

OFFICE OF THE SECRETARY OF STATE

LAVONNE GRIFFIN-VALADE
SECRETARY OF STATE

CHERYL MYERS
DEPUTY SECRETARY OF STATE
AND TRIBAL LIAISON



ARCHIVES DIVISION

STEPHANIE CLARK
DIRECTOR

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

PERMANENT ADMINISTRATIVE ORDER

SSP 53-2023

CHAPTER 461
DEPARTMENT OF HUMAN SERVICES
SELF-SUFFICIENCY PROGRAMS

FILED

12/21/2023 2:24 PM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Permanent Rule Changes about Self Sufficiency Program Eligibility, Certification Periods, and Reporting Requirements

EFFECTIVE DATE: 01/01/2024

AGENCY APPROVED DATE: 12/21/2023

CONTACT: Jennifer Lay
541-844-6136
jennifer.l.lay@odhs.oregon.gov

2885 Chad Drive
Eugene, OR 97408

Filed By:
Lay Jennifer
Rules Coordinator

RULES:

461-001-0025, 461-115-0450, 461-120-0210, 461-130-0310, 461-135-0505, 461-135-0520, 461-135-0570, 461-135-1260, 461-145-0300, 461-170-0011, 461-190-0211

AMEND: 461-001-0025

NOTICE FILED DATE: 10/30/2023

RULE SUMMARY: OAR 461-001-0025 is being amended to clarify that in the JOBS, Pre-Temporary Assistance to Needy Families, (Pre-TANF), and TANF programs, "Self-initiated training" means an activity that is limited to earning credit toward an undergraduate college degree. This change clarifies the intent of the rule.

CHANGES TO RULE:

461-001-0025

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

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

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

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

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

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

(3) "Assessment" means an activity of the program entry (see section (30) of this rule) component that involves gathering information to identify the strengths, interests, family circumstances, status in the JOBS program, and vocational aptitudes and preferences of the participant and to mutually determine an employment goal, the level of engagement of the participant in the JOBS program, and which support services (see section (37) of this rule) are needed. This activity includes providing screenings and evaluations (if appropriate) to determine the level of

engagement, accommodation, and modification for the participant in the JOBS program. The screenings include, but are not limited to, physical and mental health needs, substance use, domestic violence (see OAR 461-001-0000), and learning needs.¶

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

section (32) of this rule) are the activities of the "job search and readiness" component.¶

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

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

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

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

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

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

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

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

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

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

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

(32) "Rehabilitation activities" means an activity in the job search and readiness component that provides medical or therapeutic screenings, assessments, and treatment. This activity also includes medical management and support groups.¶

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

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

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

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

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

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

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

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

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

(42) "Work experience" means an activity in the unpaid employment component in which the participant works

without pay at a job site to develop good work habits and basic vocational skills that enhance the likelihood the participant will become employed. "Work experience" is available through private for-profit businesses, nonprofit organizations, or public agencies.¶

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

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

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

AMEND: 461-115-0450

NOTICE FILED DATE: 10/30/2023

RULE SUMMARY: OAR 461-115-0450 is being amended to clarify that Supplemental Nutrition Assistance Program (SNAP) filing groups that no longer meet the criteria for a 24-month certification period will have their certification period discontinued and will need to reapply to continue receiving benefits. This change aligns rule with federal regulation, current policy, and Oregon Department of Human Services (ODHS) ONE system functionality.

CHANGES TO RULE:

461-115-0450

Periodic Redeterminations; SNAP ¶

In the SNAP program, the Department selects the certification period (see OAR 461-001-0000) and the redetermination date based on the client's circumstances and according to the following considerations:¶

- (1) The length of the certification period depends on how far in advance the circumstances affecting the group's eligibility can be predicted but may not exceed 12 months except as outlined in sections (2) and (4) of this rule.¶
- (2) The certification period may be extended beyond 12 months in each of the following situations:¶
 - (a) To the end of the TBA period if the client becomes eligible for transitional benefits (see OAR 461-135-0506). If eligibility for TBA ends early, the certification period is changed to end on the last day of the month.¶
 - (b) To include the month after the client finishes working under a TANF JOBS Plus Agreement. If the agreement ends early, the certification period is changed to end on the original recertification date or on the last day of the month following the month in which the JOBS Plus agreement ends, whichever is later.¶
- (3) A certification period of less than 12 months may be extended before the certification period ends, not to exceed 12 months, in each of the following situations:¶
 - (a) A one- or two-month certification period for expedited services when pending information is received, and eligibility and benefit level is determined based on the new information.¶
 - (b) An application or a change report form is received and eligibility is reviewed.¶
 - (c) The report system changes from CRS to SRS.¶
- (4) A certification period of 24 months may be assigned for a filing group (see OAR 461-110-0370) in which that meets the following criteria:¶
 - (a) All adult (see OAR 461-001-0015) members are elderly or have a disability (see OAR 461-001-0015)-if-;¶
 - (b) The case is placed in SRS; and-;¶
 - (c) The filing group does not receive any earned income. ¶
- (5) Any filing group assigned to with a 24-month certification period in SRS which starts receiving earned income is to be converted to CRS that no longer meets the requirements of subsection (4)(a) will have their certification period closed and the department will send the filing group a timely decision notice (See OAR 461-001-0000). The filing group may reapply for benefits.¶
- (56) For each benefit group (see OAR 461-110-0750) in which all members are included in a cash or medical program, eligibility for SNAP and the other program benefits is determined at the same time when practicable.¶
- (67) A clientn individual remains eligible for and continues to receive SNAP benefits on the normal issuance cycle if the application for recertification is filed with the Department and all required verification has been received by the Department:¶
 - (a) Not later than the 15th day of the month in which the certification expires; or¶
 - (b) In the case of a benefit group whose certification period is shorter than two months, not later than the 15th day after the Department provides notice that the certification period will expire.¶
- (78) A clientn individual who files an application for recertification is eligible for a SNAP allotment without proration only if the filing date (see OAR 461-115-0040) is before the prior certification period expires and:¶
 - (a) The required interview is completed, and the Department receives the required verification, within 30 days after the client files the application for recertification; or¶
 - (b) The interview or verification required by this rule would have occurred timely but for a delay caused by the Department.¶
- (89) The Department must deny the application for recertification in the event a client files a timely application for recertification but either fails to appear for a scheduled interview or fails to timely submit required verification.¶
- (910) ~~If the clientan individual~~ fails to file an application for recertification during a certification period, SNAP benefits for the first month of the following certification period are prorated in accordance with OAR 461-180-0080.¶
- (101) ~~Except as required in section (5) of this rule,~~ once assigned, the certification period may not be shortened.

