

OFFICE OF THE SECRETARY OF STATE

SHEMIA FAGAN
SECRETARY OF STATE

CHERYL MYERS
DEPUTY SECRETARY OF STATE



ARCHIVES DIVISION

STEPHANIE CLARK
DIRECTOR

800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701

NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 461
DEPARTMENT OF HUMAN SERVICES
SELF-SUFFICIENCY PROGRAMS

FILED

04/28/2023 12:24 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Proposing changes about Self Sufficiency Program Eligibility, Asset Treatment, and TANF Child Care

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 06/18/2023 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.

CONTACT: Jennifer Lay
541-844-6136
ruleshearings.ch461@odhsoha.oregon.gov

2885 Chad Drive
Eugene, OR 97408

Filed By:
Lay Jennifer
Rules Coordinator

HEARING(S)

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

DATE: 05/24/2023

TIME: 1:00 PM - 2:30 PM

OFFICER: Jennifer Lay and Meorah Solar

REMOTE MEETING DETAILS

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

PHONE NUMBER: 669-254-5252

CONFERENCE ID: 1619457677

SPECIAL INSTRUCTIONS:

ODHS 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, are experiencing a disability and need this document in another format, have questions, or would like these materials in a different format, please, at least 48 hours before the meeting: Contact Jennifer Lay at 541-844-6136 or Meorah Solar at 503-602-7545, 711 TTY or email ruleshearings.ch461@odhsoha.oregon.gov

NEED FOR THE RULE(S)

OAR 461-120-0215 about Illegal Activity needs to be amended to remove references to TANF child care. Rules governing eligibility for child care for TANF recipients will transition from ODHS to DELC effective July 1, 2023.

OAR 461-135-0070 about specific requirements for TANF needs to be amended to remove the employment separation eligibility requirement.

OAR 461-135-0520 about Time Limit and Special Requirements for ABAWD; SNAP needs to be amended to implement a waiver approved by the USDA which allows SNAP time limits for Able Bodied Adults Without Dependents to be waived in some Oregon counties and trust lands of some Tribal Nations. Additionally, this rule needs to be amended to

establish discretionary exemptions for certain individuals.

OAR 461-145-0090 about disability benefits needs to be amended and OAR 461-145-0375 about Paid Leave Oregon needs to be adopted to establish how the Department treats income from the Paid Leave Oregon when determining eligibility for programs in OAR Chapter 461. Paid Leave Oregon is a new program and there were previously no rules established as to how the Department treats income from this source.

OAR 461-145-0254 about the Youth Experiencing Homelessness Program Direct Cash Transfer Payments needs to be adopted to establish how Chapter 461 programs will treat the Youth Experiencing Homeless Program Direct Cash Transfer (DCT) payments when determining eligibility for programs in OAR Chapter 461. In addition, this rule needs to be amended effective July 1, 2023, to remove references to the Employment Related Day Care (ERDC) program. The governance of ERDC rules will transition from ODHS to DELC effective July 1, 2023. Lastly, this rule needs to be amended by permanent filing as it is currently a temporary rule.

OAR 461-145-0380 about Pension and Retirement Plans and OAR 461-160-0015 about Resource Limits need to be amended to align the way assets are treated in the REF, REFM, and TANF programs. This change aligns with federal regulation.

OAR 461-160-0193 about Determining Eligibility and Calculating Payment; Direct Provider Payments for TANF Child Care needs to be amended because effective July 1, 2023, child care benefits for most TANF families will be governed under the DELC ERDC program. It also needs to be amended because some families will lose access to child care support services through the ERDC program transfer, so ODHS must continue child care support services for those children. Lastly, the rule needs to be amended to preserve provider eligibility and payment information as ODHS' rules on this topic are being repealed effective July 1, 2023.

OAR 461-190-0211 about Case Plan Activities and Standards for Support Service Payments; JOBS, Pre-TANF, REF, REP, SFPSS, TANF needs to be amended to remove child care support services payments from ODHS TANF eligibility for families who will have access to child care benefits through the DELC ERDC program effective July 1, 2023. It also needs to be amended to update terms, expand support services, and make clear support services limitations.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

OAR 461-135-0520:

The USDA Food and Nutrition Service waiver is available from Chapter 461 Rules Coordinators.

OAR 461-145-0254:

<https://acrobat.adobe.com/link/track?uri=urn:aaid:scds:US:74a5655e-4638-3e74-969e-272e7ea972e7>

No documents relied upon for any other rule changes in this filing.

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

OAR 461-145-0254:

The Department estimates changes to 461-145-0254 will have no racial equity impact in Oregon for those applying for or receiving benefits or services from programs under OAR Chapter 461, except for SNAP applicants and recipients. The Department estimates a mixed racial equity impact to youth from Communities of Color who apply for or receive SNAP benefits. Youth from Communities of Color and Sovereign Tribal Nations are more likely to experience

homelessness in their lifetime, therefore the Youth Experiencing Homelessness Program focuses on and prioritizes working with them. The DCT payments create a positive racial equity impact, however, the decrease in SNAP for these individuals creates a negative racial equity impact. Considered together, the Department estimates a positive racial equity impact for youth from Communities of Color and Sovereign Tribal Nations because the net difference is positive: A youth who begins receiving \$1000 of DCT monthly, with no other income or expenses besides the shelter deduction for individuals experiencing homelessness, would most likely experience a reduction of monthly SNAP benefits from \$281 to \$86. Considering the two together: \$1000 increase of DCT and \$195 decrease of SNAP, results in a net positive of \$805 monthly and a positive racial equity impact.

