of other activities related to employment, including:¶

(a) Participation in a program of the Workforce Innovation and Opportunity Act (WIOA).¶

(b) A program authorized by section 236 of the Trade Act of 1974 (19 U.S.C. 2296) organization, programs, expectations, and services offered as part of the SNAP E&T program. SNAP E&T providers must complete an orientation with each SNAP E&T participant prior to any component being offered.¶

(c2) Sheltered work or supported work: A component that gives clients intensive staff support, skill training, intervention, and counseling that will enable them to function independently at work.¶

(d) Vocational training: An education component that is designed to provide classroom training in vocational and technical skills or equivalent knowledge and abili;"Work Experience Components" means components with an emphasis on employer engagement, including specific training objectives, that lead to regular employment. The work-based learning components are: Internship, Internship with Subsidized Employment, Pre-Apprenticeship / Apprenticeship, Pre-Apprentices in a specific job area. Examples are Project Independence, Women in Transition, and Nurses Aid certification.¶

(e) Workfare: See OAR 461-190-0500.¶

(f) Work experience: A component designed to improve the employability of participants through actual work experience or training. This component is available in the 50/50 program only.¶

(g) Job retention: A component intended to provide support services for up to 90 days to eliehip / Apprenticeship with Subsidized Employment, On-The-Job Training, Work-Based Learning -Other, Work-Based Learning - Other with Subsidized Employment. Work-based learning components can include both an unsubsidized employment model or a subsidized employment model whereby SNAP E&T funds are used to subsidize a portion of the participant's who have secured employment. This component is available in the 50/50 program only age or extraordinary training costs.¶

(10) Workfare: See OAR 461-190-0500.

Statutory/Other Authority: ORS 411.816, 7 CFR 273.7
Statutes/Other Implemented: ORS 411.816, 7 CFR 273.7

AMEND: 461-001-0025

RULE SUMMARY: OAR 461-001-0025 is being changed to clarify that the definition of "progress" extends to all those engaged in an education or training activity, not just those engaged in completion of a high school diploma or GED. It is also being changed to strengthen and align the definition of "progress" with its intent.

CHANGES TO RULE:

461-001-0025

Definitions of Terms, Components, and Activities; JOBS, Pre-TANF, TANF ¶¶

In the JOBS, Pre-TANF, and TANF programs, the following definitions apply to rules in OAR chapter 461 unless the context indicates otherwise.¶¶

(1) "Activity" means an action or set of actions to be taken by a participant, as specified in the case plan (see section (6) of this rule). An "activity" is intended to reduce barriers and:¶¶

(a) Increase the likelihood of self-sufficiency, employment, job retention, wage enhancement, and financial independence; or¶¶

(b) Promote family stability (see OAR 461-001-0000).¶¶

(2) "Adult Basic Education" means an activity (see section (1) of this rule) in the basic education (see section (5) of this rule) component (see section (9) of this rule) that involves remedial education coursework intended to ensure functional literacy and numeracy.¶¶

(3) "Assessment" means an activity of the program entry (see section (30) of this rule) component that involves gathering information to identify the strengths, interests, family circumstances, status in the JOBS program, and vocational aptitudes and preferences of the participant and to mutually determine an employment goal, the level of engagement of the participant in the JOBS program, and which support services (see section (37) of this rule) are needed. This activity includes providing screenings and evaluations (if appropriate) to determine the level of engagement, accommodation, and modification for the participant in the JOBS program. The screenings include, but are not limited to, physical and mental health needs, substance use, domestic violence (see OAR 461-001-0000), and learning needs.¶¶

(4) "Barrier" means a personal condition or circumstance that reduces the likelihood the participant will become employed or the ability of the participant to engage in an activity listed in the case plan.¶¶

(5) "Basic education" means a component intended to ensure functional literacy for all JOBS participants. "Basic education" activities are high school attendance, English language learner (see section (15) of this rule) instruction, job skills training (see section (21) of this rule), adult basic education (see section (2) of this rule) instruction, and services that result in obtaining a general equivalency diploma (GED). The component is discussed in OAR 461-190-0171 and 461-190-0181.¶¶

(6) "Case plan" (also known as a personal development plan) means a written outline, developed in partnership by the participant and family coach, with input from community partners as appropriate, listing activities and goals for the individual. The "case plan" also identifies the support service payments, accommodations, and modifications to help the participant complete the plan. The DHS 1543 - Domestic Violence Assistance Agreement - is the "case plan" for participants with safety concerns about domestic violence.¶¶

(7) "Child activities" means an activity that enables participants to gain skills in successful parenting, balancing work and family, and contributing to the well-being and health of the child (see OAR 461-001-0000).¶¶

