

OFFICE OF THE SECRETARY OF STATE

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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 461
DEPARTMENT OF HUMAN SERVICES
SELF-SUFFICIENCY PROGRAMS

FILED

07/20/2022 12:09 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Proposing Permanent Rules About SNAP Shelter Cost and Deduction and the Periodic Report Process

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:
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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)

OARs 461-105-0006 about Business Continuity Provisions, 461-135-0660 about SNAP; COVID-19, 461-135-1260 about Specific Requirements: Job Participation Incentive, 461-150-0060 about Prospective or Retrospective Eligibility and Budgeting; ERDC, REF, REFM, SNAP, TANF, 461-170-0010 about Reporting Changes — Overview, 461-170-0101 about Simplified Reporting System (SRS); SNAP, 461-170-0102 about Required Periodic Report for the Simplified Reporting System (SRS); SNAP, 461-170-0103 about Actions Resulting from Changes in Household Circumstances; Simplified Reporting System (SRS); SNAP, JPI, 461-170-0104 about Failure to Submit Periodic Report Form Timely; Simplified Reporting System (SRS); SNAP, 461-175-0220 about Notice Situation; Disqualification, 461-175-0240 about Notice Situation; Lump-Sum, 461-175-0270 about Notice Situation; SRS or TBA, 461-175-0280 about Notice Situation; Failure to Submit Report for SRS or ERDC Reapplication, 461-175-0305 about Notice Situation; Removing an Individual

From a Benefit Group (REF, REFM, SNAP, TANF) or Need Group (ERDC), and 461-180-0006 about Effective Dates; Changes for Cases in the Simplified Reporting System (SRS); SNAP, need to be amended to:

- * Adopt into permanent rule temporary rule changes made effective April 1, 2022.
- * Remove the Interim Change Report and Mid-Certification Review processes and provisions from rule.
- * Adopt the new Periodic Report process and provisions into rule at all places that previously addressed the Interim Change Report or Mid-Certification Review, including provisions about Periodic Report form requirements, Department actions and notices when the form is not submitted or is submitted late, income budgeting and SNAP eligibility during the processing of the Periodic Report form and outside of that time, add definitions for the Periodic Report process, and update effective dates for the Periodic Report.
- * Update the word "client" in many places of the rules.
- * Remove an agency name and update an agency position title.
- * Clarify the process for those certified for 12 months, those certified for 24 months with no income, and those certified for 24 months who begin receiving earned income.

OARs 461-160-0420 about Shelter Cost; SNAP and 461-160-0430 about Income Deductions; SNAP, need to be amended to adopt into permanent rule temporary rule changes made effective April 1, 2022, to correct rule provisions about shelter cost by moving them to the correct rule, to distinguish the Excess Shelter Deduction from the new Homeless Shelter Deduction, and to adopt rule provisions about the new Homeless Shelter Deduction for individuals whose living situation meets the SNAP definition of "homeless." Oregon must offer the Homeless Shelter Deduction when filing groups meeting that criteria have allowable shelter expenses that will result in greater SNAP benefit allotments. These rule changes will explain how the Homeless Shelter Deduction is to be used to calculate SNAP benefits for eligible individuals.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

Homeless Living Circumstances Shelter Deduction

- * United States Department of Agriculture Food and Nutrition Service (FNS) "Supplemental Nutrition Assistance Program Provisions of the Agriculture Improvement Act of 2018 - Section 4004 - Information Memorandum", available here: https://fns-prod.azureedge.us/sites/default/files/resource-files/Information%20Memo%20-%20Homeless%20Shelter%20Deduction_FINAL.pdf
- * FNS Farm Bill, available here: <https://www.fns.usda.gov/farmbill>
- * "FY 2019 Homeless Shelter Deduction Memo," available here: <https://www.fns.usda.gov/snap/fy19-homeless-shelter-deduction-memo>

Periodic Report Process

- * Any documents relied upon are available from the SNAP Policy Analyst Team.

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

Regarding changes to OARs 461-105-0006, 461-135-0660, 461-135-1260, 461-150-0060, 461-170-0010, 461-170-0101, 461-170-0102, 461-170-0103, 461-170-0104, 461-175-0220, 461-175-0240, 461-175-0270, 461-175-0280, 461-175-0305, and 461-180-0006:

The Department estimates no Racial Equity Impact as the rule changes don't create a fiscal impact to benefit recipients, but rather creates a process that extends current 6 or 12 month certifications for another 6 or 12 months, without having to complete a full application. Although this is a convenience for all, it's not estimated to impact racial equity in Oregon.

Regarding changes to OARs 461-160-0420 and 461-160-0430:

Recent studies show that there is a 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>). The disproportionate rates of Communities of Color experiencing homelessness in Oregon coupled with the fact that the rule change will only benefit those whose living circumstance meets the Department definition of "homeless," brings ODHS to estimate a positive racial equity impact.

FISCAL AND ECONOMIC IMPACT:

Regarding changes to OARs 461-105-0006, 461-135-0660, 461-135-1260, 461-150-0060, 461-170-0010, 461-170-0101, 461-170-0102, 461-170-0103, 461-170-0104, 461-175-0220, 461-175-0240, 461-175-0270, 461-175-0280, 461-175-0305, and 461-180-0006:

The Department estimates the amendments will have a negative fiscal impact on the Department of \$26,865. The Department estimates no fiscal impact to those eligible or applying for benefits or services, the public, 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.

Regarding changes to OARs 461-160-0420 and 461-160-0430:

The Department estimates the amendments and programming changes in the ONE system will have a negative fiscal impact on the Department of \$76,800. The Department estimates a positive fiscal impact those eligible or applying for benefits or services who qualify for the new Homeless Shelter Deduction (HSD). The HSD will positively impact many SNAP households that lack permanent housing but still incur shelter-related costs, such as charges for hotel and motel rooms, homeless shelters, payments to relatives and friends with whom they are staying, telephone charges, and the cost of staying in their cars. HSD allows individuals whose living circumstances meet the Department definition of homeless and who have specific shelter-related costs to have a shelter deduction from their net income if it is higher than the Excess Shelter Deduction. This will result in a higher SNAP monthly benefit, estimated at an average increase of around \$20-\$40 per month for qualifying individuals. The actual impact for each individual or group will vary based on income, household size and a variety of other eligibility factors. The Department estimates no fiscal impact to the public, 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.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

See Fiscal and Economic Impact

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?

An Administrative Rule Advisory Committee (RAC) was not consulted as the rule amendments rename an existing process in rule and implement a new federally required shelter cost standard. In place of a RAC, the Department has discussed the Periodic Report and Homeless Shelter Deduction changes at many community partner meetings before and after the temporary rules were adopted on April 1, 2022.

