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**TEMPORARY ADMINISTRATIVE ORDER**  
INCLUDING STATEMENT OF NEED & JUSTIFICATION

**SSP 46-2022**

CHAPTER 461

DEPARTMENT OF HUMAN SERVICES

SELF-SUFFICIENCY PROGRAMS

**FILED**

09/16/2022 1:41 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE  
& LEGISLATIVE COUNSEL

FILING CAPTION: Adoption of Temporary Rule about Nonrecurrent Short-Term Payments for Children's Clothing - TANF Families

EFFECTIVE DATE: 09/16/2022 THROUGH 03/13/2023

AGENCY APPROVED DATE: 09/16/2022

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Filed By:

Meorah Solar

Rules Coordinator

NEED FOR THE RULE(S):

OAR 461-155-0040 about Nonrecurrent Short-Term Payment; TANF, needs to be adopted as the Department is implementing the payments and needs rules in place to govern and explain the payments. Adopting the rule will explain the purpose of the payments and the Federal Regulations upon which they are based, placing into rule the provisions to allow and support funds that will assist families receiving TANF to purchase weather appropriate clothing for the different seasons of the year. These three different nonrecurrent lump-sum payments for three different episodes of seasonal clothing needs will support families in using their TANF grant to help meet the basic needs of the family, towards their goal of self-sufficiency, independent of the TANF program.

JUSTIFICATION OF TEMPORARY FILING:

The Department finds that failure to act promptly by adopting OAR 461-155-0040 will result in serious prejudice to the public interest, the Department, and individuals eligible for these new payments. The Department needs to proceed by temporary rule as ODHS has received approval and programming ability to issue the payments beginning this fall and waiting for the permanent rulemaking process would leave the Department with two unsatisfactory options:

1. Delay payments to families whose children could benefit greatly from the payments, or
2. Issue payments and leave families vulnerable and staff and families uninformed by not establishing rule to govern and explain the payments.

The Department finds neither option acceptable as they both could cause detriment or confusion to TANF families and therefore is proceeding with a temporary rule. Adopting the rule ensures that those eligible for the payments, Department staff, and the public, are made aware of the payments, as well as the purpose, treatment, and federal regulations the payments fall under. Adopting the rule aligns Department rule with the payments and supports transparency and consistency.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

Letter from ODHS Chief Financial Officer to Senate Co-Chair Elizabeth Steiner Hayward and Representative Co-Chair Dan Rayfield, available from Rule Coordinator Meorah Solar or TANF Policy Analyst Team.

"TANF-ACF-PI-2008-05 (Diversion Programs)", available at <https://www.acf.hhs.gov/ofa/policy-guidance/tanf-acf-pi-2008-05-diversion-programs-amended>

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ADOPT: 461-155-0040

RULE SUMMARY: OAR 461-155-0040 is being adopted to allow the Department to issue nonrecurrent, short-term benefit payments for three distinct seasonal clothing need episodes of children whose families are receiving TANF benefits. This new rule explains the eligibility and manner in which the program payments will be disbursed and counted by other Department programs.

CHANGES TO RULE:

461-155-0040

Nonrecurrent Short-Term Payment; TANF

The Department may issue nonrecurrent, short-term payments to deal with an episode of need as provided in this rule.¶

(1) One nonrecurring short-term payment per TANF benefit group (OAR 461-110-0750) may be issued for back-to-school clothing needs of the children.¶

(2) One nonrecurring short-term payment per TANF benefit group may be issued for winter clothing needs of the children.¶

(3) One nonrecurring short-term payment per TANF benefit group may be issued for summer clothing needs of the children.¶

(4) Payments are subject to all of the following: ¶

(a) Payments are nonrecurrent short-term benefits, not TANF assistance, and are issued for the purposes listed in 45 CFR 260.31(b)(1) and 7 CFR 273.9(c)(8).¶

(b) The payment shall be issued in the same method as the TANF benefit.¶

(c) The Department shall determine the date and amount of the payment.¶

(d) The amount of the payment shall be the same for each TANF benefit group.¶

(e) The issuance date and amount of the payment determined by the Department are not hearable.¶

(f) Payments are not subject to overpayment (see OAR 461-195-0501) and shall not be included in any overpayment calculation.¶

(5) In all programs covered in OAR chapter 461, the payments are excluded from countable (see OAR 461-001-0000) income.

Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 412.006, 412.049, 45 CFR 260.31

Statutes/Other Implemented: ORS 409.010, 411.060, 411.070, 412.006, 412.049, 45 CFR 260.31, 7 CFR 273.9,

HB 5202 Oregon 2022 Short Sess.