(8) "Community service program" means an activity in the unpaid employment (see section (40) of this rule) component in which the participant works without pay at a job site to enhance the likelihood the participant will become employed and perform work for the direct benefit of the community. This activity is available through nonprofit organizations or public agencies.¶¶

(9) "Component" means a set of one or more activities of the JOBS program including paid unsubsidized employment (see section (29) of this rule), paid subsidized employment (see section (28) of this rule), unpaid employment, vocational training (see section (41) of this rule), job search and readiness (see section (20) of this rule), and basic education activities.¶¶

(10) "Core activities" means federally defined countable work activities including paid unsubsidized employment; paid subsidized employment; work experience (see section (42) of this rule); job search and readiness; community service program (see section (8) of this rule); supported work (see section (38) of this rule); and vocational training.¶¶

(11) "Crisis intervention" means short-term services to protect family stability and safety due to an immediate crisis need.¶¶

(12) "Drug and alcohol services" means an activity in the job search and readiness component to help participants identify and overcome addiction and substance use disorders that prevent or limit their employability and self-

sufficiency.¶

(13) "Employer contact" means participant communication with an employer or employer's representative through a visit, phone call, or mail to request consideration for employment.¶

(14) "Employment Payments" means three transitional payments totaling \$225.00 paid as provided in OAR 461-135-1270 to a benefit group (see OAR 461-110-0750) with employment income to help transition families off TANF program services.¶

(15) "English Language Learner" (also known as English as a Second Language) means an activity in the basic education component. English Language Learner classes are designed to give participants with limited English proficiency better working skills in the language.¶

(16) "Fair Labor Standards Act (FLSA)" means the law that applies to subject employers with participants working in the unpaid employment component. "FLSA" requires that participants engaged in unpaid employment, in effect, may not work more hours than the combined value of the TANF and SNAP benefits divided by Oregon minimum wage.¶

(17) "Federally required participation rates" means the participation rates required by section 407 of the Social Security Act (42 USC 607).¶

(18) "High School or GED Completion Attendance" means an activity in the basic education component that involves attendance at a secondary school or in a course of study that leads to the completion of the GED.¶

(19) "Job search" means an activity in the job search and readiness component that focuses on participants looking for and obtaining employment designed to improve skills in locating and competing for employment in the local labor market and may include writing resumes, receiving instruction in interviewing skills, and engaging in group and individual "job search". There are two categories of "job search": "initial job search" and "regular job search". "Initial job search" may occur during the Pre-TANF program. "Regular job search" begins not later than the day after the Department finds the individual eligible for TANF benefits.¶

(20) "Job search and readiness" means a component designed to prepare participants to compete in the local labor market. Job search (see section (19) of this rule), life skills (see section (23) of this rule), drug and alcohol services (see section (12) of this rule), mental health services (see section (25) of this rule), and rehabilitation activities (see section (32) of this rule) are the activities of the "job search and readiness" component.¶

(21) "Job skills training" means an activity in the basic education component in which unpaid training required by an employer is needed to gain the skills necessary to be hired, retain or advance in employment.¶

(22) "JOBS Plus program" means an activity in the paid subsidized employment component that provides TANF participants with employment. The participant receives their TANF and SNAP benefits as wages from the JOBS Plus employer (see OAR 461-190-0401 to 461-190-0426).¶

(23) "Life skills" means an activity of the job search and readiness component. The activity develops employment-preparation skills and skills and attitudes that are commonly found in the workplace; and offer development of skills that prepare participants to be successful in daily living.¶

(24) "Medical Related Services" means activities to assess and address health concerns that prevent or limit employment and self-sufficiency.¶

(25) "Mental health services" means an activity in the job search and readiness component that provides mental health screenings and assessments, counseling, medication management, and support groups.¶

(26) "Non-core activities" means federally defined countable work activities that include job skills training directly related to employment; education directly related to employment; and satisfactory school attendance at a secondary level or leading to a GED.¶

(27) "On-the-Job Training" means an activity for paid employees who are in non-JOBS Plus subsidized employment placement, or for students who are in an unpaid internship or a federal/state funded work study position.¶

(28) "Paid subsidized employment" means a component in which participants are employed in a subsidized public or private sector job. JOBS Plus program (see section (22) of this rule) and on-the-job training (see section (27) of this rule) are the activities in the "paid subsidized employment" component.¶

(29) "Paid unsubsidized employment" means a component in which participants are employed full- or part-time in an unsubsidized job and receiving TANF benefits. Unsubsidized employment is a job that is not subsidized by TANF or any other public program. Working (see section (42) of this rule) is the activity in the paid unsubsidized employment component.¶

(30) "Program entry" means an activity that captures JOBS appointments, assessments (see section (3) of this rule) to identify a family's needs and strengths, determines JOBS status, and mutually develops a case plan.¶