Statutory/Other Authority: ORS 409.050, 411.816
Statutes/Other Implemented: ORS 409.010, 411.816, 411.825

AMEND: 461-120-0210

NOTICE FILED DATE: 10/30/2023

RULE SUMMARY: OAR 461-120-0210 is being amended to clarify that in the Temporary Assistance to Needy Families (TANF) program, the requirement to provide a social security number for a child can be waived for up to six months from the child's date of birth, if the child is born in an Oregon hospital.

CHANGES TO RULE:

461-120-0210

Requirement to Provide Social Security Number (SSN) ¶¶

- (1) In the REF and REFM programs, an individual is not required to provide or apply for a social security number (SSN) to be included in the need group (see OAR 461-110-0630) or benefit group (see OAR 461-110-0750). In these programs, the Department may request that a member of the filing group (see OAR 461-110-0310) or need group provide an SSN on a voluntary basis.¶¶
- (2) In the EA and TA-DVS programs, an individual must provide their SSN if the individual can.¶¶
- (3) Except as provided in section (6) of this rule, to be included in the need group or benefit group in the OSIPM and QMB programs:¶¶
- (a) An individual is not required to apply for or provide an SSN --¶¶
- (A) If the individual does not have an SSN and may only be issued an SSN for a valid non-work reason in accordance with 20 CFR 422.104.¶¶
- (B) If the individual meets all financial and non-financial eligibility (see OAR 461-001-0000) requirements for OSIPM except citizenship and noncitizen status requirements (see OAR 461-120-0110) and is therefore being evaluated for Healthier Oregon.¶¶
- (b) When subsection (a) does not apply, to be included in the benefit group, an individual must:¶¶
- (A) Provide a valid SSN for the individual; or¶¶
- (B) Apply for a number if the individual does not have a valid one and provide the SSN when it is received.¶¶
- (4) Except as provided in sections (6) to (8) of this rule, in the SNAP program, to be included in the need group or benefit group, an individual (other than an unborn) must:¶¶
- (a) Provide a valid SSN for the individual; or¶¶
- (b) Apply for a number if the individual does not have one and provide the SSN when it is received.¶¶
- (5) In the TANF program, to be included in the need group or benefit group:¶¶
- (a) Except as provided in subsections (b) and (c) of this section, an individual must: ¶¶
- (A) Provide a valid SSN for the individual; or¶¶
- (B) Provide verification of application for an SSN if the individual does not have one and provide the SSN within six months of the individual's initial TANF approval. ¶¶
- (b) A child (see OAR 461-001-0000) born in an Oregon hospital is eligible for TANF benefits for up to six months following from the child's date of birth.¶¶
- (c) The requirement to provide an SSN, or verification of application for SSN, may be waived or postponed for up to six months for any member of the need group if the requirement would put a survivor of domestic violence (see OAR 461-001-0000) at risk.¶¶
- (6) In the OSIPM, QMB, and SNAP programs, an individual is not required to apply for or provide an SSN if the individual is ---¶¶
- (a) A member of a religious sect or division of a religious sect that has continuously existed since December 31, 1950; and¶¶
- (b) Adheres to its tenets or teachings that prohibit applying for or using an SSN.¶¶
- (7) In the SNAP program, the requirement to apply for or provide the SSN is delayed as follows:¶¶
- (a) An applicant eligible for expedited services may receive their first full month's allotment without meeting the SSN requirement but must meet the requirement before receiving a second full month's allotment.¶¶
- (b) Before applying for or providing an SSN, a newborn may be included in a benefit group for six months following the date the child is born or until the next recertification of the benefit group, whichever is later.¶¶
- (8) In the SNAP program:¶¶
- (a) An individual who refuses or fails without good cause (see subsection (c) of this section) to provide or apply for an SSN when required by this rule is ineligible to participate. This period of ineligibility continues until the individual provides the SSN to the Department.¶¶
- (b) An individual may participate in SNAP for one month in addition to the month of application, if the individual can show good cause why the application for an SSN has not been completed. To continue to participate, the individual must continue to show good cause each month until the application for an SSN is complete with the

Social Security Administration (SSA).¶¶

(c) An individual meets the good cause requirement in subsections (a) and (b) of this section if the individual provides evidence or collateral information that the individual applied for or made every effort to supply the SSA with the necessary information to complete the application process. Delays due to illness not associated with a disability (see OAR 461-001-0015), lack of transportation, or temporary absence do not qualify as good cause under this rule.¶¶

(9) This rule authorizes or requires the collection of an SSN for each of the following purposes.¶¶

(a) The determination of eligibility for benefits. The SSN is used to verify income and other assets, and match with other state and federal records such as the Internal Revenue Service (IRS), Medicaid, child support, Social Security benefits, and unemployment benefits.¶¶

(b) The preparation of aggregate information and reports requested by funding sources for the program providing benefits.¶¶

(c) The operation of the program applied for or providing benefits.¶¶

(d) Conducting quality assessment and improvement activities.¶¶

(e) Verifying the correct amount of payments, recovering overpaid benefits, and identifying any individual receiving benefits in more than one household.