Specifically for the implementation of the SNAP Homeless Shelter Deduction (HSD):

SNAP policy analysts reached out to SNAP outreach community partners and the ODHS community partner liaison to help develop the communication strategy. Specifically, Out-Side In, an organization who assists youth experiencing homelessness, was consulted to help draft messages. In addition, policy analysts shared the HSD implementation with a state-wide Community Partners meeting and a quarterly SNAP Outreach meeting with contracted Community Partners. ODHS has met and engaged many community agencies to explain the HSD and request ongoing feedback regarding communication plans.

RULES PROPOSED:

461-105-0006, 461-135-0660, 461-135-1260, 461-150-0060, 461-160-0420, 461-160-0430, 461-170-0010, 461-170-0101, 461-170-0102, 461-170-0103, 461-170-0104, 461-175-0220, 461-175-0240, 461-175-0270, 461-175-0280, 461-175-0305, 461-180-0006

AMEND: 461-105-0006

RULE SUMMARY: OAR 461-105-0006 is being changed in permanent rule filing, to remove retroactive language, update the word "client" in a few places it's used, correct an APD position title, and to change "Interim Change Report" to "Periodic Report form."

CHANGES TO RULE:

461-105-0006

Business Continuity Provisions ¶¶

~~Retroactively effective July 6, 2020:¶¶~~

(1) The use of this rule by any self-sufficiency branch office (see OAR 461-001-0000) requires the approval for that site by:¶¶

(a) The Director of Self-Sufficiency Programs or the designee of this official; or¶¶

(b) The Deputy Director of Self Sufficiency Programs.¶¶

(2) The Department will only approve the use of this rule after considering the feasibility of avoiding the use of the rule by moving enough employees who are able to perform the needed tasks to the sites that have too few employees.¶¶

(3) For purposes of this rule:¶¶

(a) "Business continuity disruption" refers to an emergency event or a work stoppage that causes the absence of most of the employees in at least one branch office for an expected time period of sufficient duration that compliance with applicable administrative rules in chapter 461 is not feasible. A "business continuity disruption" continues until a sufficient number of employees return to work to permit compliance at the branch office with the administrative rules in chapter 461.¶¶

(b) "Emergent need".¶¶

(A) In the ERDC program, the term "emergent need" refers to an individual who requires child care in order to work and who will lose this child care unless the application is processed promptly.¶¶

(B) In the SNAP program, the term "emergent need" refers to an individual who qualifies for expedited services under OAR 461-135-0575.¶¶

(C) In the medical assistance programs:¶¶

- (i) The term "emergent need" refers to an individual reporting either of the following:¶
 - (I) A medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention or medication may reasonably be expected to result in placing the health of the patient in serious jeopardy, serious impairment to bodily functions, or serious dysfunction of any bodily organ or part.¶
 - (II) A need for prompt processing of an application to secure provider services for mental health, substance abuse, or long-term care.¶
- (ii) An individual does not need to document the "emergent need".¶
- (D) In the REF and TANF programs, the term "emergent need" refers to a household that meets the requirements of one of the following subparagraphs:¶
 - (i) Countable income less than \$150 a month, and liquid resources that do not exceed \$100.¶
 - (ii) Gross income and resources that combined are less than the total of the household's monthly rent or mortgage, plus its utilities.¶
 - (iii) Liquid resources (see subsection (c) of this section) that do not exceed \$100 as well as being a destitute household of migrant and seasonal farmworkers (see OAR 461-001-0015) with little or no income at the time of application.¶
- (E) In the TA-DVS program, the term "emergent need" refers to an individual with an immediate safety need.¶
- (c) "Liquid resources" refers to cash on hand, a checking or savings account, a savings certificate, and a lump sum payment.¶
- (4) During a business continuity disruption, a branch office issues DSNAP benefits as provided in OAR 461-135-0491 to 461-135-0497 if the branch office is in a location authorized by the Food and Nutrition Service (FNS) during a disaster benefit period. This rule does not otherwise apply to the DSNAP program.¶
- (5) Notwithstanding any other administrative rule in chapter 461, during a business continuity disruption under the authorization required in section (1) of this rule, a sSelf-sufficiency branch office may use any or all of the following special provisions:¶
 - (a) Application process.¶
 - (A) Individuals qualifying as emergent need.¶
 - (i) In the ERDC, medical assistance, REF, and TANF programs, acceptance or processing by the Department of applications may be limited to individuals in emergent need.¶
 - (ii) In the SNAP program, processing of applications for new clients may be limited to individuals in emergent need.¶
 - (B) Application process for individuals without an emergent need.¶
 - (i) In the ERDC, REF, and TANF programs, each branch office using this provision may document a request for benefits by maintaining a dated list of the names of these new clients as well as social security numbers (if available). The Department will use these lists to establish the date of request for those ~~clients~~ who request assistance during the business continuity disruption and complete the application within 30 days after the conclusion of the business continuity disruption or by the deadline that applies under another program rule, whichever occurs later.¶
 - (ii) In the SNAP program, for a new client, each branch office using this provision may document a filing date by maintaining a file of completed filing pages (DHS 415Y or DHS 539F). The Department will schedule and conduct interviews with each ~~client~~ applicant after the conclusion of the business continuity disruption.¶
 - (iii) In the medical assistance programs, each branch office should establish a date of request using OAR 461-115-0030.¶
 - (iv) In the TA-DVS program, the Department may document a request for benefits by maintaining a dated list of the names of the applicants as well as social security numbers (if available). The Department will use this list to establish a filing date for those clients who request assistance during the business continuity disruption. After the conclusion of the business continuity disruption, the Department will schedule and conduct interviews with each client within two business days, or when an immediate safety need arises, whichever occurs sooner.¶
 - (b) Benefit levels. In the ERDC, REF, SFPSS, and TANF programs:¶
 - (A) Except as provided for REF in OAR 461-135-0900(4), a current benefit recipient, including a ~~client~~ individual in the Simplified Reporting System (SRS), may continue to receive benefits at the level in effect the day before the special provisions of this rule applied to the branch office.¶
 - (B) In the ERDC, SFPSS, and TANF programs, the Department may authorize a branch office to automatically extend certification periods for the duration of the business continuity disruption.¶
 - (C) Payments for support services (see OAR 461-001-0025) listed in a case plan (see OAR 461-001-0025) may continue at the level in effect the day before the special provisions of this rule applied to the branch office. The Department approves or denies any new request for a support services payment on a case by case basis.¶
 - (D) In the REF and TANF programs, for an emergent need household, the Department may issue a temporary benefit in the following amounts:¶