(31) "Progress (good or satisfactory)" means, for federal reporting purposes, a participant engaging in an education or training activity makes "good progress" or "satisfactory progress" by receiving a passing grade ~~or~~and progressing toward completion of high school or GED completion their course of study at no less than the normal rate of a half-time student.¶

(32) "Rehabilitation activities" means an activity in the job search and readiness component that provides medical

or therapeutic screenings, assessments, and treatment. This activity also includes medical management and support groups.¶¶

(33) "Self-initiated training" means an activity in which participants are enrolled in a two or four year program, earning credit toward a college degree.¶¶

(34) "Social Security application" means the activities associated with the process for individuals who are applying for Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI).¶¶

(35) "Stabilized living" means an activity intended to stabilize participant housing concerns that prevent or limit employment or self-sufficiency.¶¶

(36) "Stabilization, intervention, and other activities" means activities that are non-countable for federal participation purposes including child health and development, crisis intervention (see section (11) of this rule), domestic violence services, medical related services (see section (24) of this rule), retention services, services to child welfare families, social security application (see section (34) of this rule), and stabilized living services (see section (35) of this rule).¶¶

(37) "Support services" means services that participants need to engage successfully in activities outlined in their case plan, seek and maintain employment, or remove barriers.¶¶

(38) "Supported work" means an activity in the unpaid employment component that gives participants intensive staff support, skill training, intervention, and counseling that will enable them to function independently at work.¶¶

(39) "Transition services" means services offered when the participant becomes employed or becomes ineligible for cash benefits because of an increase in income or resources.¶¶

(40) "Unpaid employment" means a component in which a participant is placed in an unpaid job to develop good work habits, training, and knowledge to obtain employment. Employment may be in the private or public sector or through a work simulation program. Work experience (see section (42) of this rule), community service program, and supported work (see section (38) of this rule) are the activities of the "unpaid employment" component.¶¶

(41) "Vocational training" means an activity and component of the JOBS program that provides JOBS participants with up to 18 months access to specific "vocational training" that will lead to a career with an appropriate wage level and opportunity for employment.¶¶

(42) "Work experience" means an activity in the unpaid employment component in which the participant works without pay at a job site to develop good work habits and basic vocational skills that enhance the likelihood the participant will become employed. "Work experience" is available through private for-profit businesses, nonprofit organizations, or public agencies.¶¶

(43) "Working" means an activity in the unsubsidized employment component in which a participant is working full- or part-time in the public or private sector.

Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 411.878, 412.006, 412.009, 412.016, 412.049

Statutes/Other Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.878, 412.001, 412.006, 412.016, 412.009, 412.049

AMEND: 461-115-0230

RULE SUMMARY: OAR 461-115-0230 is being amended to remove the interview requirement of the ERDC program for applicants who qualify for priority processing. According to Chapter 461, families whose living circumstances meet the Department's definition of homeless or who have a foster child needing child care qualify for priority processing.

CHANGES TO RULE:

461-115-0230

Interviews ¶¶

(1) In the REF, REFM, and TANF programs, the Department may conduct a required face-to-face interview by telephone or home visit if an authorized representative (see OAR 461-001-0000 and 461-115-0090) has not been appointed, and participating in a face-to-face interview is a hardship (see section (2) of this rule) for the household.¶¶

(2) For the purposes of this rule, "hardship" includes, but is not limited to:¶¶

(a) Care of a household member;¶¶

(b) An individual's age, disability (see OAR 461-001-0000), or illness;¶¶

(c) A commute of more than two hours from the individual's residence to the nearest branch office (see OAR 461-001-0000);¶¶

(d) A conflict between the individual's work or training schedule and the business hours of the branch office; and¶¶

(e) Transportation difficulties due to prolonged severe weather or financial hardship.¶¶

(3) In the SNAP program:¶¶

(a) An interview must be scheduled so that the filing group (see OAR 461-110-0370) has at least ten days to provide any needed verification before the deadline under OAR 461-115-0210.¶¶

(b) A face-to-face interview must be granted at the applicant's request.¶¶

(c) When an applicant misses the first scheduled interview appointment, the Department must inform the applicant by notice of the missed interview.¶¶

(d) An applicant who fails to attend a scheduled interview must contact the Department no later than 30 days following the filing date (OAR 461-115-0040) to be eligible for benefits.¶¶

(e) An adult (see OAR 461-001-0015) or primary person (see OAR 461-001-0015) in the filing group, an adult or primary person excluded from the filing group under OAR 461-110-0370(8)(b), or the authorized representative (see OAR 461-001-0000, 461-115-0090, and 461-135-0510) of the filing group is interviewed once every 12 months.¶¶