Statutory/Other Authority: ORS 411.060, 411.070, 411.404, 411.706, 411.816, 412.014, 412.049, 409.050

Statutes/Other Implemented: ORS 411.060, 411.070, 411.404, 411.706, 411.816, 412.014, 412.049, 411.704, 414.025, 414.826, 414.831, 414.117, 414.231

AMEND: 461-130-0310

REPEAL: Temporary 461-130-0310 from SSP 45-2023

NOTICE FILED DATE: 10/30/2023

RULE SUMMARY: OAR 461-130-0310 is being amended to clarify that in the Supplemental Nutrition Assistance Program (SNAP), individuals must be working for pay for the employment program, time limit, and disqualification provisions in subsection (3)(b) to apply. This change aligns rule with federal regulation and makes a temporary rule change permanent.

CHANGES TO RULE:

461-130-0310

Participation Classifications: Exempt, Mandatory, and Volunteer ¶

(1) In the Pre-TANF, REF, SNAP, and TANF programs:¶

(a) The Department assigns an individual to one or more employment program participation classifications: exempt, mandatory, and volunteer (see OAR 461-130-0305 for definitions of all three terms).¶

(b) Notwithstanding OAR 461-130-0503(2)(c), while receiving Employment Payments (see OAR 461-001-0025) under OAR 461-135-1270, an individual is classified as a volunteer.¶

(2) In the Pre-TANF and TANF programs:¶

(a) An individual in the need group (see OAR 461-110-0630) is JOBS exempt from employment program participation and disqualification if the individual meets the requirements of at least one of the following paragraphs. The individual is -¶

(A) A parent (see OAR 461-001-0000) providing care for a family member who is an individual with a disability (see OAR 461-001-0000) and is in the household group (see OAR 461-110-0210) with the parent. Medical documentation to support the need for the care is required.¶

(B) A noncitizen who is not authorized to work in the United States.¶

(C) An individual who is eligible for and receives supplemental security income (SSI) from the Social Security Administration.¶

(D) A caretaker relative (see OAR 461-001-0000) who is non-needy.¶

(b) A caretaker relative of a dependent child or unborn who receives TANF program benefits is JOBS eligible if the caretaker relative is in the same filing group with the dependent child (see OAR 461-001-0000) or unborn (even if the caretaker relative is not in the TANF program benefit group under OAR 461-110-0750), unless the caretaker relative is otherwise JOBS exempt from participation under subsection (a) of this section.¶

(c) A JOBS volunteer is an individual who is federally mandatory and eligible to participate in an employment program, but who may not be disqualified as they meet at least one of the following state exemptions:¶

(A) Pregnant and the pregnancy has reached the first of the calendar month prior to the month in which the due date falls.¶

(B) 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.¶

(C) A parent, who is 20 years old and older, or has a high school diploma or GED and is age 18 or 19, during the first six months after the birth of the parent's dependent child except that the Department may require the parent to participate in parenting classes or a family stability activity (see OAR 461-001-0000). An exemption allowed under this paragraph may apply only to one JOBS Eligible participant in each filing group (see OAR 461-110-0330).¶

(D) A parent under age 20 years old without a high school diploma or GED, during the first 16 weeks after the birth of the parent's dependent child except that the Department may require the parent to participate in parenting classes, a family stability activity, or an educational track if the parent has not completed high school, GED, or equivalency program.¶

(E) An individual whose participation is likely to cause undue hardship or is contrary to the best interests of the dependent child or needy caretaker relative.¶

(F) Pregnant and participating more than 10 hours per week during the first two months of the third trimester.¶

(G) A VISTA volunteer.¶

(3) In the SNAP program:¶

(a) An individual is exempt from registration in an employment program and disqualification if the individual meets the requirements of one of the following paragraphs. The individual is:¶

(A) An individual with a physical, mental, or behavioral health condition that prevents performance of work or the ability to obtain or maintain employment, including but not limited to:¶

