

OFFICE OF THE SECRETARY OF STATE

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ARCHIVES DIVISION

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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 461
DEPARTMENT OF HUMAN SERVICES
SELF-SUFFICIENCY PROGRAMS

FILED

12/14/2022 8:49 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Proposing Changes to Income Standards for Self-Sufficiency Programs

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 02/10/2023 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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Eugene, OR 97408

Filed By:
Meorah Solar
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 01/25/2023

TIME: 11:00 AM - 12:00 PM

OFFICER: Meorah Solar

HEARING LOCATION

ADDRESS: Virtual Hearing - No Physical Location, Join by Phone or by MS Teams, Ask Hearings Officer for MS Teams link, Microsoft Teams, OR 97408

SPECIAL INSTRUCTIONS:

Teams Meeting ID: 292 343 470 516

Teams Passcode: RyEqQS

REMOTE MEETING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 1-971-277-2343

CONFERENCE ID: 302802814

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OAR 461-155-0180 about Income Standards; Not OSIP, OSIPM, QMB, needs to be amended because the current rule would be outdated for federal poverty guidelines and incorrect for the state median income levels, for the federal

poverty levels that must be updated March 1 of each year. This amendment promotes accurate benefit decisions in Self-Sufficiency Programs by updating these standards.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

United States Department of Health and Human Services Poverty Guidelines once updated for 2023, available here: <https://aspe.hhs.gov/poverty-guidelines>

Federal Register – Annual Update of the HHS Poverty Guidelines once made available and embedded in this website: <https://aspe.hhs.gov/poverty-guidelines>

Oregon Housing Stability Council, Energy and Weatherization website, once updated for 2023, available here: <https://www.oregon.gov/ohcs/Pages/energy-weatherization-oregon-income-guidelines.aspx>

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

The Department estimates no racial equity impact from the changes to this rule and will communicate the new income standards at community partner meetings once they are posted. Applications and notices are translated into multiple languages for those who receive and apply for benefits.

FISCAL AND ECONOMIC IMPACT:

The Department is unable to estimate the fiscal impact of amending OAR 461-155-0180 on individuals receiving or applying for SSP programs because the annual adjustments set forth by the Food and Nutrition Service are not yet known. If there is an increase in the federal poverty level and state median, households that were over the old income standard but are under the new income standard, could be positively impacted if they choose to apply. 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.

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?

A Rule Advisory Committee was not consulted for amendments to OAR 461-155-0180 as they are based on Federal Poverty Levels and State Median Income Levels changed annually.

AMEND: 461-155-0180

RULE SUMMARY: OAR 461-155-0180 is being amended to adjust the 185 percent, 200 percent, 250 percent, and 350 percent income standards to reflect the annual update to the Federal Poverty Level (FPL). It is also being amended to adjust the 85 percent income standard to reflect the annual update to the state median income. These amendments

keep Oregon in line with current federal and state standards for Department Self-Sufficiency Programs.

CHANGES TO RULE:

461-155-0180

Income Standards; Not OSIP, OSIPM, QMB ¶

THIS RULE WILL BE AMENDED TO REFLECT HEALTH AND HUMAN SERVICES POVERTY GUIDELINES PUBLISHED ANNUALLY, BUT NOT YET POSTED BY THE FEDERAL GOVERNMENT.¶

(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 2022 federal poverty level, and updated every October, is set at the following amounts: ¶

Size of Group&&&&Standard ¶

1&&&&&&&&&\$ 1,133¶

2&&&&&&&&& 1,526¶

3&&&&&&&&& 1,920¶

4&&&&&&&&& 2,313¶

5&&&&&&&&& 2,706¶

6&&&&&&&&& 3,100¶

7&&&&&&&&& 3,493¶

8&&&&&&&&& 3,886¶

9&&&&&&&&& 4,280¶

10&&&&&&&&&.. 4,674¶

+1&&&&&&&&&... +394¶

(3) A monthly income standard set at 130 percent of the 2022 federal poverty level, and updated every October is set at the following amounts:¶

Size of Group&&&&Standard¶

1&&&&&&&&&\$ 1,473¶

2&&&&&&&&& 1,984¶

3&&&&&&&&& 2,495¶

4&&&&&&&&& 3,007¶

5&&&&&&&&& 3,518¶

6&&&&&&&&& 4,029¶

7&&&&&&&&& 4,541¶

8&&&&&&&&& 5,052¶

9&&&&&&&&& 5,564¶

10&&&&&&&&&.. 6,076¶

+1&&&&&&&&&... +512¶

(4) A monthly income standard set at 165 percent of the 2022 federal poverty level, and updated every October, is set at the following amounts: ¶