The Department estimates no racial equity impact in Oregon for any other rule amendments in this filing.

FISCAL AND ECONOMIC IMPACT:

OAR 461-120-0215:

The Department estimates that the amendments to OAR 461-120-0215 will have a positive fiscal impact to the Department because the cost of child care for families receiving TANF will be removed from ODHS and provided by DELC beginning July 1, 2023. The Department is unable to determine the exact fiscal impact, however, based on data provided by the Office of Reporting, Research, Analytics, and Implementation, the Department issued \$2,655,857.00 for child care support services in state fiscal year 2021. The Department estimates there will be a fiscal impact to DELC but the cost is unknown because the DELC child care benefits that TANF families may be eligible for beginning July 1, 2023 will be different than TANF child care support services benefits ODHS provided, and not governed by ODHS. The Department estimates the amendments to OAR 461-120-0215 will have no fiscal impact on those applying for or receiving benefits, local government, or business including small business. There is no cost of compliance for small business.

OAR 461-135-0070:

The Department estimates amendments to OAR 461-135-0070 will have a negative fiscal impact to the Department because additional families will likely be eligible for TANF benefits. The exact fiscal impact is unknown, but in state fiscal year 2022, approximately 74 families were denied TANF due to employment separation. The Department estimates there will be a positive fiscal impact to families applying for TANF who would have previously been denied due to the employment separation policy. The Department estimates no fiscal impact to other state agencies, local government, or businesses including small business. There is no cost of compliance for small businesses.

OAR 461-135-0520:

The Department estimates that the amendments to OAR 461-135-0520 will have a negative fiscal impact to those who earn three countable months and are not granted a discretionary exemption. The maximum negative fiscal impact for one person receiving SNAP would be \$281 monthly. The Department estimates no fiscal impact for the Department, other state agencies, local government, and business including small business. There is no cost of compliance for small business.

OAR 461-145-0090:

The Department estimates that the amendments to OAR 461-145-0090 will have no fiscal impact on those applying for or receiving benefits or services, the Department, other state agencies, local government, and business including small business. There is no cost of compliance for small business.

OAR 461-145-0254:

At this time, the Department is unable to determine if ODHS will be fiscally impacted by adopting or amending OAR 461-145-0254. The Department estimates no fiscal impact to those applying for or receiving benefits or services from

programs in OAR Chapter 461, except for youth applying for or receiving SNAP benefits. DCT payments are considered countable income for the SNAP program, therefore youth receiving DCT payments who apply for or receive SNAP benefits may be negatively impacted by a reduction to their SNAP benefits. For example, a youth with no other income and receiving the shelter deduction for those experiencing homelessness would see a reduction of monthly SNAP benefits from \$281 to \$86. However, this decrease in SNAP benefits would happen in tandem with the receipt of a \$1000 monthly DCT payment, putting individuals at a net positive of \$805 monthly.

OAR 461-145-0375:

The Department is unable to estimate if adopting OAR 461-145-0375 will have a fiscal impact on ODHS or those applying for or receiving benefits because Paid Leave Oregon payments have not started yet. The Department estimates no fiscal impact to other state agencies, local government, and business including small business. There is no cost of compliance for small business.

OAR 461-145-0380:

The Department estimates that the amendments to OAR 461-145-0380 will have no fiscal impact on those applying for or receiving benefits or services, the Department, other state agencies, local government, and business including small business. There is no cost of compliance for small business.

OAR 461-160-0015:

The Department estimates that the amendments to OAR 461-160-0015 will have no fiscal impact on those applying for or receiving benefits or services, the Department, other state agencies, local government, and business including small business. There is no cost of compliance for small business.

OAR 461-160-0193:

The Department estimates that amending OAR 461-160-0193 will have a positive fiscal impact to the Department because the cost of child care for most families receiving TANF will be removed from ODHS and provided by DELC beginning July 1, 2023. The Department is unable to determine the exact fiscal impact, however, based on data provided by the Office of Reporting, Research, Analytics, and Implementation, the Department issued \$2,655,857.00 for child care support services in state fiscal year 2021. The Department estimates there will be a fiscal impact to DELC but the cost is unknown because the DELC child care benefits that families receiving TANF may be eligible for beginning July 1, 2023 will be different than TANF child care support services benefits ODHS provided, and not governed by ODHS. The Department estimates amending OAR 461-160-0193 will have no fiscal impact on those applying for or receiving benefits or services, other state agencies, local government, and businesses including small business. There is no cost of compliance for small business.

OAR 461-190-0211:

The Department estimates that the amendments to OAR 461-190-0211 that remove and amend TANF child care eligibility provisions will have a positive fiscal impact to the Department because the cost of child care for most families receiving TANF will be removed from ODHS and provided by DELC beginning July 1, 2023. The Department is unable to determine the exact fiscal impact, however, based on data provided by the Office of Reporting, Research, Analytics, and Implementation, the Department issued \$2,655,857.00 for child care support services in state fiscal year 2021. The Department estimates there will be a fiscal impact to DELC but the cost is unknown because the DELC child care benefits that TANF families may be eligible for beginning July 1, 2023 will be different than TANF child care support services payments ODHS provided, and not governed by ODHS. The Department estimates these amendments to OAR 461-190-0211 will have no fiscal impact on those applying for or receiving benefits, local government, or businesses including small business. There is no cost of compliance for small business.