- (i) Having a disability (see OAR 461-001-0015) or receiving disability income, or has applied for disability benefits pending a decision or is in the appeal process.¶
- (ii) Pregnant and a medical practitioner has limited their work due to medical complications related to the pregnancy.¶
- (iii) Receiving "wrap-around services" focused on physical or mental health. "Wrap-around services" means a range of services provided by a Community Based Organization (CBO) addressing a participant's needs which include medical or health issues preventing a participant from obtaining or maintaining employment.¶
- (B) Responsible for the care of a child (see OAR 461-001-0000) in the filing group under 6 years of age.¶
- (C) Responsible for the care of an individual with an incapacity that substantially reduces or eliminates the individual's ability to care for themselves, and providing this care prevents the participant from obtaining or maintaining employment.¶
- (D) A student enrolled at least half-time, as defined by the school, in any high school or equivalent program recognized by a school district or enrolled at least half-time in any school, training program, or institution of higher education. An individual remains exempt during normal periods of class attendance, vacation, and recess but no longer qualifies for the student exemption when a break in enrollment occurs due to graduation, suspension or expulsion, or when the student drops out of school or does not enroll in classes for the next regular school term (excluding summer term).¶
- (E) A regular participant in a drug addiction or alcoholic treatment and rehabilitation program.¶
- (b) An individual is mandatory for registration in an employment program and the requirements in OAR 461-130-0315 if the individual meets the requirements of one of the following paragraphs. These individuals may be disqualified under OAR 461-130-0330 for failing to meet the requirements in OAR 461-130-0315. The individual is not required to participate in any SNAP employment and training program and is not subject to the SNAP time limit under OAR 461-135-0520. The individual is:¶
 - (A) Working for pay a minimum of 30 hours a week or earning money equal to at least the federal minimum wage multiplied by 30 hours per week multiplied by 4.3 weeks. An individual who is self-employed with allowable costs must meet the earnings threshold after allowing the 50 percent deduction. This includes migrant and seasonal farm workers (see OAR 461-001-0015) who are under contract or similar agreement with an employer or crew chief to begin employment within 30 days.¶
 - (B) Engaged in the TANF JOBS program under Title IV-A of the Social Security Act. ¶
 - (C) In receipt of unemployment insurance benefits, has completed an application for unemployment insurance benefits and is waiting for an initial decision on the claim, or is participating in at least one of the following Employment Department training programs: ¶
 - (i) The Trade Readjustment Allowance (TRA) program serving displaced workers under the Trade Act. ¶
 - (ii) The Training Unemployment Insurance (TUI) program. ¶
 - (iii) The Self-Employment Insurance (SEA) program. ¶
 - (iv) The Apprenticeship Program (APT).¶
 - (c) A mandatory client is an individual in the need group (see OAR 461-110-0630); who is 16 or 17 years of age and a primary person (see OAR 461-001-0015), or 18 years of age and older and 59 years of age and younger; and who is not exempt under subsection (a) of this section.¶
- (4) In the REF program, an individual in the need group is exempt from the REP program participation and disqualification if the individual meets the requirements of at least one of the following subsections. The individual is -¶
 - (a) 65 years of age or older.¶
 - (b) An individual providing care for a family member who is in the household group and has a disability (see OAR 461-001-0000). Medical documentation to support the need for the care is required. ¶
 - (c) An individual whose participation is likely to cause undue hardship to that individual.¶
 - (d) Pregnant and the pregnancy has reached the first of the calendar month prior to the month in which the due date falls.¶
 - (e) 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.¶
 - (f) Pregnant and participating more than 10 hours per week during the first two months of the third trimester. Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 411.816, 412.006, 412.009, 412.014, 412.049 Statutes/Other Implemented: ORS 409.010, 409.750, 411.060, 411.070, 411.816, 411.837, 412.006, 412.009, 412.014, 412.049, 7 USC 2015(d), 7 CFR 273.7

RULE SUMMARY: OAR 461-135-0505 is being amended to make clear that individuals must qualify for Temporary Assistance to Needy Families (TANF) in order to meet the Supplemental Nutrition Assistance Program (SNAP) Categorical Eligibility requirement in subparagraph (1)(a)(A)(i).

CHANGES TO RULE:

461-135-0505

Categorical Eligibility for SNAP ¶

(1) Individuals and categorical eligibility.¶

(a) Except as provided under section (c) of this section, an individual is categorically eligible for SNAP benefits:¶

(A) Under original Categorical Eligibility (CE) regulations, ~~with:~~¶

~~(i) When they receive or are authorized to receive:~~¶

~~(i), and qualify for, Temporary Assistance to Needy Families (TANF) cash assistance,¶~~

~~(ii) General Assistance (GA), or¶~~

~~(iii) When they receive or are authorized to receive General Assistance (GA), or¶~~

~~(iii) When they receive or are authorized to receive Supplemental Security Income (SSI).¶~~

(B) Under Expanded Categorical Eligibility (ECE) regulations:¶

(i) When deemed to be receiving SSI under Section 1619(a) or 1619(b) of the Social Security Act (42 U.S.C. 1382h(a) or (b)); or¶

(ii) When they receive or are authorized to receive cash, in-kind benefits, or services either under Title IV-A of the Social Security Act or by the state as part of the TANF maintenance of effort:¶

(I) Employment Related Day Care (ERDC) under the Department of Early Learning and Care (DELIC); or¶

(II) TANF-related programs: Pre-TANF, TA-DVS, TANF-JOBS Plus, Housing Stabilization Program through Housing and Community Services, and Employment Payments.¶

(b) For the purposes of categorical eligibility, every individual filing group (see OAR 461-110-0370) member:¶

(A) Of ERDC and TA-DVS programs are considered receiving the benefits of the program.¶

(B) Eligible for transition services or the TA-DVS program is considered receiving benefits for the entire period of eligibility even if benefits are not received during each month of that period.¶

(c) The following individuals shall not be categorically eligible for SNAP benefits:¶

(A) Those disqualified from receiving SNAP benefits because of an established intentional program violation under OAR 461-195-0611.¶

(B) The primary person (see OAR 461-001-0015) disqualified from receiving SNAP benefits for failure to comply with a SNAP employment and training requirement under OAR 461-130-0315.¶

(2) Filing group and categorical eligibility.¶

(a) Except as provided under subsections (b) and (c) of this section, a filing group is categorically eligible for SNAP benefits:¶

(A) Under CE when all members of the filing group meet the CE provisions under paragraph (1)(a)(A) of this rule;¶

(B) Under ECE when one of the following is met:¶

(i) All members meet the ECE provisions under paragraph (1)(a)(B) of this rule, or¶

(ii) All members meet either CE or ECE provisions under subsection (1)(a) of this rule with at least one member meeting CE provisions and at least one meeting ECE provisions.¶

(C) Under Broad-Based Categorical Eligibility (BBCE) when at least one member meets neither CE nor ECE provisions, but the filing group meets all of the following:¶

(i) Has received, or will receive upon approval, the pamphlet about Information and Referral Services. The receipt of the Information and Referral services pamphlet by one member of the filing group is considered received by the entire group.¶

(ii) The countable income (see OAR 461-140-0010) is less than 200 percent of the federal poverty level (see OAR 461-155-0180). If there are filing group members who are ineligible or disqualified for SNAP (see OAR 461-160-0410), to determine categorical eligibility, countable income without proration is compared to the federal poverty level for the number in the filing group.¶