Size of Group&&&&Standard¶

1&&&&&&&&&\$ 1,869¶

2&&&&&&&&& 2,518¶

3&&&&&&&&& 3,167¶

4&&&&&&&&& 3,816¶

5&&&&&&&&& 4,465¶

6&&&&&&&&& 5,114¶

7&&&&&&&&& 5,763¶

8&&&&&&&&& 6,412¶

+1&&&&&&&&&... +649¶

(5) A monthly income standard set at 185 percent of the 2022~~3~~ federal poverty level, and updated every March, is set at the following amounts: ¶

Size of Group&&&&Standard¶

1&&&&&&&&&\$ ~~2,096~~ TO BE DETERMINED (TBD)¶

2&&&&&&&&& ~~2,823~~ TBD¶

3&&&&&&&&& ~~3,554~~ TBD¶

4&&&&&&&&& ~~4,279~~ TBD¶

5&&&&&&&&& ~~5,006~~ TBD¶

6&&&&&&&&&& 5,734TBD¶
7&&&&&&&&&& 6,462TBD¶
8&&&&&&&&&& 7,189TBD¶
9&&&&&&&&&& 7,917TBD¶
10&&&&&&&&&&.. 8,645TBD¶
+1&&&&&&&&&... +728TBD¶

(6) A monthly income standard set at 200 percent of the 2022³ federal poverty level, and updated every March, is set at the following amounts: ¶

Size of Group&&&&Standard¶
1&&&&&&&&&&\$ 2,265TBD¶
2&&&&&&&&&& 3,052TBD¶
3&&&&&&&&&& 3,839TBD¶
4&&&&&&&&&& 4,625TBD¶
5&&&&&&&&&& 5,412TBD¶
6&&&&&&&&&& 6,199TBD¶
7&&&&&&&&&& 6,985TBD¶
8&&&&&&&&&& 7,772TBD¶
+1&&&&&&&&&... +787TBD¶

(7) A monthly income standard set at 250 percent of the 2022³ federal poverty level, and updated every March, is set at the following amounts: ¶

Size of Group&&&&Standard¶
1&&&&&&&&&&\$ 2,832TBD¶
2&&&&&&&&&& 3,815TBD¶
3&&&&&&&&&& 4,798TBD¶
4&&&&&&&&&& 5,782TBD¶
5&&&&&&&&&& 6,765TBD¶
6&&&&&&&&&& 7,748TBD¶
7&&&&&&&&&& 8,732TBD¶
8&&&&&&&&&& 9,715TBD¶

(8) A monthly income standard set at 350 percent of the 2022³ federal poverty level, and updated every ~~October~~ until 2023 when it will change to March March beginning 2023, is set at the following amounts: ¶

Size of Group&&&&Standard ¶
1&&&&&&&&&&\$ 3,964TBD¶
2&&&&&&&&&& 5,340TBD¶
3&&&&&&&&&& 6,717TBD¶
4&&&&&&&&&& 8,094TBD¶
5&&&&&&&&&& 9,470TBD¶
6&&&&&&&&&& 10,847TBD¶
7&&&&&&&&&& 12,224TBD¶
8&&&&&&&&&& 13,600TBD¶
9&&&&&&&&&& 14,977TBD¶
10&&&&&&&&&&.. 16,354TBD¶
+1&&&&&&&&&... +1,377TBD¶

(9) A monthly income standard set at 85 percent of the 2022³ state median income, and updated every March, is set at the following amounts: ¶

Size of Group&&&&Standard¶
2&&&&&&&&&&\$ 4,531TBD¶
3&&&&&&&&&& 5,596TBD¶
4&&&&&&&&&& 6,662TBD¶
5&&&&&&&&&& 7,728TBD¶
6&&&&&&&&&& 8,794TBD¶
7&&&&&&&&&& 8,994TBD¶
8&&&&&&&&&& 9,194TBD¶

(10) A monthly Disaster Supplemental Nutrition Assistance Program (DSNAP) income standard is updated every October and set at the following amounts for the household (see OAR 461-135-0491):¶

Size of Group&&&&Standard¶
1&&&&&&&&&&\$ 1,950¶
2&&&&&&&&&& 2,343¶
3&&&&&&&&&& 2,737¶

4&&&&&&&&&& 3,130¶

5&&&&&&&&&& 3,555¶

6&&&&&&&&&& 3,982¶

7&&&&&&&&&& 4,375¶

8&&&&&&&&&& 4,768¶

+1&&&&&&&&&... +394

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