(4) In the ERDC program:¶¶

(a) Except as provided otherwise in subsection (c) of this section, an interview with an adult in the filing group (see OAR 461-110-0350) or the authorized representative of the filing group is required to process an initial application and a renewal of benefits.¶¶

(b) A phone interview is preferred; however, a face-to-face interview must be granted at the applicant's request.¶¶

(c) An interview is not required when ~~either of the following occur~~:¶¶

(A) The Department has implemented the Child Care Reservation List and it is determined that a decision notice (see OAR 461-001-0000) of ineligibility will be sent under OAR 461-115-0016.¶¶

(B) Retroactively effective July 1, 2022, the Department determines that the filing group may receive "priority processing" in accordance with OAR 461-170-0150(2).¶¶

(5) In the OSIPM program, the Department must complete an interview with at least one individual authorized to sign the application under OAR 461-115-0071(3), except as follows:¶¶

(a) Individuals in a standard living arrangement (see OAR 461-001-0000) who are receiving SSI or are in 1619(b) status are not required to complete an interview at initial application.¶¶

(b) Individuals who are receiving SSI or are in 1619(b) status are not required to complete an interview at annual redetermination.¶¶

(c) The interview requirement shall be waived at annual redetermination if the individual is unable to complete the interview due to incapacity and an authorized representative has not been designated.¶¶

(6) In the QMB programs:¶¶

(a) The Department must complete an interview with at least one individual authorized to sign the application under OAR 461-115-0071(3) at initial application.¶¶

(b) An interview is not required at redetermination except in the QMB-DW program. ¶¶

(7) In the REF and REFM programs, a face-to-face interview is required.¶¶

(8) In the TA-DVS program, the Department will conduct a required face-to-face interview with the survivor, unless there is a safety concern related to the domestic violence (see OAR 461-001-0000) situation or there is a

hardship. An interview due to safety concern or hardship may be completed via phone, home visit, or offsite appointment.

Statutory/Other Authority: ORS 411.060, 411.404, 411.706, 411.816, 412.049, 414.826, 414.839, ORS 409.050

Statutes/Other Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.404, 411.706, 411.816, 412.049, 414.025, 414.231, 414.826, 414.839, 411.117

AMEND: 461-135-0900

RULE SUMMARY: OAR 461-135-0900 is being amended to extend Refugee program eligibility from eight to twelve months. It is also being amended to adopt special provisions about when the twelve-month period begins for individuals who are citizens or nationals of Ukraine, or individuals who last habitually resided in Ukraine, who were paroled into the United States between February 24, 2022, and May 21, 2022

CHANGES TO RULE:

461-135-0900

Specific Requirements; REF, REFM ¶¶

(1) In addition to the eligibility (see OAR 461-001-0000) requirements in other rules in OAR chapter 461, an individual must meet all of the requirements in this rule to be eligible for the REF and REFM programs.¶¶

(2) An individual must meet the ~~an~~noncitizen status requirements of OAR 461-120-0125, except a child (see OAR 461-001-0000) born in the United States to an individual in the REF or REFM program meets the ~~an~~noncitizen status requirements for the REF and REFM programs as long as each parent (see OAR 461-001-0000) in the household group (see OAR 461-110-0210) meets the ~~an~~noncitizen status requirements of OAR 461-120-0125.¶¶

(3) An individual is not eligible to receive REF and REFM program benefits if the individual is a full-time student of "higher education", unless such education is part of a cash assistance case plan. Any education or training allowable under an approved case plan must be less than one year in length. For the purposes of this rule, "higher education" means education that meets the requirements of one of the following subsections:¶¶

(a) Public and private universities and colleges and community colleges that offer degree programs regardless of whether a high school diploma is required for the program. However, GED, ABE, ESL, and high school equivalency programs at these institutions are not considered "higher education".¶¶

(b) Vocational, technical, business, and trade schools that normally require a high school diploma or equivalency certificate for enrollment in the curriculum or in a particular program at the institution. However, programs at those institutions that do not require the diploma or certificate are not considered "higher education".¶¶

(4) Eligibility for REF and REFM program benefits -¶¶

(a) For individuals whose date of eligibility is before October 1, 2021, is limited to the first eight months from the date the immigration status was granted. Months in the United States are counted as whole months. There is no prorating of months.¶¶

(b) For individuals whose date of eligibility is on or after October 1, 2021, is limited to the first twelve months from the date the immigration status was granted, except for individuals that meet the criteria of paragraph (B) of this subsection.¶¶

(A) Months in the United States are counted as whole months. There is no prorating of months.¶¶

(B) The twelve-month period begins May 21, 2022, for an individual who is a citizen or national of Ukraine, or an individual who last habitually resided in Ukraine, who was paroled into the United States between February 24, 2022, and May 21, 2022.¶¶

(5) In the REF and REFM programs, if an individual was originally resettled in Oregon through the federal refugee resettlement process, then the individual must provide the name of the local resettlement agency that resettled them.

Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 411.116, 411.121, 411.404, 414.685

Statutes/Other Implemented: ORS 409.010, 411.060, 411.070, 411.116, 411.121, 411.404, 411.878, 412.049, 414.685, 45 CFR 400, H.R. 7691, 117th Cong. (2021-2022)

AMEND: 461-135-0920

RULE SUMMARY: OAR 461-135-0920 is being amended to extend the REF program eligibility period from eight the twelve months.

CHANGES TO RULE:

461-135-0920

Refugees Applying for ~~SSI~~Supplemental Security Income (SSI) ¶

(1) REF applicants who are age 65 or older or who are blind or have a disability (see OAR 461-001-0000) are referred to Social Security to apply for SSI. REF applicants who are found eligible for the REF program receive REF program benefits until SSI benefits begin or until passage of the ~~eight~~twelve-month time limit for the REF program, whichever occurs first.¶

(2) Refugees eligible for SSI are eligible for the OSIPM program.

Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 411.706

Statutes/Other Implemented: ORS 409.050, 411.060, 411.070, 411.706, 45 CFR 400

AMEND: 461-135-0930

RULE SUMMARY: OAR 461-135-0930 is being amended to extend the REF program eligibility period from eight the twelve months.

CHANGES TO RULE:

461-135-0930

Medical Coverage for Refugees; REFM ¶¶

(1) Benefits in the REFM program are the same medical coverage as any Medicaid or CHIP program, except the QMB and CAWEWM programs.¶¶

(2) An individual is not required to meet the financial eligibility criteria for the REFM program if the individual meets all the non-financial eligibility criteria for the REFM program and the requirements of at least one of the following subsections:¶¶

(a) The individual loses eligibility for any Medicaid or CHIP program, except the QMB and CAWEWM programs, due to income from employment.¶¶

(b) The individual loses eligibility for any Medicaid or CHIP program, except the QMB and CAWEWM programs, and is currently receiving benefits in the REF program.¶¶

(c) The individual had medical assistance established in another state based on refugee status granted by the United States Citizenship and Immigration Services, and:¶¶

(A) Moved to Oregon and is still within the individual's first ~~eight~~twelve months in the United States; and¶¶

(B) Was found not eligible for any Medicaid or CHIP program other than the CAWEWM and QMB programs.¶¶

(3) An individual who is determined eligible for the REFM program will maintain eligibility for the REFM program for the remainder of their first ~~eight~~twelve months in the United States even if the individual loses eligibility for the REF program due to having income equal to or over the countable (see OAR 461-001-0000) income and adjusted income (see OAR 461-001-0000) limits (see OAR 461-155-0030).¶¶

(4) An individual applying for the REFM program is not required to apply for or receive benefits in the REF program.¶¶

(5) Except for the CAWEWM and QMB programs, eligibility for all Medicaid and CHIP programs must be determined prior to determining eligibility for the REFM program.¶¶

(6) When a newborn is born to a member of a REFM program benefit group (see OAR 461-110-0750):¶¶

(a) Members of the benefit group, may continue to receive REFM program benefits for the remainder of the ~~eight~~twelve months, as stated in OAR 461-135-0900(4), if the member is determined ineligible for all Medicaid and CHIP programs.¶¶

(b) The newborn may receive REFM program benefits for the remainder of the ~~eight~~twelve months of the benefit group, if the newborn is determined ineligible for all Medicaid and CHIP programs.¶¶

(7) To be eligible for the REFM program, an individual may not be enrolled in Medicare.

Statutory/Other Authority: ORS 409.050, 411.060, 411.404, 413.085, 414.685

Statutes/Other Implemented: ORS 409.010, 411.060, 411.404, 45 CFR 400

AMEND: 461-155-0180

RULE SUMMARY: OAR 461-155-0180 is being amended 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 ¶

THE MONTHLY INCOME STANDARDS IN SECTIONS (2), (3), (4), AND (8) OF THIS RULE, AND POSSIBLY THE MONTHLY INCOME STANDARD IN SECTION (10), WILL BE AMENDED TO REFLECT FEDERAL COST OF LIVING ADJUSTMENTS PUBLISHED ANNUALLY. THE STANDARDS HAVE NOT YET BEEN PUBLISHED.¶

(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.¶

(2) A monthly income standard set at 100 percent of the 2021 federal poverty level, and updated every October, is set at the following amounts: ¶