The Department estimates that the amendments to OAR 461-190-0211 that add the cost of eyeglasses as a support service will cause a negative fiscal impact to the Department. This is a new support service; therefore, it is difficult to estimate a fiscal impact. However, the Department spent \$80,591 in a state fiscal year for a similar support service for "Tools/Equipment" that was provided to remove barriers to employment. The Department estimates a positive fiscal impact for TANF benefit recipients who are eligible for this new support service. The Department estimates these changes will have no fiscal impact to other state agencies, local government, or businesses 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 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? YES

RULES PROPOSED:

461-120-0215, 461-135-0070, 461-135-0520, 461-145-0090, 461-145-0254, 461-145-0375, 461-145-0380, 461-160-0015, 461-160-0193, 461-190-0211

AMEND: 461-120-0215

RULE SUMMARY: OAR 461-120-0215 is being amended to remove references to Temporary Assistance to Needy Families (TANF) child care support services. Rules governing eligibility for child care benefits for TANF recipients will transition from the Oregon Department of Human Services (ODHS) to the Department of Early Learning and Care (DEL) effective July 1, 2023. Beginning July 1, 2023, the ERDC program will support the child care needs of families receiving TANF.

CHANGES TO RULE:

461-120-0215

Illegal Activity

- (1) As used in this rule, "illegal activity" means an activity that is illegal under either Oregon law or federal law, or both. Working in the marijuana industry is considered an "illegal activity" under this rule.¶
- (2) In all programs, income received from an illegal activity (see section (1) of this rule) is considered countable (see OAR 461-001-0000) income.¶
- (3) In the TANF JOBS and REP programs:¶
 - (a) Support services, including child care, are not allowed for a participant seeking employment in or engaged in an illegal activity.¶
 - (b) An illegal activity is not counted towards JOBS engagement and may not be indicated as an activity or employment goal in the participant's Personal Development Plan.¶
 - (c) For a participant working in an illegal activity, activity hours and employment placement may not be documented by the Department.¶
 - (4) In the TANF program, a participant who gains employment in an illegal activity is not eligible for any of the following transitional benefits:¶
 - (a) Jobs Participation Incentive (JPI).¶

~~(b) Reduced Co-Pay (RCP).¶~~

~~(e) Employment Payments (EP).¶~~

(5) In the SNAP program:¶

(a) Support services are not allowed for an ABAWD seeking employment in or engaged in an illegal activity.¶

(b) The hours looking for work and the hours worked in an illegal activity are not counted as part of the required 80 hours in work-related activities for an ABAWD in a non-waived area per OAR 461-135-0520.

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

Statutes/Other Implemented: ORS 291.003, 329A.500, 409.010, 409.040, 411.060, 411.070, 411.404, 411.816, 412.014, 412.049

AMEND: 461-135-0070

RULE SUMMARY: OAR 461-135-0070 is being amended to remove the employment separation eligibility requirement for the Temporary Assistance to Needy Families (TANF) program.

CHANGES TO RULE:

461-135-0070

Specific Requirements; TANF ¶¶

(1) To be eligible for TANF program benefits:¶¶

(a) An individual must be one of the following:¶¶

(A) A dependent child (see OAR 461-001-0000). However, a dependent child for whom foster care payments are made is not eligible while the payments are being made for the dependent child.¶¶

(B) A caretaker relative (see OAR 461-001-0000) of an eligible dependent child when the caretaker relative:¶¶

(i) Is receiving TANF program benefits for the dependent child, or¶¶

(ii) Is applying for TANF program benefits for the dependent child.¶¶

(C) A caretaker relative of a dependent child, when the dependent child is ineligible for TANF program benefits because of one of the following reasons:¶¶

(i) The child is receiving Supplemental Security Income (SSI).¶¶

(ii) The child is in foster care, but is expected to return home within 30 days.¶¶

(D) A parent (see OAR 461-001-0000) of an unborn, as follows:¶¶

(i) For the TANF program, any parent whose only child is an unborn child once the pregnancy has reached the calendar month before the month in which the due date falls. The Department waives the requirement for a pregnant individual to have reached late pregnancy if an applicant is at risk of further or future domestic violence (see OAR 461-001-0000).¶¶

(ii) For the TANF program, the parent of an unborn child, if there is another dependent child in the filing group.¶¶

(b) The TANF program monthly benefit amount determined under OAR 461-160-0100 must be \$10 or greater.¶¶

(2) ~~As used in this rule:¶¶~~

~~(a) Except as provided otherwise in this section, "good cause" means a reasonable person of normal sensitivity, exercising ordinary common sense under similar circumstances, would have --¶¶~~

~~(A) Quit work, including in anticipation of discharge;¶¶~~

~~(B) Participated in behavior leading to the individual's discharge; or¶¶~~

~~(C) Voluntarily reduced work hours.¶¶~~

~~(b) For an individual with a physical or mental impairment (as defined at 29 CFR 1630.2(h)), except as provided otherwise in subsection (c) of this section, "good cause" for leaving work means that a reasonable person with the characteristics and qualities of such individual under similar circumstances would have --¶¶~~

~~(A) Quit work, including in anticipation of discharge;¶¶~~

~~(B) Participated in behavior leading to the individual's discharge; or¶¶~~

~~(C) Voluntarily reduced work hours.¶¶~~

~~(c) There is no "good cause" if the reason for separation from employment is a labor dispute.¶¶~~

~~(3) Except as provided under section (4) of this rule, a need group (see OAR 461-110-0630) is not eligible for TANF program benefits for 120 days from the date a parent or caretaker relative was separated from or voluntarily reduced work hours at their last employment in which a parent or caretaker relative in the need group was hired to work 100 or more hours per month or worked or was scheduled to work 100 or more hours in the last full calendar month of employment. This applies at initial certification, recertification, and is a condition of ongoing eligibility (see OAR 461-001-0000).¶¶~~