- (i) \$200 for a single individual.¶
- (ii) \$100 for each additional individual to a maximum payment of \$900.¶
- (E) In the TA-DVS program, payments will be made to address immediate safety needs.¶
- (c) Processing changes for current recipients. Except in the SNAP program, a branch office may suspend the processing of changes during the business continuity disruption.¶
- (d) Redetermination of benefits issued in accordance with this rule; payments for supplemental benefits and establishment of overpayments. For each ~~client~~individual who receives a benefit under the provisions of this rule, after the business continuity disruption ends:¶
 - (A) The Department will determine the correct benefit amount and either provide a supplemental payment or assess an overpayment as appropriate.¶
 - (B) In the SNAP program, the Department will make the determination about supplemental payments under paragraph (A) of this subsection within 10 days of the end of the business continuity disruption.¶
- (e) In the SNAP program, in addition to the other processes described in this rule:¶
 - (A) SNAP program benefits may be maintained at the current level and extended for two additional months when the Department receives FNS approval within any month described in the following situations:¶
 - (i) The last month of a certification period (see OAR 461-001-0000).¶
 - (ii) The month an ~~Interim Change~~ Periodic Report form is due.¶
 - (iii) The month a Transitional Benefit Alternative period ends.¶
 - (iv) The month a Monthly Change Report is due.¶
 - (B) A current benefit recipient must report changes described in OAR 461-170-0011 by the last day of the month following the month in which the change occurred.¶
- (6) Notwithstanding any other administrative rule in chapter 461, during a business continuity disruption with the approval of the ~~Manager of Field Services~~Direct Service Delivery Administrator for Aging and People with Disabilities (APD) or the designee of this official:¶
 - (a) A branch office may limit acceptance or processing of applications for long-term services to individuals in emergent need who do not yet have a placement or are at risk of losing their current one.¶
 - (b) An APD or AAA office may apply any exception in this rule for SNAP and Medicaid programs to the extent authorized.

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

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

AMEND: 461-135-0660

RULE SUMMARY: OAR 461-135-0660 is being changed in permanent rule filing, to add the Periodic Report form to the required forms that the Department may waive.

CHANGES TO RULE:

461-135-0660

SNAP; COVID-19

The provisions in this rule apply to the SNAP program.¶

(1) The Department suspends the following rule sections regarding the SNAP program as provided in this rule:¶

(a) OAR 461-115-0230(3), and¶

(b) OAR 461-135-0520(2) and (6).¶

(2) The Department amends the following rules and rule sections regarding the SNAP program as provided in this rule:¶

(a) OAR 461-115-0020(2),¶

(b) OAR 461-115-0450(1) and (2),¶

(c) OAR 461-135-0570(3), and¶

(d) OAR 461-170-0102.¶

(3) Per the Families First Coronavirus Act, Title 3, Section 2301:¶

(a) SNAP time limit work requirements for ABAWDs (see OAR 461-135-0520) are temporarily waived.¶

(b) ABAWDs will not be subject to earning countable months (see OAR 461-135-0520). ¶

(4) An individual who the Department has determined is mandatory (see OAR 461-130-0305) will be granted "good cause" (see OAR 461-130-0327) if the reason for not accepting employment or for leaving a job was due to the individual's concerns regarding their health due to the COVID-19 pandemic. ¶

(5) Notwithstanding OAR 461-115-0450, and beginning March 2020, the Department may extend a certification period (see OAR 461-001-0000) before the certification period ends. ¶

(a) The Department's Central Office shall determine the length of the certification period extension, criteria for selection, and select the cases whose certification period are extended.¶

(b) Selection for certification period extension is not a hearable issue.¶

(6) Notwithstanding OAR 461-170-0102, and beginning March 2020, the Department may waive the requirement to submit an "Interim Change Report" or a "Mid-Certification Review"; and beginning April 2022, the Department may waive the requirement to submit a Periodic Report, in order to continue receiving benefits: ¶

(a) The Department's Central Office shall determine the criteria for selection and select the cases whose "Interim Change Report" or "Mid-Certification Review", or Periodic Report are waived.¶

(b) Selection for waiver is not a hearable issue.¶

(7) Emergency allotments (supplements) are permitted through USDA waiver under Families First coronavirus Response Act of 2020. The Department may issue an emergency allotment of SNAP benefits for any months approved for an emergency allotment by the Food and Nutrition Service, with the following limitations:¶

(a) The emergency allotment does not change the benefit level, calculated under OAR 461-160-0400, for the benefit group (see OAR 461-110-0750).¶

(b) The emergency allotment shall be issued on a date determined by the Department, not subject to OAR 461-165-0100.¶

(c) Beginning April 2020, and except as provided in paragraphs (A) and (B) of this subsection, the amount of the emergency allotment shall be the difference between the benefit level calculated under OAR 461-160-0400 and the maximum Payment Standard for the number of individuals in the benefit group. If there is no difference, no emergency allotment shall be issued. ¶

(A) Beginning April 2021, if the difference calculated equals an amount less than \$95, the amount emergency allotment shall be \$95.¶

(B) Beginning May 2021, if the benefit level calculated under OAR 461-160-0400 of a benefit group is \$0, no emergency allotment shall be issued.¶

(d) When the Food and Nutrition Service makes a change that ends, reduces, or suspends the emergency allotment:¶

(A) No decision notice (see OAR 461-001-0000) is required. The Department is not required to mail a notice of intended action.¶

(B) The Department shall publicize the change using one or more of the following methods: ¶

(i) Informing the public through the news media. ¶

(ii) Placing posters in the offices that serve affected individuals, in the locations where SNAP is issued, and at other sites frequented by individuals receiving SNAP. ¶

(iii) Mailing a general notice to the households of affected recipients.¶

(e) Excepting an overpayment (see OAR 461-195-0501), there is no right to hearing to dispute emergency allotment and no right to continuing benefits.¶

(8) For applications with a filing date (see OAR 461-115-0040) established on or after March 23, 2020, the Department -¶

(a) May waive the requirement under OAR 461-115-0020 section (1) to meet the interview requirements in order to complete the application process.¶

(b) May suspend the requirement under OAR 461-115-0230(3)(b) to grant a face-to-face interview at the applicant's request.¶

(9) Retroactively effective January 16, 2021: In addition to the provisions under section (3) of OAR 461-135-0570, to be eligible for SNAP benefits, a student of higher education (see OAR 461-135-0570) may also meet the requirements of one of the following subsections:¶

(a) The student of higher education is eligible to participate in state or federally funded work study program during the regular school year.¶

(b) The student of higher education has an Expected Family Contribution (EFC) of \$0 in the current academic year, as determined through the Free Application for Federal Student Aid (FAFSA). ¶

(10) The provisions-- ¶

(a) Listed in sections (3) and (4) of this rule end on the last day of the month in which the public health emergency declaration made by the Secretary of Health and Human Services under section 319 of the Public Health Service Act based on an outbreak of coronavirus disease 2019 (COVID-19) is lifted.¶

(b) Listed in section (9) of this rule end 30 days after the day upon which the public health emergency declaration made by the Secretary of Health and Human Services under section 319 of the Public Health Service Act based on an outbreak of coronavirus disease 2019 (COVID-19) is lifted.