Size of Group&&&&Standard ¶

1&&&&&&&&&\$ 1,074¶

2&&&&&&&&& 1,452¶

3&&&&&&&&& 1,830¶

4&&&&&&&&& 2,209¶

5&&&&&&&&& 2,587¶

6&&&&&&&&& 2,965¶

7&&&&&&&&& 3,344¶

8&&&&&&&&& 3,722¶

9&&&&&&&&& 4,101¶

10&&&&&&&&&.. 4,480¶

+1&&&&&&&&&... +379¶

(3) A monthly income standard set at 130 percent of the 2021 federal poverty level, and updated every October is set at the following amounts:¶

Size of Group&&&&Standard¶

1&&&&&&&&&\$ 1,396¶

2&&&&&&&&& 1,888¶

3&&&&&&&&& 2,379¶

4&&&&&&&&& 2,871¶

5&&&&&&&&& 3,363¶

6&&&&&&&&& 3,855¶

7&&&&&&&&& 4,347¶

8&&&&&&&&& 4,839¶

9&&&&&&&&& 5,331¶

10&&&&&&&&&.. 5,823¶

+1&&&&&&&&&... +492¶

(4) A monthly income standard set at 165 percent of the 2021 federal poverty level, and updated every October, is set at the following amounts: ¶

Size of Group&&&&Standard¶

1&&&&&&&&&\$ 1,771¶

2&&&&&&&&& 2,396¶

3&&&&&&&&& 3,020¶

4&&&&&&&&& 3,644¶

5&&&&&&&&& 4,268¶

6&&&&&&&&& 4,893¶

7&&&&&&&&& 5,517¶

8&&&&&&&&& 6,141¶

+1&&&&&&&&&... +625¶

(5) A monthly income standard set at 185 percent of the 2022 federal poverty level, and updated every March, is set at the following amounts: ¶

Size of Group&&&&Standard¶

following amounts for the household (see OAR 461-135-0491):

Size of Group Standard

1 \$ 1,848

2 2,226

3 2,604

4 2,990

5 3,399

6 3,808

7 4,187

8 4,565

+1... +379

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

RULE SUMMARY: OAR 461-155-0190 is being amended to align the SNAP and DSNAP 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 ¶

THE SNAP PAYMENT STANDARD (THRIFTY FOOD PLAN) IN SECTION (2), AND POSSIBLY THE DSNAP PAYMENT STANDARD IN SECTION (3), OF THIS RULE WILL BE AMENDED TO REFLECT FEDERAL COST OF LIVING ADJUSTMENTS PUBLISHED ANNUALLY. THE STANDARDS HAVE NOT YET BEEN PUBLISHED.¶

(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.....\$ 250¶

2.....459¶

3.....658¶

4.....835¶

5.....992¶

6.....1,190¶

7.....1,316¶

8.....1,504¶

+1.....+ 188¶

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

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

1.....\$ 2504¶

2.....459374¶

3.....658535¶

4.....835680¶

5.....992807¶

6.....1,190969¶

7.....1,316071¶

8.....1,50224¶

+1.....+ 18853¶

(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

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 ¶¶

THE SNAP PROGRAM RESOURCE LIMIT IN SECTION (7) OF THIS RULE WILL BE AMENDED TO REFLECT FEDERAL COST OF LIVING ADJUSTMENTS PUBLISHED ANNUALLY. THE STANDARDS HAVE NOT YET BEEN PUBLISHED.¶¶

(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 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) \$2,500 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

RULE SUMMARY: OAR 461-160-0420 is being amended 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 ¶

THE SHELTER COST STANDARDS IN SECTION (4) OF THIS RULE WILL BE AMENDED TO REFLECT FEDERAL COST OF LIVING ADJUSTMENTS PUBLISHED ANNUALLY. THE STANDARDS HAVE NOT YET BEEN PUBLISHED. ¶

(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 ~~bas~~calculated considering the shelter cost ~~but is and may be~~ 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 circumstances of a filing group meet the definition of homeless under OAR 461-001-0015, the following are allowable costs: ¶

(i) Working in exchange for housing costs; or ¶

(ii) If living in a vehicle---, vehicle payments and collision and comprehensive insurance premiums for the vehicle. ¶

(E) For filing group members required to pay room and board in a nonstandard living arrangement (see OAR 461-001-0000), the shelter cost is the cost of room and board, minus the payment standard for the benefit group; or the actual room cost if the individual can prove that the room cost exceeds the room and board minus the payment standard. ¶

(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 \$450 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 \$353 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 \$57 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 \$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, 7 CFR 273.5

AMEND: 461-160-0430

RULE SUMMARY: OAR 461-160-0430 is being amended 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 ¶¶