~~(4) A need group may not be reduced or denied TANF program benefits based on section (3) of this rule if the parent or caretaker relative is one of the following:¶¶~~

~~(a) A teen parent (see OAR 461-001-0000) returning to high school or equivalent.¶¶~~

~~(b) An individual fleeing from or at risk of domestic violence.¶¶~~

~~(c) An individual who is pregnant and the pregnancy has reached the first of the calendar month prior to the month in which the due date falls.¶¶~~

~~(d) An individual who is pregnant and experiencing medical complications due to the pregnancy that prohibit participation in activities of the program and are documented by a qualified and appropriate professional.¶¶~~

~~(e) An individual unable to work due to a disability or medical condition documented by a qualified and appropriate professional, and which is expected to last for 30 days or more from the filing date for TANF program benefits.¶¶~~

~~(f) An individual who was separated from employment for a reason the Department determines is good cause as defined in section (2) of this rule.~~

~~(g) An individual who was separated from employment as a result of a layoff.~~

~~(5) Members of The Klamath Tribes may apply for either The Klamath Tribes TANF program or the ODHS TANF program.~~

~~(a) A Level 1 or Level 2 Klamath Tribes TANF program benefit disqualification does not establish an ODHS TANF program disqualification.~~

~~(b) For families whose Klamath Tribes TANF program benefits have been closed due to failure to comply with program requirements:~~

~~(A) The Klamath Tribes TANF program shall decide if the family may receive TANF from the ODHS TANF program (if eligible under Chapter 461).~~

~~(B) If the Klamath Tribes TANF program decides the family may receive TANF from ODHS, the ODHS TANF benefits shall be initially approved with no ODHS TANF program disqualification.~~

~~(63) For the Confederated Tribes of Siletz Indians of Oregon, a family is ineligible for ODHS TANF program benefits if all of the following subsections apply to the family:~~

~~(a) A parent, caretaker relative, or child is a member of The Confederated Tribes of Siletz Indians of Oregon and lives in one of the eleven service area counties: Benton, Clackamas, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington, or Yamhill counties.~~

~~(b) The family includes members who are living in the same household and at least one of the following paragraphs applies:~~

~~(A) A two-parent family with one enrolled Siletz Tribal member with a shared dependent child.~~

~~(B) A single-parent family with one enrolled Siletz Tribal member.~~

~~(C) A non-needy caretaker relative or essential person with one enrolled Siletz Tribal member who is a minor.~~

~~(D) A pregnant enrolled Siletz Tribal member in their eighth month of pregnancy.~~

~~(c) The family is eligible for The Confederated Tribes of Siletz Indians of Oregon TANF program or would be eligible for the Siletz Tribes TANF program if not for the failure of the family to cooperate with Siletz TANF program requirements.~~

~~(74) If a parent or caretaker relative covered by section (63) of this rule fails to follow through with a Department referral to The Confederated Tribes of Siletz Indians of Oregon TANF program, the entire filing group is ineligible for ODHS TANF program benefits.~~

~~(85) Notwithstanding sections (63) and (74) of this rule, a family who requests to apply for TANF through the ODHS TANF program rather than The Confederated Tribes of Siletz Indians TANF program due to a safety concern is not ineligible for ODHS TANF program benefits.~~

~~Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 411.400, 411.404, 412.006, 412.016, 412.049, 412.124~~

~~Statutes/Other Implemented: ORS 409.010, 411.060, 411.070, 411.400, 411.404, 412.006, 412.016, 412.049, 412.064, 412.124~~

AMEND: 461-135-0520

RULE SUMMARY: OAR 461-135-0520 is being amended to implement a waiver approved by the United States Department of Agriculture Food and Nutrition Services which allows Supplemental Nutrition Assistance Program (SNAP) time limits for Able Bodied Adults Without Dependents (ABAWD) to be waived in some Oregon counties and reservation and trust lands of some Tribal Nations. Additionally, the rule is being amended to establish discretionary exemptions for certain individuals.

CHANGES TO RULE:

461-135-0520

Time Limit and Special Requirements for ABAWD; SNAP ¶¶

This rule establishes the time limit and special requirements for receipt of SNAP benefits for certain adults.¶¶

(1) Unless the context indicates otherwise, the following definitions apply to rules in OAR chapter 461:¶¶

(a) "Able-bodied adult without dependents (ABAWD)" means an individual 18 years of age or over, but under the age of 50, without dependents. For the purpose of this definition, "without dependents" means there is no child (see OAR 461-001-0000) under the age of 18 years in the filing group (see OAR 461-110-0310 and 461-110-0370).¶¶

(b) "SNAP time-limit areas" means areas of Oregon in which the limitation on eligibility (see OAR 461-001-0000) for SNAP benefits for ~~ABAWD~~ individuals with an ABAWD status in section 6(o)(2) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(o)(2)) applies. "SNAP time-limit areas" are ~~Baker;~~¶¶

(A) Benton, Clackamas, Columbia, Coos, Deschutes, Douglas, Hood River, Jackson, Josephine, Lane, Linn, Marion, Malheur, Morrow, Multnomah, Polk, Umatilla, Union, Wallowa, Wasco, Washington, and Yamhill counties.¶¶

(B) The reservation and trust lands of the Fort McDermitt Paiute and Shoshone Tribes of the Fort McDermitt Indian Reservation.¶¶