Statutory/Other Authority: ORS 411.060, 411.070, 411.121, 411.816, ORS 409.050

Statutes/Other Implemented: ORS 409.010, ORS 411.060, 411.070, 411.121, 411.816, 411.825, 411.837, 7 USC 2015, 7 USC 2029, 7 CFR 273.7, 7 CFR 273.24, Pub. L. 116-127, ORS 409.050, 7 CFR 273.10, 7 CFR 273.14

AMEND: 461-135-1260

RULE SUMMARY: OAR 461-135-1260 is being changed in permanent rule filing to make JPI eligibility more simple and accurate and to replace "client" with "individual."

CHANGES TO RULE:

461-135-1260

Specific Requirements: Job Participation Incentive ¶¶

- (1) This rule explains specific requirements of the Job Participation Incentive (JPI). The JPI food benefit provides \$10 per month for qualifying SNAP households with a dependent child (see OAR 461-001-0000) under age 18.¶¶
- (2) An individual eligible for JPI may receive a \$10 monthly food benefit.¶¶
- (a) The individual receives the \$10 incentive payment starting the month the Department receives documentation that all enrollment criteria in section (3) of this rule have been met.¶¶
- (b) There are no partial months of JPI benefits.¶¶
- (c) The individual may only be issued retroactive JPI benefits as allowed under OAR 461-180-0130.¶¶
- (3) As used in this rule, a "two-parent household" refers to a SNAP household group (see OAR 461-110-0210) that contains a dependent child under age 18 and the dependent child's two parents.¶¶
- (4) To receive JPI, an individual must be in a SNAP filing group (see OAR 461-110-0370) and meet the requirements of all of the following subsections:¶¶
- (a) Be working at an unsubsidized paid employment that meets the federally required participation rates (see OAR 461-001-0025). For self-employment or piece rate work, the hours of work must be equivalent to the required average weekly hours at Oregon State minimum wage. An individual must meet the requirements of at least one of the following paragraphs:¶¶
- (A) Be a single parent (see OAR 461-001-0000) of a dependent child under six years of age and working at an unsubsidized paid employment for an average of at least 20 weekly hours.¶¶
- (B) Be a single parent of a dependent child at least six years of age and under 18 years of age, and working at an unsubsidized paid employment for an average of at least 30 weekly hours.¶¶
- (C) Be a parent in a two-parent household (see section (3) of this rule) that does not receive federally-funded child care assistance, and the parents are working at unsubsidized paid employment for a combined average of at least 35 hours per week.¶¶
- (D) Be a parent in a two-parent household that receives federally-funded child care assistance and the parents are working at unsubsidized paid employment for a combined average of 55 hours per week.¶¶
- (b) Provide the Department with employer-produced documents of paid, unsubsidized work hours covering a consecutive two-week period that has occurred within the last 60 days.¶¶
- (c) Anticipate weekly employment hours will remain the same or increase for the reporting period.¶¶
- (d) Provide employer-produced documents of paid, unsubsidized work hours each time requested by the Department and no later than the last day of the sixth month following the date the ~~client~~individual provides the verification of work hours in accordance with subsections (a) and (b) of this section.¶¶
- (e) Be an eligible adult in a SNAP benefit group (see OAR 461-110-0750) and the parent of an eligible dependent child under age 18 in the same SNAP benefit group.¶¶
- (f) Not be receiving any SFPSS or TANF program benefits in the same month.¶¶
- (5) To remain eligible for JPI, a ~~client~~ must:¶¶
- ~~(a) Meet all SNAP eligibility and reporting requirements (see OAR 461-170-0011); and~~¶¶
- ~~(b) An individual must meet all requirements in section (4) of this rule at the time of the interim change report and at the time of the recertification of SNAP benefits and all SNAP eligibility and reporting requirements (see OAR 461-170-0011).~~¶¶
- (6) Household income in JPI is calculated in accordance with all SNAP financial rules.¶¶
- (7) A ~~client~~individual is no longer eligible for JPI when it has been determined that the ~~client~~individual does not meet federally required participation rates and requirements due to any of the following:¶¶
- (a) Loss of employment.¶¶
- (b) A reduction in work hours.¶¶
- (c) The ~~client~~individual no longer has a dependent child under age 18 in their SNAP benefit group.
- Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 412.049
- Statutes/Other Implemented: ORS 409.010, 411.060, 411.070, 412.049

AMEND: 461-150-0060

RULE SUMMARY: OAR 461-150-0060 is being amended by permanent rule filing to make clear for all programs how the agency budgets income and determines eligibility when an individual is added to the filing group. It is also being amended by permanent rule filing to add provisions about how and when income is budgeted, as well as from which sources, to determine SNAP eligibility during the SNAP program's new Periodic Report Process.

CHANGES TO RULE:

461-150-0060

Prospective or Retrospective Eligibility and Budgeting; ERDC, REF, REFM, SNAP, TANF ¶¶

In the ERDC, REF, REFM, SNAP, and TANF programs, the Department determines how and when to use prospective or retrospective eligibility (see OAR 461-001-0000) and budgeting (see OAR 461-001-0000) as follows:¶¶

(1) For the initial month (see OAR 461-001-0000):¶¶

(a) In the ERDC program, income is budgeted so the anticipated amount is the same for each month, including the initial month.¶¶

(b) For a SNAP case in CRS, the Department uses "actual income" (see subsection (h) of this section) in the initial month.¶¶

(c) For a SNAP program case in SRS, "actual income" is used in the initial month if that income is not reflective of ongoing monthly income due to a new or terminated source or a significant change in ongoing income. All other income is processed under section (3) of this rule.¶¶

(d) In the REF and TANF programs, ongoing income, processed under section (2) of this rule, is used in the initial month, except when the source of income is a new or terminated source. When there is a new or terminated source of income, "actual income" is used in the initial month.¶¶

(e) In the REFM program, the Department uses only the initial month for eligibility and budgeting.¶¶

(f) The Department uses prospective eligibility and budgeting under OAR 461-150-0020 for cases not covered under subsections (a) to (e) of this section, including for an individual who leaves a filing group (see OAR 461-110-0310) because of domestic violence (see OAR 461-001-0000) and enters a domestic violence shelter (see OAR 461-001-0000) or safe home (see OAR 461-001-0000).¶¶

(g) No supplement is issued based on incorrectly anticipated information.¶¶

(h) "Actual income" means income already received in the initial month plus all the income that reasonably may be expected to be received within the initial month.¶¶

(2) Income is budgeted so that the anticipated amount is the same for each month. The type of income is determined and calculated as follows:¶¶

(a) Income that must be annualized is calculated under OAR 461-150-0090 to arrive at a monthly figure.¶¶

(b) Educational income (see OAR 461-145-0150) is assigned to the months it is intended to cover, regardless of when it is received. The income is prorated over these months.¶¶

(c) Ongoing stable income (see OAR 461-001-0000) is anticipated under OAR 461-150-0070.¶¶

(d) Ongoing variable income (see OAR 461-001-0000) is anticipated under OAR 461-150-0080.¶¶

(e) Periodic income (see OAR 461-001-0000) is anticipated under OAR 461-140-0110.¶¶