THE INCOME DEDUCTION STANDARDS OF THIS RULE WILL BE AMENDED TO REFLECT FEDERAL COST OF LIVING ADJUSTMENTS PUBLISHED ANNUALLY. THE STANDARDS HAVE NOT YET BEEN PUBLISHED. 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) \$ 177 per month for a benefit group (see OAR 461-110-0750) of one, two, or three individuals.¶¶

(B) \$ 184 per month for a benefit group of four individuals.¶¶

(C) \$ 215 per month for a benefit group of five individuals.¶¶

(D) \$ 246 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 in Excess Shelter Deduction or Homeless Shelter Deduction; is 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 sif the filing group has an allowable shelter cost under OAR 461-160-0420. ¶¶~~

~~(A) If the group is eligible for both deductions listed in subsections (B) and (C) of this section, they will receive the higher of the two.¶¶~~

~~(B) Excess Shelter dDeduction 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.¶¶~~

~~(ii) Fifty percent of the remainder is subtracted from the shelter cost calculated in accordance with OAR 461-160-0420.¶¶~~

~~(iii) 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 \$-597 per month.¶¶~~

~~(C) The Homeless Shelter Deduction is \$159.73 for a filing group whose living circumstances meet the definition of homeless (see OAR 461-001-0015).¶¶~~

(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, 7 CFR 273.5

AMEND: 461-165-0060

RULE SUMMARY: OAR 461-165-0060 is being changed 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 ¶

THE SNAP MINIMUM BENEFIT AMOUNTS IN SECTION (1) OF THIS RULE WILL BE AMENDED TO REFLECT FEDERAL COST OF LIVING ADJUSTMENTS PUBLISHED ANNUALLY. THE STANDARDS HAVE NOT YET BEEN PUBLISHED.¶

(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 a minimum monthly allotment 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

RULE SUMMARY: OAR 461-175-0210 is being amended to add ERDC, TANF, and REF to the list of programs that will not end program benefits when mail or benefits are returned. It is also being changed to better group the provisions for programs who will continue to take some kind of closure action when mail or benefits are returned. Lastly, it is being changed for the TANF and REF programs to restrict the Department to act only on non-mail information that indicates the whereabouts of an individual is unknown to when the source is "another governmental agency; private, non-profit agency; or first-hand knowledge of an ODHS staff member learned from the course of business," and to set in place a process that gives individuals 10 days to provide their whereabouts.

CHANGES TO RULE:

461-175-0210

Notice Situation; 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), 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, in the GA, OSIP, OSIPM, and QMB programs --¶¶~~

~~(a) 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.¶¶~~

~~(3b) In all programs except the SNAP and TA-DVS programs, if Department mail or benefits have been returned with no forwarding address, and the individual's whereabouts remain unknown, the Department ends benefits by sending the following a basic decision notice to their last known address:¶¶~~

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

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

~~(4.¶¶~~

~~(3) In the SNAP program, and for JPI --¶¶~~

~~(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.¶¶~~

~~(5c) In the TA-DVS program, tFor JPI, notwithstanding any provision in this section and regardless of reporting system, no decision notice is required.¶¶~~

~~(4) Effective June 15, 2022, in the ERDC, REF, TA-DVS, and TANF programs --¶¶~~

(a) The Department shall not end program benefits when due to return of Department mail or benefits have been returned with no forwarding address and the individual's whereabouts remain unknown. This includes when there is no forwarding address and the individual's whereabouts remain unknown.

(b) In the REF and TANF Programs.

(A) When an individual's whereabouts become unknown based on information other than return mail and the source of the information is another governmental agency; a private, non-profit agency; or first-hand knowledge of an ODHS staff member learned from the course of business, the Department shall allow the filing group 10 days to make their whereabouts known. If the information is not provided, the Department shall end benefits by sending the following decision notice to their last known address:

(i) Except for Employment Payments, a timely continuing benefit decision notice.

(ii) For Employment Payments, no decision notice is required.

(B) The Department shall give an individual the benefits that were returned if their whereabouts become known within 12 calendar months after issuance.

(65) 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: 461-190-0211

RULE SUMMARY: OAR 461-190-0211 is being amended to expand the activities in which tuition payments are allowable. The additional activities are jobs skills training and self-initiated training. Tuition payments for self-initiated training may be limited to a twelve-month period and must be reviewed on a term by term basis as individuals work toward clearing their financial aid status. Tuition payments for jobs skills training is a short-term activity and will therefore have the existing limitations for vocational training activity.