(c) "SNAP time-limit exempt areas" means areas of Oregon in which the limitation on eligibility for SNAP benefits contained in section 6(o)(2) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(o)(2)) does not apply per a waiver approved by the United States Department of Agriculture. "Exempt areas" are:¶¶

(A) Baker, Clatsop, Coos, Crook, Curry, Douglas, Gilliam, Grant, Harney, Jefferson, Josephine, Klamath, Lake, Lincoln, Morrow, Sherman, Tillamook, Umatilla, Union, Wallowa, Wasco, and Wheeler counties.¶¶

~~(B) The lands reservation and trust lands of the Cow Creek Band of Umpqua Tribe of Indians, any Sovereign Tribal Nation located within those counties.~~¶¶

(B) The reservation and trust lands of the Confederated Tribes of Grand Ronde, the reservation and trust lands of The Klamath Tribes, the res Burns Paiute Tribe; the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw; the Confederated Tribes of Siletz Indians; the Confederation and trust lands of ed Tribes of Grand Ronde; the Confederated Tribes of Siletz Indians, and the reservation and trust lands of the Confederated Tribes of Warm Spring the Umatilla Indian Reservation; the Confederated Tribes of Warm Springs; the Coquille Indian Tribe; and the Cow Creek Band of Umpqua Tribe of Indians.¶¶

(2) Except as provided otherwise in this rule, an ~~ABAWD~~ individual with an ABAWD status who resides in one of the SNAP time-limit areas (see section (1) of this rule) is ineligible to receive food benefits as a member of any household after the individual received food benefits for three countable months (see section (3) of this rule) during January 1, 2022 to December 31, 2024. Due to the COVID-19 pandemic and under OAR 461-135-0660, the Department shall not assign countable months until July 1, 2023, and after.¶¶

(3) "Countable months" means months within the 36-month period of January 1, 2022 to December 31, 2024 in which an individual as a member of any household receives SNAP benefits in Oregon or in any other state, unless at least one of the following applies:¶¶

(a) Benefits were prorated for the month.¶¶

(b) The individual was exempt from the SNAP time limit for any part of the month for any of the following reasons:¶¶

(A) The individual resided for any part of the month in one of the SNAP time-limit exempt areas (see section (1) of this rule).¶¶

(B) The individual was pregnant.¶¶

(C) A child under the age of 18 years joined the filing group.¶¶

(D) The individual met the criteria under OAR 461-130-0310(3)(a) or (b).¶¶

(c) The individual participated in one or more of the activities in paragraphs (A) to (D) of this subsection for 20

hours per week averaged over the month. For purposes of this rule, 20 hours per week averaged monthly means 80 hours per month. (Activities may be combined in one month to meet the 20 hours per week averaged monthly requirement.)¶¶

(A) Work for pay, in exchange for goods or services, or unpaid work as a volunteer.¶¶

(i) Work in exchange for goods and services includes bartering and in-kind work.¶¶

(ii) Unpaid or voluntary work hours must be verified by the employer.¶¶

(iii) For self-employed individuals, countable income after deducting the costs of producing income (as described in OAR 461-145-0930(5)) must average at least the federal minimum wage times 20 hours per week.¶¶

(B) Participate in a program under the Workforce Investment Act of 1998, Pub. L. No. 105-220, 112 Stat. 936 (1998).¶¶

(C) Participate in a program under section 236 of the Trade Act of 1974, Pub. L. 93-618, 88 Stat. 2023, (1975) (19 U.S.C. 2296).¶¶

(D) Comply with the SNAP Employment and Training program requirements described in OAR 461-001-0020, 461-130-0305, and 461-130-0315. Work search activities must be combined with other work-related activities to equal 20 hours per week and may not exceed 9 hours per week.¶¶

(d) The individual complied with the Workfare requirements in OAR 461-190-0500.¶¶

(4) An ABAWD individual with an ABAWD status must submit evidence to the Department within 90 days following the month they received the countable month to show they were exempt or met the 80 hour activity requirement.¶¶

(5) An ABAWD individual with an ABAWD status who is ineligible under section (2) of this rule but otherwise eligible may regain eligibility if the requirements of subsections (a) or (b) of this section are met. ¶¶

(a) The individual becomes exempt under subsection (3)(b) of this rule. Eligibility regained under this subsection begins on the date the individual files a new application and continues as long as the individual is exempt and is otherwise eligible. If not eligible on the filing date (see OAR 461-115-0040), eligibility begins the date all other eligibility requirements are met.¶¶

(b) The individual, during a consecutive 30-day period during which the individual is not receiving SNAP benefits, meets the requirements of subsection (3)(c) or (3)(d) of this rule.¶¶

(A) Eligibility regained under this subsection begins on the date the individual files a new application and continues as long as the individual meets the requirements of subsection (3)(c) or (3)(d) of this rule and is otherwise eligible. If not eligible on the filing date, eligibility begins the date all other eligibility requirements are met.¶¶

(B) There is no limit to how many times an individual may regain eligibility under this subsection during January 1, 2022 to December 31, 2024. ¶¶

(c) See OAR 461-180-0010 to add an individual to an open SNAP case after the individual has regained eligibility under this section.¶¶

(6) An individual who regains eligibility under section (5) of this rule and later fails to comply with the participation requirements of subsection (3)(c) or (3)(d) of this rule may receive a second set of food benefits for three consecutive countable months. The countable months are determined as follows:¶¶

(a) If the individual stopped participation in a work program, countable months start when the Department notifies the individual they are no longer meeting the work requirement.¶¶

(b) If the individual stopped participation in a work program, countable months start when the individual notifies the Department they are no longer meeting the work requirement.¶¶