(f) Lump-sum income (see OAR 461-001-0000) is anticipated under OAR 461-140-0120.¶¶

(3) For an ongoing month (see OAR 461-001-0000):¶¶

(a) For a benefit group (see OAR 461-110-0750), the Department uses prospective eligibility and budgeting. The type of income is determined and calculated under section (2) of this rule.¶¶

(b) If the budgeting method changes from prospective to retrospective, the Department treats income from a terminated source that was counted prospectively as follows:¶¶

(A) If the actual amount received was less than or equal to the anticipated amount, the income is excluded.¶¶

(B) If the actual amount received was greater than the anticipated amount, the Department counts the difference between actual and anticipated amounts.¶¶

(4) When an individual is added to an ongoing filing and benefit group, prospective group, income is budgeted is used in accordance with sections (2) and (3) of this rule to determine eligibility and benefit level.¶¶

(5) In the SNAP program, income reported on the Interim Change Report form under OAR 461-170-0011 and 461-170-0102 is used during the Periodic Report Process, the Department follows the budgeting provisions of sections (2) through (4) of this rule to determine eligibility and benefit level. Income for the fifth month using all of the following:¶¶

(a) Income from computer matches.¶¶

(b) Income reported on the SNAP program certification period (see OAR 461-001-0000) is used to determine the

income for the seventh and following months in the certification period if the individual anticipates the income will remain the same throughout the period. If the individual anticipates the income will change, the individual and the Department jointly estimate the income for the remaining months of the certification period. For an individual who had self-employment income annualized, no change is made unless there is a substantial change in the revenue of the business Periodic Report form under OAR 461-170-0011 and 461-170-0102 that, in comparison to income already budgeted on the SNAP case:

(A) Has changed by \$125 or more - earned income.

(B) Has changed by \$125 or more - unearned income.

(C) Has exceeded the SNAP Countable Income Limit set at 130 percent of the federal poverty level under OAR 461-155-0180, but was previously below 130 percent.

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

Statutes/Other Implemented: ORS 409.010, 409.050, 409.610, 411.060, 411.070, 411.404, 411.816, 412.049

AMEND: 461-160-0420

RULE SUMMARY: OAR 461-160-0420 is being amended by permanent rule filing to add a new shelter cost for individuals whose housing situation meets the SNAP definition of "homeless." It is also being amended by permanent rule filing to add sections about shelter costs for individuals whose housing situation meets the definition of "nonstandard living arrangement" from OAR 461-160-0430 to this rule.

CHANGES TO RULE:

461-160-0420

Shelter Cost; SNAP ¶

(1) This rule explains how to calculate the shelter cost. The shelter cost is used to determine the shelter deduction (see OAR 461-160-0430). The shelter cost is the sum of the filing group's cost of housing plus an allowance for utilities, if the individual incurs a utility cost. The shelter deduction is ~~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 changed by permanent rule filing to add the new Homeless Shelter Deduction provisions to rule, to name the previous and still continuing shelter deduction the Excess Shelter Deduction, to make clear how the two deductions are different, and to provide guidance of what to do when a group qualifies for both. It is also being changed by permanent rule filing to remove provisions about shelter cost for individuals whose living situation meets the definition of "nonstandard living arrangement", which are being moved to OAR 461-160-0420.

CHANGES TO RULE:

461-160-0430

Income Deductions; SNAP ¶¶

In the SNAP program:¶¶

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

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

(b) A standard deduction of:¶¶

(A) \$ 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 dn 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 if 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: 461-170-0010

RULE SUMMARY: OAR 461-170-0010 is being changed by permanent rule filing to update the word client with the word individual, remove the Office of Private Health Partnerships from the rule, and to replace "Interim Change Report" with "Period Report."

CHANGES TO RULE:

461-170-0010

Reporting Changes - Overview ¶¶

A ~~client~~ individual is required to report a change in circumstances in accordance with the reporting system in which the ~~client~~ individual participates, OAR 461-170-0011; and ¶¶

(1) For each program in which a ~~client~~ individual participates, the Department determines the appropriate reporting system. The Department's reporting systems are Change Reporting System (CRS), Simplified Reporting System (SRS), and Transitional Benefit Alternative (TBA). In addition to any required report form, when a ~~client~~ individual is required by this division of rules to report a change in circumstances, the report may be made by telephone, office visit, report form, or other written notice. The report must be made as follows: ¶¶

(a) A ~~client~~ individual using CRS must report a change according to OAR 461-170-0011. ¶¶

(b) A ~~client~~ individual using SRS must report a change according to OAR 461-170-0011 and 461-170-0102. ~~An Interim Change~~ The Periodic Report form is processed according to OAR 461-170-0011 and 461-170-0101 to 461-170-0104. ¶¶

(c) A ~~client~~ individual using TBA is not required to report any change. ¶¶

(2) A change is considered reported effective the date a ~~client~~ individual, authorized representative, or ineligible student reports the information to a branch office (see OAR 461-001-0000) ~~or to the Office of Private Health Partnerships (OPHP).~~ ¶¶

(3) In the ERDC and SNAP programs, when multiple changes are reported at the same time, they must be acted on at the time of reporting and have the same effective date. ¶¶

(4) A change reported by a ~~client~~ individual, authorized representative, or ineligible student for one program is considered reported for all programs in which that ~~client~~ individual participates.

Statutory/Other Authority: ORS 411.060, 411.070, 411.404, 411.816, 412.014, 412.049

Statutes/Other Implemented: ORS 411.060, 411.070, 411.404, 411.816, 412.014, 412.049

AMEND: 461-170-0101

RULE SUMMARY: OAR 461-170-0101 is being changed by permanent rule filing to add missing rule references and to add defined terms for use in the SNAP program's new Periodic Report process.

CHANGES TO RULE:

461-170-0101

Simplified Reporting System (SRS); SNAP ¶¶

In the SNAP program:¶¶

(1) OAR 461-170-0011 and OARs 461-170-0101 to 461-170-0104 establish and explain the Simplified Reporting System (SRS).¶¶

(2) Except for an ABAWD (see OAR 461-135-0520) who resides in one of the SNAP time limit areas (see OAR 461-135-0520) and who is certified for a four-month period, a filing group (see OAR 461-110-0310 and 461-110-0370) certified to receive SNAP program benefits for less than six months may not participate in SRS.¶¶

(3) A filing group with a member working under a JOBS Plus agreement may not participate in SRS.¶¶

(4) The following apply to OARs 461-170-0101 to 461-170-0104:¶¶

(a) "Complete." A Periodic Report form is considered "complete" on the date all of the following occur:¶¶

(A) The individual completely and accurately answers all questions necessary to determine eligibility (see OAR 461-001-0000) and benefit amount.¶¶

(B) The individual provides all required verification.¶¶

(C) The Periodic Report form contains the signature of the primary person (see OAR 461-001-0015), responsible person in the filing group, ineligible student, or the authorized representative (see OAR 461-001-0000 and OAR 461-115-0090).¶¶

(b) "Due month" is the month the Periodic Report form is due.¶¶

(c) "Continued due month" is the month after the due month.¶¶

(d) "Reinstate month" is the month after the continued due month.

Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 411.816, 412.049

Statutes/Other Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.816, 412.049

AMEND: 461-170-0102

RULE SUMMARY: OAR 461-170-0102 is being amended by permanent rule filing to remove the provisions for the Interim Change Report and Mid-Certification Review, which are ending, and to establish the requirements for the new Periodic Report process and form.

CHANGES TO RULE:

461-170-0102

Required Periodic Reports for the Simplified Reporting System (SRS); SNAP ¶¶

In the SNAP program, the ~~following two reports are~~ Periodic Report form is required of ~~some~~ filing groups while in SRS:¶¶

~~(1) Interim Change Report. During the sixth month of a c~~in SRS. The certification period (see OAR 461-001-0000) is determined under OAR 461-115-0450.¶¶

~~(1) Filing Groups with a 12-month Certification p~~Period (see OAR 461-001-0000),-a.¶¶

~~(a) A filing group (see OAR 461-110-0370) participating in SRS and certified for benefits for longer than six mon~~12 months must submit the Periodic Report form as indicated in this ~~but no more than 12 months must submit to the Department, on a form designated by the Department, an Interim Change Report of household circumstances, unless the household has no earned income and each adult member is elderly (see rule section to receive SNAP benefits after month six of their certification period.~~¶¶

~~(b) The Department must receive a complete (see OAR 461-170-0101) Periodic Report form by the last day of the continued due month (see OAR 461-170-0101) for a filing group who remains eligible to receive their SNAP benefits without proration.~~¶¶

~~(c) When an individual fails to submit a complete Periodic Report form, or fails to submit a complete Periodic Report form timely, the Department follows OAR 461-001-0015) or an individual with a disability (see OAR 461-001-0015). The required Interim Change~~170-0104.¶¶

~~(2) Filing Groups with a 24-month Certification Period - No Earned Income.~~¶¶

~~(a) A filing group participating in SRS, with no earned income, and certified for 24 months under OAR 461-115-0450 must submit the Periodic Report form i~~s considered complete when it is received by the Department by the last day of the sixth indicated in this rule section to receive SNAP benefits after month 12 of their certification period and:¶¶

~~(a) The individual completely and accurately answers all questions necessary to determ~~Department must receive a complete Periodic Report form by the last day of the continued due month for a filing group who remains eligible (see OAR 461-001-0000) and benefit amounts;le to receive their SNAP benefits without proration.¶¶

~~(b) When an individual provides all required verification; and~~¶¶

~~(c) The form cont~~fails to submit a complete Periodic Report form, or fail|s the signature of the primary person (see OAR 461-001-0015) o submit a complete Periodic Report form the authorized representative (see OAR 461-001-0000 and OAR 461-115-0090)imely, the Department follows OAR 461-170-0104.¶¶

~~(23) Mid-Certification Review. During the 12th month of a c~~Filing Groups with a 24-month Certification pPeriod, a - Earned Income Change.¶¶

~~(a) A filing group participating in SRS and originally certified for benefits for longer than 12 months must complete a Mid-Certification Review in a method approved by the Department. The required Mid-Certification Review must occur during month 12 of their certification period in order to continue receiving benefits, if eligible.~~¶¶

~~(a) The Mid-Certification Review has been completed when the filing group has provided the Department with updated information about their income~~24 months under OAR 461-115-0450 who begins receiving earned income must submit the Periodic Report form as indicated in this rule section to receive SNAP benefits after months 6, 12, and 18 of their certification period.¶¶

~~(b) The Department must receive a complete Periodic Report form by the last day of the continued due month for a filing group who remains eligible to receive their SNAP benefits without proration.~~¶¶

~~(c) When an individual fails to submit a complete Periodic Report form, or fails to submit a complete Periodic Report form timely, the Department follows OAR 461-170-0104.~~¶¶

~~(d) Notwithstanding subsection (a) of this section, s~~whelter and utility costs, and medical expenses:n the filing group has an earned income change -¶¶

~~(b) A~~Contact between the filing group and the DIn months 1 through 4 of the certification period, a Periodic Repaortment occurring after the 15th of the 12th month can result in a delay in receiving the full month allotment for the 13th month.¶¶

~~(c) The Department follows the process outlined in OAR 461-180-0006 to meet v~~form must be completed to receive SNAP benefits after months 6, 12, and 18 of the certification period.¶¶

(B) In months 7 through 10 of the certification period, a Periodic Report form must be completed to receive SNAP benefits after months 12 and 18 of the certification period.

(C) In months 13 through 16 of the certification requirements and adjust benefits based on this information period, a Periodic Report form must be completed to receive SNAP benefits after month 18 of the certification period.

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

Statutes/Other Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.081, 411.087, 411.816

AMEND: 461-170-0103

RULE SUMMARY: OAR 461-170-0103 is being changed by permanent rule filing to make clear and include all situations and information types that allow ODHS to take action, during an ongoing month, on a SNAP case that is certified in the Simplified Reporting System.

CHANGES TO RULE:

461-170-0103

Actions Resulting From Changes in Household Circumstances; Simplified Reporting System (SRS); SNAP, JPI ¶

In the SNAP program and JPI, benefits may be changed for an individual using SRS - based on information obtained other than through the ~~Interim Change~~ Periodic Report form - only as follows:¶

(1) The benefit level is increased if the information demonstrates the individual is eligible for greater benefits.¶

(2) The benefits are closed or reduced if any of the following subsections apply:¶

(a) The household requests a closure of benefits.¶

(b) The action is based on information that is verified upon receipt. Information is considered verified upon receipt if:¶

~~(A) It is not questionable and the individual making the report has first-hand knowledge of the information reported; or~~¶

~~(B) All of the following are true:~~¶

~~(A) The individual making the report is a member of the SNAP filing group (see OAR 461-110-0370), ineligible student, authorized representative (see OAR 461-115-0090), or an individual who is the source of the information being verified (for example, a landlord is the source of a rent amount and an employer is a source of wages).~~¶

~~(B) The information is not questionable.~~¶

~~(C) The information does not require verification or necessary verification is provided with the reported change in accordance with (see OAR 461-115-0651).~~¶

~~(c) The An individual in paragraph (2)(b)(A) of this rule reports information that results in loss of eligibility (see OAR 461-001-0000).~~¶

~~(d) The An individual in paragraph (2)(b)(A) of this rule reports financial group (see OAR 461-110-0530) income exceeding the SNAP program countable (see OAR 461-001-0000) income limit countable (see OAR 461-001-0000) income exceeding the SNAP Countable Income Limit set at 130 percent of the federal poverty level under OAR 461-155-0180.~~¶

~~(e) The Department is applying an Intentional Program Violation (see OAR 461-195-0601).~~¶

(3) The Department may acts on information reported through computer matches when the ~~Interim Change Report is processed, when the individual is recertified, or when any of the following occur:~~¶

~~(a) The Periodic Report is processed.~~¶

~~(b) The individual is recertified.~~¶

~~(c) Information from the Social Security Administration indicates a member is deceased.~~¶

~~(d) Information from the Oregon Lottery indicates a member has lottery or gambling winnings equal to or in excess of the resource limit listed in OAR 461-160-0015(7)(a).~~¶

~~(e) Information from the Social Security Administration indicates a financial group member's income has changed.~~¶

~~(f) The monthly match with the Department of Corrections indicates a member is incarcerated.~~

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

Statutes/Other Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.081, 411.816, 411.825, 411.837

AMEND: 461-170-0104

RULE SUMMARY: OAR 461-170-0104 is being changed by permanent rule filing to replace provisions about what the agency does when an individual does not submit an Interim Change Report with provisions about what the agency does when an individual does not submit a Periodic Report form by its due date.