(iii) The filing group has liquid assets from lottery or gambling winnings less than the resource limit listed in OAR 461-160-0015(7)(a). For the purposes of this rule, liquid assets are assets that are easily accessible and do not need to be sold to access their value.¶

(b) A filing group shall not be categorically eligible for SNAP benefits when a member of the filing group is not categorically eligible.¶

(c) A filing group that loses SNAP benefit eligibility (see OAR 461-001-0000) due to lottery or gambling winnings (see OAR 461-140-0263) is not eligible for SNAP benefits, or to have SNAP eligibility determined using categorical eligibility, until they meet financial eligibility under the following SNAP financial eligibility resource and income requirements (see OAR 461-160-0400): ¶

(A) Resources must be below the resource limit set under OAR 461-160-0015,¶

(B) Countable income (see OARs 461-001-0000 and 461-140-0010) must be below the countable income limit set at 130 percent of the federal poverty level under OAR 461-155-0180, except for a financial group (see OAR 461-110-0530) that includes an individual who is elderly (see OAR 461-001-0015) or has a disability (see OAR 461-001-0015), and¶

(C) Adjusted income (see OAR 461-001-0000) must be below the adjusted income limit set at 100 percent of the federal poverty level under OAR 461-155-0180.¶

(D) This provision applies to all types of categorical eligibility.¶

(E) After a filing group regains eligibility for SNAP under this subsection, future eligibility may be determined using categorical eligibility.¶

(3) When a filing group contains both members who are categorically eligible for SNAP benefits and those who are not, a resource owned in whole or in part by a categorically eligible member is excluded.¶

(4) Presumed eligibility.¶

(a) If verified in a public assistance or medical assistance program, an individual found categorically eligible for the SNAP program is presumed to meet the following eligibility requirements, unless questionable:¶

(A) Social security number,¶

(B) U.S. Citizenship and Immigration Services sponsorship information, and¶

(C) Oregon residency.¶

(b) A filing group found categorically eligible for the SNAP program is presumed to meet the following financial eligibility resource and income requirements (see OAR 461-160-0400): ¶

(A) Resource limit,¶

(B) Countable income limit, and¶

(C) Adjusted income limit.

Statutory/Other Authority: ORS 411.816

Statutes/Other Implemented: ORS 411.816, 7 CFR 273.11

AMEND: 461-135-0520

REPEAL: Temporary 461-135-0520 from SSP 45-2023

NOTICE FILED DATE: 10/30/2023

RULE SUMMARY: OAR 461-135-0520 is being amended to update the Supplemental Nutrition Assistance Program (SNAP) Able-Bodied Adult Without Dependents (ABAWD) age range, exemption reasons, and criteria for removing countable months. This rule is also being amended to change when an individual is considered "without dependents", and to update the SNAP time limit and time limit exempt areas. This filing makes some temporary rule changes permanent.

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:¶¶

(A) Through August 31, 2023, an individual 18 years of age or over, but under the age of 50, without dependents.

For the purpose of this definition.¶¶

(B) Effective September 1, 2023 through September 30, 2023, an individual 18 years of age or over, but under the age of 51, without dependents.¶¶

(C) Effective October 1, 2023, an individual 18 years of age or over, but under the age of 53, "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.¶¶

(D) For purposes of this rule, an individual is "without dependents" if there is no minor (see ORS 419B.550) in the individual's filing group (see OAR 461-110-0310 and 461-110-0370).¶¶

(E) For purposes of this rule, an individual is not "without dependents" when -¶¶

(i) A minor has joined the individual's filing group, has not yet been added to the individual's SNAP case due to being on another SNAP case, and the minor will be added to the individual's SNAP case when the notice period ends (see OAR 461-175-0050). ¶¶

(ii) A minor has joined the individual's filing group, has not yet been added to the individual's SNAP case due to effective date provisions, and the minor will be added to the individual's SNAP case when effective date provisions allow (see OAR 461-1480-037010). ¶¶

(b) "SNAP time-limit areas" means areas of Oregon in which the limitation on eligibility (see OAR 461-001-0000) for SNAP benefits for 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:¶¶

~~(A) Benton, Clackamas, Columbia, Deschutes, Hood River, Jackson, Lane, Linn, Malheur, Marion, Multnomah, Polk, 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, Columbia, Coos, Crook, Curry, Deschutes, Douglas, Gilliam, Grant, Harney, Hood River, Jackson, Jefferson, Josephine, Klamath, Lake, Lane, Lincoln, Morrow, Linn, Malheur, Marion, Morrow, Polk, Sherman, Tillamook, Umatilla, Union, Wallowa, Wasco, and Wheeler counties. The reservation and trust lands of any Sovereign Tribal Nation located within those counties.¶¶~~

~~(B) The reservation and trust lands of the Burns Paiute Tribe; the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw; the Confederated Tribes of Siletz Indians; the Confederated Tribes of Grand Ronde; the Confederated Tribes of 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 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) ~~Effective July 6, 2023, 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 ~~s~~ 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.~~ The individual meets the criteria under OAR 461-130-0310(3)(a) or (b).¶

(D) The individual is experiencing homelessness.¶

(E) The individual is a veteran of the US Armed Forces, regardless of discharge status.¶

~~(F) The individual met the criteria under OAR 461-130-0310(3)(a) or (b) is 24 years of age or younger and was in foster care on the date they turned 18 years of age, regardless of what state or agency provided the foster care.~~¶

(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(54)) 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 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~~ To remove a countable month, an individual must report they were exempt or submit evidence to the Department they met the 80 hour activity requirement.¶