(c) If a change occurred which results in an individual becoming subject to the time limit in section (2) of this rule and the change was required to be reported under rules in OAR chapter 461, division 170, the countable months start when the change occurred.¶¶

(d) If a change occurred which results in an individual becoming subject to the time limit and the change was not required to be reported under rules in OAR chapter 461, division 170, countable months start when the Department notifies the individual they must meet the work requirement.¶¶

(e) An individual may only receive benefits without meeting the requirements of subsection (3)(c) or (3)(d) of this rule for no more than a total of six countable months during January 1, 2022 to December 31, 2024. ¶¶

(7)-This space is reserved for Department is authorizing the use of discretionary exemptions, granted by the Food and Nutrition Service, for ABAWDs residing in certain SNAP time-limit areas who are at risk of having their benefits closed or reduced. Under these special exemptions, individuals who earn three countable months on or after September 2023 will be eligible to receive a discretionary exemption each month beginning October 2023. All of the following restrictions apply: ¶¶

(a) The individual must reside in one of the following SNAP time-limit areas that will not be offering ABAWD support services:¶¶

(A) Benton, Columbia, Hood River, Malheur, Polk, and Yamhill counties.¶¶

(B) The reservation and trust lands of the Fort McDermitt Paiute and Shoshone Tribes of the Fort McDermitt

Indian Reservation.

(b) A discretionary exemption is only valid for one month at a time.

(c) A discretionary exemption may not be granted for reduced. The Department is not granting discretionary exemptions.

(8) An ABAWD a previous month.

(d) The Department will not disqualify an individual with an ABAWD status from the SNAP program for non-participation when they have been issued a discretionary exemption for the following month.

(8) An individual with an ABAWD status involved in the activities specified in subsection (3)(c) or (3)(d) of this rule or an activity listed in the individual's case plan (see OAR 461-001-0020) is eligible for support service payments necessary for transportation and other costs related to completing the activity as allowed by OAR 461-190-0360. Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 411.121, 411.816

Statutes/Other Implemented: 7 USC 2015, 7 USC 2029, 7 CFR 273.7, 7 CFR 273.24, ORS 409.010, 409.050, 411.060, 411.070, 411.121, 411.816, 411.825, 411.837

AMEND: 461-145-0090

RULE SUMMARY: OAR 461-145-0090 is being amended to address income from the Paid Leave Oregon program. This rule amendment makes clear that OAR 461-

145-0090 does not cover how to treat income from the Paid Leave Oregon program and directs readers to a new administrative rule that establishes

how the Department treats this income when determining eligibility for programs in OAR Chapter 461.

CHANGES TO RULE:

461-145-0090

Disability Benefit ¶

(1) This rule covers public and private disability benefits, except the following:¶

(a) Agent Orange disability benefits (covered in OAR 461-145-0005).¶

(b) Paid Leave Oregon benefits (covered in OAR 461-145-0375).¶

(c) Radiation Exposure Compensation Act payments (covered in OAR 461-145-0415).¶

(ed) Social security based on disability or SSI (covered in OAR 461-145-0490 and 461-145-0510).¶

(de) Veterans benefits (covered in OAR 461-145-0580).¶

(ef) Workers compensation (covered in OAR 461-145-0590).¶

(2) For each disability payment covered under this rule:¶

(a) If received monthly or more frequently:¶

(A) In the ERDC, REF, REFM, SNAP, and TANF programs, income from employer-sponsored disability insurance is counted as earned income (see OAR 461-145-0130) if paid to a client individual who is still employed while recuperating from an illness or injury.¶

(B) In the OSIP, OSIPM, and QMB programs, income from employer-paid disability insurance is counted as earned income if received within six full calendar months after stopping work.¶

(C) Except as provided in paragraphs (A) and (B) of this subsection, the payment is counted as unearned income.¶

(b) All payments other than those in subsection (a) of this section are counted as periodic or lump-sum income (see OAR 461-140-0110 and 461-140-0120).

Statutory/Other Authority: ORS 411.060, 411.816, 412.049

Statutes/Other Implemented: ORS 411.060, 411.700, 411.816, 412.049

ADOPT: 461-145-0254

RULE SUMMARY: OAR 461-145-0254 is being adopted to establish how Chapter 461 programs will treat the Youth Experiencing Homeless Program Direct Cash

Transfer (DCT) payments when determining eligibility for programs in OAR Chapter 461. It is also being amended effective 07/01/2023 to remove the Employment Related Day Care (ERDC) program. House Bill 3073 transfers the governance of the ERDC program rules from the Oregon Department of Human Services (ODHS) to the Department of Early Learning and Care (DELIC).

CHANGES TO RULE:

461-145-0254

Youth Experiencing Homelessness Program Direct Cash Transfer Payments

(1) Youth Experiencing Homelessness Program (YEHP) Direct Cash Transfer (DCT) payments are provided to eligible youth 18 to 24 years of age. The payments help youth who are experiencing homelessness to establish housing stability and support successful independent living.

(2) In all programs except SNAP, the payments are excluded to determine countable (see OAR 461-001-0000) assets (see OAR 461-001-0000).

(3) In the SNAP program, the payments are countable unearned income.

Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 411.404, 411.706, 411.816, 413.085, 414.619

Statutes/Other Implemented: ORS 409.010, 411.060, 411.070, 411.404, 411.706, 411.816, 413.085, 414.619, 417.799

ADOPT: 461-145-0375

RULE SUMMARY: OAR 461-145-0375 is being adopted to establish how the Department treats payments from Paid Leave Oregon when determining eligibility for programs in OAR Chapter 461.