CHANGES TO RULE:

461-170-0104

Failure to Submit ~~Interim Change Report~~Periodic Report Form Timely; Simplified Reporting System (SRS); SNAP ¶¶

In the SNAP program:¶¶

~~(1) If~~When the Department does not receive a complete ~~Interim Change~~(see OAR 461-170-0101) Periodic Report form by the last day of the ~~sixth month of the certification period~~continued due month (see OAR 461-001-0000), ~~benefits for the seventh month of the certification period are suspended. If the Interim Change Report is not received during the month of suspension, the individual is ineligible for that month.~~¶¶

~~(2) If a completed Interim Change Report is received~~170-0101) listed under OAR 461-170-0102, benefits are closed with an effective date of the last day of the continued due month, in accordance with OARs 461-175-0280 and 461-180-0006.¶¶

~~(2) When the Department receives a complete Periodic Report form by the last day of the seventh month, it is used to determine eligibility (see OAR 461-001-0000) and benefit level for the seventh and remaining months of the certification period~~reinstate month (see OAR 461-170-0101) and the filing group (see OAR 461-110-0370) is determined eligible for SNAP benefits.¶¶

~~(a) The SNAP certification period shall be reinstated.~~¶¶

~~(b) The SNAP benefits for the reinstate month shall be prorated from the date the complete Periodic Report form was received, calculated under OAR 461-160-0070.~~

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

Statutes/Other Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.081, 411.816, 411.825, 411.837

AMEND: 461-175-0220

RULE SUMMARY: OAR 461-175-0220 is being changed by permanent rule filing to replace the Interim Change Report form with the Periodic Report form, as well as to replace the term "client" with "individual."

CHANGES TO RULE:

461-175-0220

Notice Situation; Disqualification ¶

(1) If a benefit group (see OAR 461-110-0750) or individual is disqualified for a SNAP voluntary job quit or for failure to apply for or provide an SSN, pursue assets, cooperate in the JOBS, JOBS Plus, REP, or a SNAP Employment and Training program, or assist the state's efforts to collect support, the Department sends the following type of notice:¶

(a) If benefits are reduced or closed because of the disqualification:¶

(A) A continuing benefit decision notice (see OAR 461-001-0000) is used when changes are reported on the ~~Interim Change~~Periodic Report form.¶

(B) A timely continuing benefit decision notice (see OAR 461-001-0000) is used when changes are not reported on the ~~Interim Change~~Periodic Report form.¶

(b) If benefits are opened without the disqualified individual in the benefit group or if the entire benefit group is denied assistance, a basic decision notice (see OAR 461-001-0000) is used.¶

(2) For a JOBS, JOBS Plus, REP, or a SNAP Employment and Training disqualification, and for a SNAP voluntary job quit by an individual receiving SNAP benefits, the notice includes the following information:¶

(a) The ~~client~~individual's action that resulted in disqualification.¶

(b) The length of the minimum disqualification period.¶

(c) The reduced benefit amount.¶

(d) How the ~~client~~individual may end the disqualification after the minimum period.¶

(3) For an ABAWD disqualified due to the SNAP time limit in OAR 461-135-0520, the notice includes the following information:¶

(a) The action that resulted in the disqualification.¶

(b) The reduced amount when there are other eligible persons in the filing group.¶

(c) How the individual may regain eligibility for SNAP benefits.¶

(4) For a voluntary job quit by an individual applying for SNAP benefits, the notice includes the following information:¶

(a) The action that resulted in the disqualification; and¶

(b) The length of the disqualification period.¶

(5) For an IPV disqualification:¶

(a) In all programs except the SNAP program, the Department does not send a notice of termination to an individual disqualified for an IPV after a court order, a final order from an administrative hearing, or a signed waiver (see OAR 461-175-0200(9)(c)(C) and OAR 461-195-0621(2)) that imposes the disqualification.¶

(b) In the SNAP program:¶

(A) After an individual signs an IPV waiver, the Department sends a basic decision notice to terminate benefits. If the Department receives a timely request for a hearing, the contested case hearing addresses the issues set out in OAR 461-195-0611(3).¶

(B) The Department does not send a notice of termination to an individual disqualified for an IPV after a court order or a final order from an administrative hearing.¶

(c) In all programs, the Department sends a continuing benefit decision notice when benefits for other individuals in the benefit group are closed or reduced because an individual in the benefit group is disqualified for an IPV.¶

(6) For a disqualification due to being a fleeing felon or in violation of parole, probation, or post-prison supervision (under OAR 461-135-0560):¶

(a) A basic decision notice is required if benefits are opened without the disqualified individual in the benefit group or if the entire filing group is denied benefits.¶

(b) A timely continuing benefit decision notice is required if an individual in the benefit group is disqualified.¶

(7) The notice situation for a disqualification due to a transfer of assets is covered in OAR 461-175-0310.

Statutory/Other Authority: ORS 411.060, 411.070, 411.404, 411.816, 412.014, 412.049, ORS 409.050

Statutes/Other Implemented: ORS 411.060, 411.070, 411.404, 411.816, 412.014, 412.049, ORS 409.010

AMEND: 461-175-0240

RULE SUMMARY: OAR 461-175-0240 is being changed by permanent rule filing to replace the Interim Change Report form with the Periodic Report form.

CHANGES TO RULE:

461-175-0240

Notice Situation; Lump-Sum ¶¶

If a financial group (see OAR 461-110-0530) receives lump-sum income that will make the financial group ineligible or cause a reduction in benefits:¶¶

(1) The Department will deny benefits to an applicant and send a basic decision notice (see OAR 461-001-0000).¶¶

(2) If a benefit group (see OAR 461-110-0750) is receiving benefits, the Department will stop or reduce them and:¶¶

(a) If the action is based on changes reported on the ~~Interim Change~~ Periodic Report form, send a continuing benefit decision notice (see OAR 461-001-0000).¶¶

(b) If the action is not based on changes reported on the ~~Interim Change~~ Periodic Report form, send a timely continuing benefit decision notice (see OAR 461-001-0000).