(5) An 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) The Department is authorizing the use of discretionary exemptions, granted by the Food and Nutrition Service, for individuals with an ABAWD status who are at risk of having their benefits closed or reduced. Under these special exemptions, individuals will be eligible to receive a discretionary exemption each month beginning July 2023. ~~All of the following restrictions apply:¶~~

(a) Effective January 1, 2024, a discretionary exemption shall be issued for each month an individual meets one of the following:¶

(aA) The individual ~~must~~ resides in one of the following SNAP time-limit areas that will not be offering ABAWD support services: Benton, Columbia, Hood River, Malheur, Polk, ~~lackamas~~ and Yamhill counties.¶

(bB) The individual resides in an area offering ABAWD support services but is not eligible for those support services due to lacking USCIS work authorization (also called employment authorization).¶

(cC) The individual is subject to the SNAP time limits during September 2023 due to being 50 years of age.¶

(D) The individual is subject to the SNAP time limits starting October 2023 through December 2023 due to being 50 through 52 years of age.¶

(E) The individual is impacted by an identified ONE system defect which will result in an incorrect eligibility decision and the central office SNAP Policy Analyst Unit has determined a discretionary exemption shall be issued. ¶

(F) The individual is a resource parent (see OAR 413-015-0115) choosing not to apply for SNAP benefits for a foster child in their care and household group (see OAR 461-110-0210).¶

(b) The following restrictions apply:¶

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

(dB) A discretionary exemption may not be granted for a previous month.¶

(eC) 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: 461-135-0570

REPEAL: Temporary 461-135-0570 from SSP 39-2023

NOTICE FILED DATE: 10/30/2023

RULE SUMMARY: OAR 461-135-0570 is being amended to base Supplemental Nutrition Assistance Program (SNAP) eligibility for students of higher education on the number of meals the school's meal plan is intended to provide, rather than the number of meals the plan actually provides. This rule is also being amended to expand SNAP eligibility for graduate students. Rule amendments will allow the hours worked in an externship, internship, graduate assistantship, or graduate fellowship to count toward the student work requirements. This filing makes some temporary changes to this rule permanent.

CHANGES TO RULE:

461-135-0570

Eligible and Ineligible Students; SNAP ¶¶

(1) For the purposes of this rule and OAR 461-001-0015, "higher education" refers to the following:¶¶

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

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

(2) Except to the extent provided otherwise in section (4) of this rule, an individual is considered a "student of higher education" if all of the following subsections apply:¶¶

(a) The individual is attending higher education (see section (1) of this rule) at least half time or more as determined by the school.¶¶

(b) The individual is 18 years of age or older, but under 50 years of age.¶¶

(3) To be eligible for SNAP benefits, a student of higher education (see section (2) of this rule) must meet the requirements of one of the following subsections:¶¶

~~(a) Subject to section (6) of this rule, the student of higher education is:¶¶~~

~~(A) A paid employee (see OAR 461-001-0015) working an average of 20 hours or more per week except as excluded by section (6) of this rule; or¶¶~~

~~(B) Self-employed for a minimum of 20 hours per week and receives weekly earnings at least equal to the federal minimum wage multiplied by 20 hours.¶¶~~

(b) The student of higher education is participating in a state or federally funded work study program during the regular school year. To qualify under this subsection:¶¶

(A) The student of higher education must be approved for state or federally funded work study at the time of application for SNAP.¶¶

(B) The work study must be approved for the school term.¶¶

(C) The student of higher education must anticipate working in a work study job during the school term.¶¶

(D) The period of eligibility for a student of higher education eligible under this subsection:¶¶

(i) Begins with the month in which the school term begins or with the month that work study is approved, whichever is later.¶¶

(ii) Continues until the end of the month in which the school term ends, or it becomes known that the student of higher education has refused an assignment.¶¶

(iii) Continues through breaks of less than a month. For breaks of a month or longer, eligibility continues only if the student of higher education participates in a work study job during the break.¶¶

(c) The student of higher education is responsible for the care of a child in the filing group (see OAR 461-110-0370), and one of the following conditions is met:¶¶

(A) The child is--¶¶

(i) Under six years of age; or¶¶

(ii) Six years of age or older, but under the age of 12 years, and adequate child care is not available to enable the student to both attend class and meet the requirements of section (3)(a) or (3)(b) of this rule.¶¶

(B) The student of higher education is enrolled full time in higher education and is a single parent (meaning there is only one parent in the filing group) or a single adult who has parental control, with the responsibility of caring for a child under 12 years of age.¶¶

- (d) The student of higher education is in a TANF benefit group (see OAR 461-110-0750).¶
- (e) The student of higher education is physically or mentally unfit for employment.¶
- (f) The student of higher education is receiving Unemployment Compensation (UC).¶
- (g) The student of higher education is enrolled in higher education to receive training and skills for employment as defined below:¶
 - (A) Job training classes under the Workforce Innovation & Opportunity Act of 2014 (Pub. L. 113-128).¶
 - (B) Participation in the higher education component of the JOBS program.¶
 - (C) Employer-sponsored on-the-job training.¶
 - (D) Enrolled in an employment and training program or course of study that leads to employment. To qualify under this paragraph, the employment and training program or course of study must be of undergraduate or lower level and designed to be completed in not more than four years.¶
 - (E) Participating in at least one of the following training programs:¶
 - (i) The Trade Readjustment Allowance (TRA) program serving displaced workers under the Trade Act.¶
 - (ii) The Training Unemployment Insurance (TUI) program.¶
 - (iii) The Self-Employment Assistance (SEA) program.¶
 - (iv) The Apprenticeship Program (APT).¶
- (4) An individual's status as a student of higher education continues during school vacation and breaks. An individual is no longer considered a student of higher education when the individual:¶
 - (a) Graduates.¶
 - (b) Drops out.¶
 - (c) Withdraws from classes.¶
 - (d) Reduces credit hours to less than half time.¶
 - (e) Is suspended or expelled.¶
 - (f) Does not intend to register for the next school term (excluding summer term).¶
- (5) A student of higher education residing in a dormitory or other living situation with a meal plan that is intended to provide more than 50 percent of the student's three daily, or 21 weekly, meals is ineligible for SNAP program benefits.¶
- (6) The following situations do not earn the student of higher education hours toward the 20 hours per week requirement in section (3) of this rule:¶
 - (a) Income that is considered educational income under OAR 461-145-0150, including income from work in the following:¶
 - (A) An externship (see OAR 461-001-0015);¶
 - (B) A graduate assistantship (see OAR 461-001-0015);¶
 - (C) A graduate fellowship (see OAR 461-001-0015); or¶
 - (D) An internship (see OAR 461-001-0015).¶
 - (b) Receiving in-kind payments in lieu of actual wages.