CHANGES TO RULE:

461-145-0375

Paid Leave Oregon

(1) For all programs except REF and TANF programs, payments from Paid Leave Oregon are counted as unearned income. ¶

(2) In the REF and TANF programs, payments from Paid Leave Oregon are counted as one of the following:¶

(a) Earned income (see OAR 461-145-0130) if paid to an individual who is still employed while receiving payments from this program.¶

(b) Unearned income if no longer employed.¶

(3) In all programs covered by Chapter 461 of the Oregon Administrative Rules, retroactive payments from Paid Leave Oregon are counted as periodic or lump-sum income (see OAR 461-140-0110 and 461-140-0120).

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

Statutes/Other Implemented: ORS 411.060, 411.404, 411.816, 412.049, 411.700

AMEND: 461-145-0380

RULE SUMMARY: OAR 461-145-0380 is being amended to align the way benefits from pension and retirement plans are treated in the Refugee Assistance/Refugee Assistance Medical (REF/REFM) and TANF programs.

CHANGES TO RULE:

461-145-0380

Pension and Retirement Plans ¶

(1) Pension and retirement plans include the following:¶

(a) Benefits employees receive only when they retire. These benefits can be disbursed in lump-sum or monthly payments.¶

(b) Benefits that employees are allowed to withdraw when they leave a job before retirement.¶

(c) The following retirement plans authorized by section 401 of the Internal Revenue Code of 1986:¶

(A) Traditional Defined-Benefit Plan.¶

(B) Cash Balance Plan.¶

(C) Employee Stock Ownership Plan.¶

(D) Keogh Plan.¶

(E) Money Purchase Pension Plan.¶

(F) Profit-Sharing Plan.¶

(G) Simple 401(k).¶

(H) 401(k).¶

(d) Retirement plans authorized by section 403 of the Internal Revenue Code of 1986 at subsections (a) or (b).¶

(e) The following retirement plans and annuities authorized by section 408 of the Internal Revenue Code of 1986 at subsections (a), (b), (c), (k), (p), or (q), or at section 408A:¶

(A) Individual Retirement Annuity.¶

(B) Individual Retirement Account (IRA).¶

(C) Deemed Individual Retirement Account or Annuity under a qualified employer plan.¶

(D) Accounts established by employers and certain associations of employees.¶

(E) Simplified Employee Pension (SEP).¶

(F) Simple Individual Retirement Account (Simple-IRA).¶

(G) Roth IRA.¶

(f) The following retirement plans offered by governments, nonprofit organizations, or unions:¶

(A) 457(b) Plan.¶

(B) 501(c)(18) Plan.¶

(C) Federal Thrift Savings Plan under 5 USC 8439.¶

(g) In all programs except the OSIP, OSIPM, and QMB programs, an annuity purchased by an individual with funds from a plan authorized under subsection (c), (d), or (f) of this section.¶

(2) An annuitized retirement plan described in subsection (1)(e) of this rule, purchased by the spouse (see OAR 461-001-0000), is not considered a retirement plan and is treated in accordance with OAR 461-145-0020 and OAR 461-145-0022.¶

(3) Except as provided in subsection (c) of this section, benefits an individual receives from pension and retirement plans are treated as follows:¶

(a) Monthly payments are counted as unearned income.¶

(b) All payments not covered by subsection (a) of this section are counted as periodic income (see OAR 461-001-0000 and 461-140-0110) or lump-sum income (see OAR 461-001-0000 and 461-140-0120).¶

(c) In the OSIP, OSIPM, and QMB-DW programs, if the equity value (see OAR 461-001-0000) of the pension or retirement plan is counted as a resource under section (4) of this rule, any payments received are considered the conversion of a resource and are not counted as income.¶

(4) In the OSIP, OSIPM, and QMB-DW programs:¶

(a) Except for an annuity purchased with funds from a retirement plan described in subsection (1)(e) of this rule:¶

(A) The equity value of a pension or retirement plan is excluded as a resource if the individual is eligible for monthly or periodic payments under the terms of the plan and has applied for those payments. When an individual is permitted to choose or change a payment option, the individual must select the option that:¶

(i) Provides payments commencing on the earliest possible date; and¶

(ii) Completes payments over the actuarial life expectancy, as published in the Periodic Life Table of the Office of the Chief Actuary of the Social Security Administration, of the individual.¶

(B) The equity value of all pension and retirement plans not covered by paragraph (A) of this subsection that allows an individual to withdraw funds, minus any penalty for withdrawal, is counted as a resource.¶

(b) The equity value of an annuitized retirement plan described in subsection (1)(e) of this rule is excluded as a resource if it meets the payout requirements of OAR 461-145-0022(10)(ed). Otherwise, the equity value is counted as a resource.¶¶

(c) For an individual in a standard living arrangement (see OAR 461-001-0000), the equity value of pension and retirement plans owned by a non-applying spouse or parent (see OAR 461-001-0000) is excluded as a resource. Dividends and interest earned on pension funds owned by a non-applying spouse or parent are excluded as income.¶¶

(5) In the QMB-BAS, QMB-SMB, and QMB-SMF programs, dividends and interest earned on pension funds owned by a non-applying spouse are excluded as income.¶¶

(6) In the REF, REFM, SNAP and TANF programs, the value of retirement accounts identified in sections 401(a), 401(k), 403(a), 403(b), 408, 408(k), 408(p), 408A, 457(b), 501(c)(18), or 529A of the Internal Revenue Code are excluded as resources. The value of retirement accounts designated as a Federal Thrift Savings Plan account, IRA, myRA, Roth IRA, SEP, Simple IRA, and any other retirement plan designated as tax-exempt under a successor or similar provision of the Internal Revenue Code of 1986 are excluded resources.¶¶

(7) In all programs except the OSIP, OSIPM, QMB, REF, REFM, SNAP, and TANF programs, the equity value of a pension and retirement plan that allows an individual to withdraw funds before retirement, minus any penalty for early withdrawal, is counted as a resource.