Statutory/Other Authority: ORS 411.060, 411.095, 411.816

Statutes/Other Implemented: ORS 411.060, 411.095, 411.816

AMEND: 461-175-0270

RULE SUMMARY: OAR 461-175-0270 is being changed by permanent rule filing to replace the Interim Change Report form with the Periodic Report form, as well as to replace "client" with "individual."

CHANGES TO RULE:

461-175-0270

Notice Situation; SRS or TBA ¶¶

(1) When the Department takes action on information reported on the ~~Interim Change~~ Periodic Report form, the Department sends a continuing benefit decision notice (see OAR 461-001-0000) for ~~client~~ individuals in the ERDC, OSIP, OSIPM, QMB, REF, REFM, SNAP, and TANF programs. The notice includes the amount of income used to determine the benefits or ineligibility.¶¶

(2) For all changes not reported on the ~~Interim Change~~ Periodic Report form, which result in a closure or reduction in benefits, the Department sends a timely continuing benefit decision notice.¶¶

(3) When the Department changes the reporting system from one reporting system to another reporting system, the Department provides a continuing benefit decision notice if the change occurs at a time other than at the start of a certification period (see OAR 461-001-0000).

Statutory/Other Authority: ORS 411.060, 411.070, 411.095, 411.111, 411.404, 411.816, 412.049

Statutes/Other Implemented: ORS 411.060, 411.070, 411.095, 411.111, 411.404, 411.816, 412.049

AMEND: 461-175-0280

RULE SUMMARY: OAR 461-175-0280 is being changed by permanent rule filing to replace rule provisions about Department notices and actions when an individual fails to submit a SNAP Interim Change Report with rule provisions about Department notices when an individual fails to submit a SNAP Periodic Report form.

CHANGES TO RULE:

461-175-0280

Notice Situation; Failure to Submit Report for SRS or ERDC Reapplication ¶

(1) In the ERDC program, the Department sends a continuing benefit decision notice (see OAR 461-001-0000) to close benefits when the benefit group (see OAR 461-110-0750) fails to return the reapplication form. The case is closed on the last day of the last month of the certification period (see OAR 461-001-0000).¶

(2) In the SNAP program, ¶

(a) The Department sends a continuing benefit decision notice when a benefit group in Simplified Reporting System (SRS) fails to return the Interim Change a complete (see OAR 461-170-0101) Periodic Report form by the 10th day of the sixth month of the certification period due date. The notice informs the benefit group that:¶

(aA) The report Periodic Report form was not received by the Department by the 10th day of the sixth month in the certification period due date.¶

(bB) The benefit group has until the end of the sixth month of the certification period continued due month (see OAR 461-170-0101) to provide the rPeriodic Report form to receive non-prorated benefits for the seventh month of the certification period reinstate month (see OAR 461-170-0101).¶

(cC) If the report Periodic Report form is not received by the Department by the last day of the sixth month of the certification period, continued due month, SNAP program benefits will be closed effective the last day of the continued due month.¶

(b) The Department sends a continuing benefit decision notice (see OAR 461-001-0000) to close benefits when the benefit group fails to return a complete Periodic Report form by the due date. The SNAP program benefits will be suspendclosed effective the last day of the sixth continued due month.¶

(dC) The SNAP program case Department allows a remains in suspended status for a month and then is closed late month during which a benefit group may submit a complete Periodic Report form and have the SNAP certification period reinstated. A complete Periodic Report form received after the last day of the reinstate month shall not reinstate SNAP benefits.

Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 411.095, 411.816

Statutes/Other Implemented: ORS 409.010, 409.050, 409.610, 411.060, 411.070, 411.087, 411.095, 411.816, 411.825, 411.837

AMEND: 461-175-0305

RULE SUMMARY: OAR 461-175-0305 is being changed by permanent rule filing to replace the Interim Change Report form with the Periodic Report form.

CHANGES TO RULE:

461-175-0305

Notice Situation; Removing an Individual From a Benefit Group (REF, REFM, SNAP, TANF) or Need Group (ERDC)
¶

(1) To remove an individual from a benefit group (see OAR 461-110-0750), the following notices are used:¶

(a) A continuing benefit decision notice (see OAR 461-001-0000) is used when the removal is based on information reported on the ~~Interim Change~~Periodic Report form.¶

(b) A timely continuing benefit decision notice (see OAR 461-001-0000) is used when the removal is not based on the ~~Interim Change~~Periodic Report form.¶

(2) In the ERDC program, the Department sends a timely continuing benefit decision notice to remove an individual from the need group (see OAR 461-110-0630).¶

(3) In the TANF program, if a child (see OAR 461-001-0000) is removed from the benefit group as a result of a court order or a voluntary placement in foster care by the child's caretaker relative (see OAR 461-001-0000), a basic decision notice (see OAR 461-001-0000) is used.

Statutory/Other Authority: ORS 411.060, 411.095, 411.404, 411.816, 412.049

Statutes/Other Implemented: ORS 411.060, 411.095, 411.404, 411.816, 412.049

AMEND: 461-180-0006

RULE SUMMARY: OAR 461-180-0006 is being changed by permanent rule filing to make clear when the agency can take action on SNAP cases in the Simplified Reporting System and the effective dates of those changes.

CHANGES TO RULE:

461-180-0006

Effective Dates; Changes for Cases in the Simplified Reporting System (SRS); SNAP ¶

In the SNAP program, ~~and only as allowed under OAR 461-170-0103:¶~~

~~(1) The effective date of a change based on an Interim Change complete (see OAR 461-170-0101) Periodic Report form is:¶~~

~~(a) The first day of the seventh month of the certification period month following the continued due month (see OAR 461-001-0000); or¶~~

~~(b) If the change causes benefits to close, the last day of the month in which the notice period ends (see OAR 461-170-0101);¶~~

~~(b) The first day of the sixth month of the certification period.¶~~

~~(2) The effective month following the date of a change based on a Mid-Certification Review is:¶~~

~~(a) For a change resulting in an increase in benefits, the first of the 13th month.¶~~

~~(b) For a change resulting in a decrease in benefits, the first of the month following the month in which the notice period ends (see OAR 461-170-0101) if there is time to send a continuing benefit decision notice (see OAR 461-175001-00500) ends.¶~~

~~(c) For a change resulting in a closure of benefits; or¶~~

~~(c) If the change causes benefits to close, the last day of the month in which the notice period ends inued due month.¶~~

~~(3) The effective date of a change not based on either an Interim Change Report or a Mid-Certification Review Periodic Report form is as follows:¶~~

~~(a) For a change resulting in an increase in benefits, the effective date is determined in accordance with OAR 461-180-0010 and 461-180-0020.¶~~

~~(b) For a change resulting in a decrease in benefits, the effective date for reducing benefits is the first of the month following the month in which the decision notice period ends.¶~~

~~(c) For a change resulting in a closure of benefits, the effective date is the last day of the month in which the notice period ends.~~

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