

Secretary of State
Certificate and Order for Filing
TEMPORARY ADMINISTRATIVE RULES
A Statement of Need and Justification accompanies this form.

I certify that the attached copies* are true, full and correct copies of the TEMPORARY Rule(s) adopted on April 13, 2012 by the
Date prior to or same as filing date.

Department of Human Services - Children, Adults and Families 461
Agency and Division Administrative Rules Chapter Number

Annette Tesch Human Services Building, 500 Summer St NE - E48, Salem, OR 97301 (503) 945-6067
Rules Coordinator Address Telephone

to become effective April 13, 2012 through October 9, 2012
Date upon filing or later A maximum of 180 days including the effective date.

RULE CAPTION

Changing OARs affecting public assistance, medical assistance, or Supplemental Nutrition Assistance Program clients
Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

ADOPT:

AMEND: 461-135-1250

SUSPEND:

ORS 411.060, 411.070, 412.006, 412.009, 412.049, 412.124
Stat. Auth.

42 USC 602(a), 45 CFR 260.30, 45 CFR 260.31
Other Authority

ORS 411.060, 411.070, 412.006, 412.009, 412.049, 412.124, Senate Bill 1579 (2012)
Stats. Implemented

RULE SUMMARY

OAR 461-135-1250 about specific client eligibility and participation requirements in the Post-Temporary Assistance for Needy Families (Post-TANF) program which was amended by temporary rule on April 12, 2012 is being further amended to state that it is program funding that ends on April 30, 2012. This temporary rule also does not allow continuing benefits in the Post-TANF program after April 30, 2012 for pending or submitted hearing requests.

Authorized Signer

Robert Trachtenberg
Printed Name Date

A copy of the temporary rules can be accessed at the Self-Sufficiency Programs website:
http://www.dhs.state.or.us/policy/selfsufficiency/ar_search.htm

*With this original and Statement of Need, file one photocopy of certificate, one paper copy of rules listed in the Rulemaking Action, and electronic copy of rules. ARC 940-2005

Secretary of State
STATEMENT OF NEED AND JUSTIFICATION

A Certificate and Order for Filing Temporary Administrative Rules accompanies this form.

Department of Human Services - Children, Adults and Families

461

Agency and Division

Administrative Rules Chapter Number

In the Matter of: Amending OAR 461-135-1250

Rule Caption: Changing OARs affecting public assistance, medical assistance, or Supplemental Nutrition Assistance Program clients

Statutory Authority: ORS 411.060, 411.070, 412.006, 412.009, 412.049, 412.124

Other Authority: 42 USC 602(a), 45 CFR 260.30, 45 CFR 260.31

Statutes Implemented: ORS 411.060, 411.070, 412.006, 412.009, 412.049, 412.124, Senate Bill 1579 (2012)

Need for the Temporary Rule(s):

OAR 461-135-1250 needs to be amended because the legislature and Department have addressed budget constraints by ending funding for the post-TANF program. This amendment implements that action by providing that after April 30, 2012 there are no more Post-TANF program benefit payments, even for pending or submitted hearing requests.

Documents Relied Upon (and where they are available):

Justification of Temporary Rule(s):

The Department finds that failure to act promptly by amending OAR 461-135-1250 will result in serious prejudice to the public interest and the Department. Due to legislative action and budget constraints, it is necessary for the Department to end the Post-TANF benefit payments. The amended rule is needed to allow the Department to end monthly Post-TANF benefit prior to May 1, 2012 and provide clients with timely notice of the change in the payment amount. The amended rule will result in cost savings to the Department and these budget cuts are considered to be one part of the legislative solution to the overall budget constraints that are facing the State of Oregon and the Department. These rule changes cannot wait to be implemented after the full 49-day permanent rulemaking procedure because the public interest requires the full implementation of these changes start as of April 30, 2012 to meet budget plans.