Statutory/Other Authority: ORS 329A.500, 409.050, 411.060, 411.070, 411.404, 411.816, 412.014, 412.049, 413.085, 414.685, 412.007

Statutes/Other Implemented: ORS 329A.500, 409.010, 411.060, 411.070, 411.404, 411.816, 412.014, 412.049, 412.007

AMEND: 461-160-0015

RULE SUMMARY: OAR 461-160-0015 is being amended to increase the resource limit to \$10,000 for all Refugee Assistance (REF) and Refugee Assistance Medical (REFM) program applicants and recipients. This aligns the resource limit in the REF and REFM programs with the resource limit for the Temporary Assistance for Needy Families (TANF) program.

CHANGES TO RULE:

461-160-0015
Resource Limits ¶

- (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 RE and TANF programs, 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 resource limit is \$10,000.¶~~
- (7) In the SNAP program, unless categorically eligible (see OAR 461-135-0505), the resource limit is:¶
- (a) \$4,250 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) \$2,750 for all other financial groups.¶
- ~~(8) In the TANF program, the resource limit is \$10,000.~~
- 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, HB 5202 Oregon 2022 Sess.

AMEND: 461-160-0193

RULE SUMMARY: OAR 461-160-0193 is being amended to remove some eligibility provisions for TANF child care support services direct provider payments and to clarify that ODHS will continue to provide TANF child care support services payments for the care of some children who will not be eligible for ERDC child care hours. Most rules governing eligibility for child care benefits will transition from ODHS to DELC effective July 1, 2023 and the ERDC program will support the child care needs of most families receiving TANF. The rule is also being amended to make clear requirements for providers to receive payment and how payments will be made.

CHANGES TO RULE:

461-160-0193

Determining Eligibility and Calculating Payment; Direct Provider Payments for TANF Support Services Payments; Child Care ¶

~~(1) Clients in the TANF program~~ child care support services (see OAR 461-001-0025) payments are allowed for the care of children who are not eligible for direct provider payments for child care the ERDC program under categorical eligibility (see OAR 461-175-0160) if: ¶

~~(a) The child care cost is deductible under OAR 461-160-0040;~~ ¶

~~(b) The caretaker relative is employed and is in the financial group. For the purpose~~ (25) for the sole reason that they do not meet the citizenship or noncitizen status requirements. ¶

~~(2) The allowed weekly hours of this rule, work study and a job with earnings that are excluded for the TANF program are not considered employment; and~~ ¶

~~(c) The child meets the age requirements of OAR 461-120-0510.~~ ¶

~~(2) Payments are limited as follows:~~ ¶

~~(a) The cost must be allowed by OAR 461-160-0040;~~ ld care are the weekly hours allowed for a need group receiving ERDC benefits under categorical eligibility (see OAR 414-175-0025) as provided under OAR 414-175-0023. ¶

~~(b) Payment is limited to the rates provided in OAR 461-155-0150;~~ roviders receiving direct payment for child care support services - ¶

~~(c) The direct child care payment is calculated in accordance with OAR 461-160-0300; and~~ Must be an eligible child care provider, as determined by division 175 of Oregon Administrative Rule chapter 414. ¶

~~(d) Payment is made only for child care already provided~~ Are paid in the same manner and at the same rate as child care providers for the ERDC program under division 175 of Oregon Administrative Rule Chapter 414.

Statutory/Other Authority: ORS 411.060

Statutes/Other Implemented: ORS 411.060, 411.083

AMEND: 461-190-0211

RULE SUMMARY: OAR 461-190-0211 is being amended to remove some eligibility provisions for TANF child care support services payments and to clarify that ODHS will continue to provide TANF child care support services payments for the care of some children. Most rules governing eligibility for child care benefits will transition from the ODHS to DELC effective July 1, 2023 and the ERDC program will support the child care needs of most families receiving TANF. Additionally, OAR 461-190-0211 is being amended to clarify who is eligible for support services, to add new support services for eyeglasses, to change the term 'Moving Expense/Relocation' to 'Housing/Utilities' and to clarify that eye exams are not eligible for payment.

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 when in the TANF filing group (see 461-110-0330) and~~ 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, and¶

(c) Microenterprise (see OAR 461-190-0197).¶

(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 allowed under OAR 461-160-0193.¶

(f) Clothing: Payments for clothing items to support the individual to engage in an approved activity.¶

(g) Moving Expense/Relocation/Housing/Utilities: 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 may be limited to no more than a twelve-month 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) Eyeglasses: Effective July 19, 2023, payments for eyeglasses when necessary to remove a barrier towards gaining employment. Payments are limited to individuals who have provided medical documentation (see OAR 461-135-0073) and who are not any of the following:¶

(A) Under the age of 21.¶

(B) A pregnant adult, or¶

(C) Within the last day of the twelfth month following the month in which the individual gave birth.¶

(o) 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.¶

(op) None of the following payments are allowed for payment by the Department:¶

(A) Medical Assistance or medical services, including eye exams.¶

(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~~ Payments for child care, including ERDC co-payments, except as allowed under OAR 461-160-0193.¶¶

(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