Statutory/Other Authority: ORS 409.050, 411.816

Statutes/Other Implemented: ORS 409.010, 411.816, 411.825, 7 USC 2015, 7 CFR 273.5, ORS 411.806, ORS 411.811, 411.813, 411.827, 411.830, 411.837, 411.840, 411.845, SB 609 2023 Regular Session

AMEND: 461-135-1260

NOTICE FILED DATE: 10/30/2023

RULE SUMMARY: OAR 461-135-1260 is being amended to change the Jobs Participation Incentive (JPI) self-employment hourly income calculation formula from use of the state minimum wage to the federal minimum wage.

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) and total countable (see OAR 461-001-0000) income is at or below 200 percent of the federal poverty level (see OAR 461-155-0180). For self-employment or piece rate work, the hours of work must be equivalent to the required average weekly hours at ~~Oregon State~~ federal 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 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 Employment Payments (see OAR 461-001-0025 and 461-135-1270), SFPSS, or TANF program benefits in the same month.¶¶
- (g) All eligible adults must provide marital status to the Department.¶¶
- (5) To remain eligible for JPI, an individual must meet all requirements in section (4) of this rule 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) An individual is no longer eligible for JPI when it has been determined that the 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 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: 461-145-0300

NOTICE FILED DATE: 10/30/2023

RULE SUMMARY: OAR 461-145-0300 is being amended to remove an eligibility provision concerning the treatment of income from Workforce Innovation and Opportunity Act (WIOA) support service payments when determining eligibility for the Employment Related Day Care (ERDC) Program. House Bill 3073 transferred the governance of the ERDC program from the Oregon Department of Human Services (ODHS) to the Department of Early Learning and Care (DEL) beginning July 1, 2023, and ERDC eligibility rules are now located in OAR Chapter 414.

CHANGES TO RULE:

461-145-0300

Workforce Innovation and Opportunity Act ¶¶

Payments to individuals made under Title I-B of the Workforce Innovation and Opportunity Act (WIOA) are treated as provided in this rule.¶¶

- (1) Need-based (stipend) payments are excluded in the REF, REFM, SNAP, and TANF programs.¶¶
- (2) On-the-Job Training (OJT) and work experience payments are counted as earned income, except as follows:¶¶
 - (a) In the REF, REFM, and TANF programs, these payments are excluded.¶¶
 - (b) The payments are excluded in the SNAP program for an individual who is:¶¶
 - (A) Under the age of 19 years and under the control of an adult member of the filing group (see OAR 461-110-0370); or¶¶
 - (B) Receiving OJT payments under a WIOA Youth Employment Program.¶¶
- (3) A support service payment for an item already covered by the benefits of the benefit group (see OAR 461-110-0750) is excluded in the ~~ERDC~~, REF, REFM, and TANF programs. In all other programs the support service payment is treated as unearned income. All other support service payments (including lunch payments and clothing allowances) are excluded.¶¶
- (4) A reimbursement (see OAR 461-001-0000) is treated as provided in OAR 461-145-0440.¶¶
- (5) In the SNAP program, if the YouthBuild Program participant is under age 19 and under parental control of another filing group member, the payments are excluded. If the participant is age 19 or older or not under parental control of another filing group member, the payments are treated as follows:¶¶
 - (a) Incentive payments that are reimbursements for specific expenses not covered by program benefits, for instance transportation and school supplies, are excluded.¶¶
 - (b) OJT and work experience payments are treated as earned income.¶¶
 - (c) The bonus payment (the incentive payment for attendance) is treated as unearned income.¶¶
- (6) In all programs except the SNAP program, YouthBuild Program payments are excluded.

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

Statutes/Other Implemented: ~~ORS 329A.500~~, 409.010, 411.060, 411.070, 411.404, 411.816, 412.049, 29 USC 3226

AMEND: 461-170-0011

NOTICE FILED DATE: 10/30/2023

RULE SUMMARY: OAR 461-170-0011 is being amended to remove the reporting requirements in the JOBS Participation Incentive (JPI) program. In addition, this rule is being amended to provide clarification on the reporting requirements for Employment Payments.