Authorized Signer

Robert Trachtenberg

Printed Name

Date

461-135-1250

Specific Requirements: Post-TANF

- (1) This rule explains specific requirements for the Post-TANF program. Through September 30, 2010, the Post-TANF program provides \$100 per month per qualifying adult in aid for 12 consecutive months or until the household income exceeds 250 percent of the Federal Poverty Level (FPL), whichever comes first, as long as the client meets JOBS *federally required participation rates* (see OAR 461-001-0025) in combined unsubsidized paid work and JOBS activities.
- (2) Effective October 1, 2010, the Post-TANF program provides \$50 per month per qualifying adult in aid for 12 consecutive months or until the household income exceeds 250 percent of the FPL, whichever comes first, as long as the client meets JOBS *federally required participation rates* in combined unsubsidized paid work and JOBS activities.
- (3) To enroll in the Post-TANF program, a client must:
 - (a) Have obtained unsubsidized paid employment;
 - (b) Have become ineligible for the Pre-TANF, TANF or SFPSS programs due to earnings; and
 - (c) Be a Work Eligible Individual as defined by federal regulations.
- (4) To remain eligible for the monthly Post-TANF payment, the client must meet the requirements of all of the following subsections:
 - (a) Meet all TANF eligibility requirements, except the client need not meet the following requirements:
 - (A) OAR 461-120-0310 and 461-120-0340 (child support assignment and cooperation);
 - (B) OAR 461-120-0330 (pursuing assets);
 - (C) OAR 461-125-0010 (deprivation);
 - (D) OAR 461-155-0030 (income limits); and
 - (E) OAR 461-160-0015 (resource limits).
 - (b) Report and meet the monthly JOBS federal participation requirements with unsubsidized paid work and, if necessary, other JOBS activities.

- (c) Provide the Department with employer-produced documents of paid, unsubsidized work hours within 45 days after Pre-TANF, TANF, or SFPSS has ended.
 - (d) The client must also provide employer-produced documents of paid, unsubsidized work hours each time requested by the Department or no later than the last day of the sixth month following the date the client provides the verification of work hours in accordance with subsection (c) of this section.
 - (e) Report all changes in residency and *household group* (see OAR 461-110-0210) affecting Post-TANF eligibility within 10 days of the occurrence.
 - (f) Changes reported for another program that affect Post-TANF eligibility are considered reported for Post-TANF.
- (5) A client failing to comply with subsection (3)(c) of this rule but then providing documents after 45 days is eligible for Post-TANF payments only in the month the local Department office receives the documents and the months thereafter.
- (6) Household income for the Post-TANF program is calculated in accordance with all TANF financial rules.
- (7) Each *parent* (see OAR 461-001-0000) of a two-parent family is entitled to a monthly Post-TANF payment if both parents meet all Post-TANF enrollment and eligibility requirements.
- (8) Monthly payments in the Post-TANF program begin the month after the last regular TANF benefit payment; or for Pre-TANF clients, the month after the Department verifies that the client meets TANF eligibility requirements.
- (9) A client in the Post-TANF program is entitled to support services in accordance with OAR 461-190-0241. Additional support services may be granted with manager approval.
- (10) A client is no longer eligible for a Post-TANF payment when the client does not meet JOBS federal participation requirements due to:
- (a) Loss of employment;
 - (b) A reduction in work hours, and the client chooses not to participate in required JOBS activities offered by the Department; or
 - (c) A reduction in JOBS activity hours without good cause (see OAR 461-130-0327) that when combined with work hours does not meet the JOBS *federally required participation rates*.

- (11) Notwithstanding any other administrative rule in Chapter 461, effective April 30, 2012 the Post-TANF program **funding** ends. Continuation of Post-TANF benefits is not authorized after April 30, 2012, regardless of whether a hearing request on Post-TANF is submitted or pending.

Stat. Auth.: ORS 411.060, 411.070, 412.006, 412.009, 412.049, 412.124

Stats. Implemented: ORS 411.060, 411.070, 412.006, 412.009, 412.049, 412.124, 2009 Or. Laws ch. 827