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 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 or a jobs skills training (see OAR 461-001-0025) 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~~ may be limited to payments no more than a twelve-month period provided through the Education and Training Pilot Program established in HB 2032. These payments will be issued via the contracted partner period per individual and shall be reviewed on a term-by-term basis. Individuals must show that they are making satisfactory progress (see OAR 461-001-0025) in their program and working towards receiving or clearing their standing to receive financial aid.¶

(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

AMEND: 461-195-0621

RULE SUMMARY: OAR 461-195-0621 is being amended to extend the REF program eligibility period from eight to twelve months.

CHANGES TO RULE:

461-195-0621

Intentional Program Violations; Penalties and Liability for Overpayments ¶¶

(1) Disqualification penalties resulting from intentional program violations and other violations of law are listed in this rule. An individual may be subject to disqualification for an intentional program violation (IPV) (see OAR 461-195-0601) only if the individual was advised of the disqualification penalties prior to committing the IPV. A disqualification established in another state or established in the Food Distribution Program on Indian Reservations continues in effect in Oregon.¶¶

(2) In the ERDC program, if an IPV is established against an individual through a contested case hearing, a waiver of the right to hearing, or by a state or federal court, that individual is liable for repayment to the Department of the full amount of overpayment (see OAR 461-195-0501) the Department has established. The amount of restitution to the Department ordered by a court as part of a criminal proceeding does not lower the amount owed to the Department. Payments of restitution to the Department are credited against the amount owed. A client is not subject to an IPV disqualification but is still required to repay overpayment amounts.¶¶

(3) A child care provider found to have committed an IPV is ineligible for payment for child care as follows:¶¶

(a) A child care provider with an IPV established between April 1, 2001 and September 30, 2005 is permanently disqualified to receive payment.¶¶

(b) A child care provider who has incurred an overpayment established as an IPV claim after September 30, 2005 is ineligible for payment---¶¶

(A) For six months and until the full amount of the overpayment is paid; or¶¶

(B) Permanently, if the Child Care Program Manager finds that such ineligibility is in the public interest. The following is a non-exclusive list of reasons that support a determination of permanent ineligibility: safety concerns; or, the likelihood of future violations; or, the degree of egregiousness of any of the established IPV's; or, the degree of primary involvement in the violation by the provider.¶¶

(4) In the REF, REFM, SNAP, and TANF programs, when an IPV is established against an individual through a contested case hearing, a waiver of the right to hearing, or by a state or federal court:¶¶

(a) That individual is liable for repayment to the Department of the full amount of overpayment the Department has established, regardless of any restitution ordered by a court.¶¶

(b) Except as otherwise set forth in this section, the individual is disqualified from receiving benefits in the program in which the IPV was committed for a period of 12 calendar months for the first IPV, 24 calendar months for the second IPV, and permanently for the third IPV.¶¶

(c) In the REF and REFM programs, the individual is disqualified from receiving benefits in the program in which the IPV was committed for the remaining ~~eight~~twelve months of eligibility.¶¶

(d) An individual found by a federal, state, or local court to have traded a controlled substance for SNAP benefits is disqualified from participation in the SNAP program as follows:¶¶

(A) For a period of two years upon the first occasion.¶¶

(B) Permanently upon the second occasion.¶¶

(e) An individual found by a federal, state, or local court to have traded firearms, ammunition, or explosives for SNAP benefits is permanently disqualified from participation in the SNAP program.¶¶

(f) An individual convicted of trafficking (see OAR 461-195-0601) benefits for a value of \$500 or more is permanently disqualified from participation in the SNAP program.¶¶

(g) An individual is disqualified for a 10-year period, except if permanently disqualified under subsection (b) of this section, from receiving benefits in the program in which the individual committed fraud if the individual --¶¶

(A) In TANF program:¶¶

(i) Is convicted in state or federal court of having made a fraudulent statement or representation with respect to the place of residence of the individual in order to receive assistance simultaneously from two or more states under programs that are funded under Title IV or XIX of the Social Security Act; or¶¶

(ii) Is found in an IPV hearing or admits, in a written waiver of the right to an IPV hearing, to having made a fraudulent statement or representation with respect to the identity or place of residence of the individual in order to receive benefits simultaneously from two or more states.¶¶

(B) In the SNAP program, is found to have or admits to having made a fraudulent statement or representation with respect to the identity or place of residence of the individual in order to receive multiple SNAP benefits simultaneously.¶¶

(5) If the TANF grant is affected by the IPV penalty imposed under this rule, eligibility (see OAR 461-001-0000) for and the level of SNAP benefits are determined in accordance with OAR 461-145-0105.¶

(6) Once a disqualification period begins, it continues uninterrupted until completed, regardless of the eligibility of the filing group (see OAR 461-110-0310) of the disqualified individual.

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

Statutes/Other Implemented: 409.010, 411.060, 411.816, 412.049, ORS 329A.500, 7 CFR 273.16, 7 CFR 273.18, 45 CFR 400