CHANGES TO RULE:

461-170-0011

Changes That Must Be Reported ¶¶

- (1) A change in employment status is considered to occur as follows:¶¶
 - (a) For a new job, the change occurs the first day of the new job.¶¶
 - (b) For a job separation, the change occurs on the last day of employment.¶¶
- (2) A change in source of income is considered to occur as follows:¶¶
 - (a) For earned income, the change occurs upon the receipt by the individual of the first paycheck from a new job or the first paycheck reflecting a new rate of pay.¶¶
 - (b) For unearned income, the change occurs the day the individual receives the new or changed payment.¶¶
- (3) An individual must report, orally or in writing, the following changes:¶¶
 - (a) In the SNAP program:¶¶
 - (A) An ABAWD residing in one of the SNAP time limit areas (see OAR 461-135-0520), who is working, paid or unpaid, and participating in the Change Report System (CRS), Simplified Report System (SRS), or Transitional Benefit Alternative (TBA) reporting system must report a change in work hours when work hours fall below 20 hours per week. This change must be reported within 10 days of occurrence.¶¶
 - (B) An individual participating in CRS must report any of the following changes within 10 days of occurrence:¶¶
 - (i) Effective October 1, 2021, a change in earned income of more than \$125.¶¶
 - (ii) Effective October 1, 2021, a change in unearned income of more than \$125.¶¶
 - (iii) A change in source of income.¶¶
 - (iv) A change in membership of the filing group (see OAR 461-110-0370) and any resulting change in income.¶¶
 - (v) A change in residence and the shelter costs in the new residence.¶¶
 - (vi) A change in the legal obligation to pay child support.¶¶
 - (vii) When the sum of cash on hand, stocks, bond, and money in a bank or savings institution account reaches or exceeds program resource limits.¶¶
 - (viii) Acquisition or change in ownership of a non-excluded vehicle.¶¶
 - (C) An individual participating in SRS must report by the tenth day of the month following the month of occurrence when:¶¶
 - (i) The monthly income of the filing group exceeds the SNAP countable (see OAR 461-001-0000) income limit.¶¶
 - (ii) A member of the financial group (see OAR 461-110-0530) has lottery or gambling winnings equal to or in excess of the amount listed as the resource limit in OAR 461-160-0015(6)(a).¶¶
 - (D) An individual participating in TBA is not required to report any changes except for the requirement set out in paragraph (3)(b)(A).¶¶
 - (b) For Employment Payments (see OAR 461-135-1270) and JPI (see OAR 461-135-1260), an individual must follow the same reporting requirements as an individual participating in the the SNAP program CRS, SRS, or TBA reporting systems individual must report changes that may affect eligibility (see OAR 461-001-000) within 10 days of occurrence, including:¶¶
 - (A) A loss of unsubsidized paid employment.¶¶
 - (B) All dependent children (see OAR 461-170001-00400) are out of the household.¶¶
 - (c) In the GA, OSIP, OSIPM, and QMB programs, an individual must report all changes that may affect eligibility (see OAR 461-001-0000) or benefit level within 10 days of occurrence, including any of the following changes:¶¶
 - (A) A change in employment status.¶¶
 - (B) A change in health care coverage.¶¶
 - (C) A change in membership of the household group (see OAR 461-110-0210).¶¶
 - (D) A change in marital status.¶¶
 - (E) A change in residence.¶¶
 - (F) A change in resources.¶¶
 - (G) A change in source or amount of income.¶¶
 - (H) Except for the QMB programs, out-of-pocket medical expenses.¶¶
 - (d) In the REF, SFPSS, and TANF programs, an individual participating in CRS must report any of the following

changes within 10 days of occurrence:¶¶

(A) Acquisition or change in ownership of a non-excluded vehicle.¶¶

(B) A change in earned income more than \$100.¶¶

(C) A change in employment status (see section 1 of this rule).¶¶

(D) A change in membership of the household group.¶¶

(E) A change in marital status or other changes in membership of the filing group.¶¶

(F) A change in mailing address or residence.¶¶

(G) A change in pregnancy status of any member of the filing group.¶¶

(H) A change in source of income.¶¶

(I) A change in unearned income more than \$50.¶¶

(J) A change in who pays the shelter costs if the costs will be paid by a non-custodial parent.¶¶

(K) Sale or receipt of a resource that causes total resources to exceed program resource limits.¶¶

(e) In the REFM program, an individual must report the following changes within 10 days of occurrence:¶¶

(A) A change in membership of the household group.¶¶

(B) A change in residence.¶¶

(C) A change in pregnancy status of any member of the filing group.

Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 411.404, 411.706, 411.816, 412.014, 412.049, 413.085, 414.685

Statutes/Other Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.081, 411.404, 411.704, 411.706, 411.816, 411.825, 411.837, 412.014, 412.049, 413.085, 414.685, 414.826

AMEND: 461-190-0211

NOTICE FILED DATE: 10/30/2023

RULE SUMMARY: OAR 461-190-0211 is being amended to add new Temporary Assistance to Need Families (TANF) support services and to clarify eligibility for existing support services.

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; 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 allowed under OAR 461-160-0193.¶

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

(g) Housing/Utilities: Payments for housing (including motor homes or trailers when it is the individual's residence) 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~~ limited to situations where repairs are necessary to operate the vehicle. ¶
- (B) Except as provided in paragraph (C) of this subsection, payments for auto loans or auto leases, are limited to three months per calendar year and only for situations where there is a written agreement. Payments may be authorized for no more than \$1,650 per calendar year and are limited to \$550 per month.¶
- (C) With manager authorization, and upon verification that an individual has greater needs in order to participate in their case plan, two months in a 12-month per ~~the Department may approve payments that exceed the limits in paragraph (B) of this subsection.~~¶
- (n) Eyeglasses: Effective July 19, 2023, payments for eyeglasses (does not include contacts) when necessary to remove a barrier towards gaining employment. Requests for eyeglasses above \$50 shall require ~~medical documentation (see OAR 461-125-0830)~~ verification of the need from a qualified and appropriate professional. Payments for eyeglasses are limited to individuals 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) Tax Preparation Services: Payments for personal tax preparation services are limited to payments for the current tax year and can only be accessed from January 1 through Tax Day in April, in situations where no free community resources are available.¶
- (p) 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.¶
- ~~(pg)~~ 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 or rental of a car, recreational vehicle, or motor home, except as provided in subsections (5)(g) and (5)(m).¶¶

(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) Payments for child care, including ERDC co-payments, except as allowed under subsection (5)(e) of this rule and 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