

OFFICE OF THE SECRETARY OF STATE

SHEMIA FAGAN

SECRETARY OF STATE

CHERYL MYERS

DEPUTY SECRETARY OF STATE



ARCHIVES DIVISION

STEPHANIE CLARK

DIRECTOR

800 SUMMER STREET NE

SALEM, OR 97310

503-373-0701

TEMPORARY ADMINISTRATIVE ORDER INCLUDING STATEMENT OF NEED & JUSTIFICATION

SSP 30-2021
CHAPTER 461
DEPARTMENT OF HUMAN SERVICES
SELF-SUFFICIENCY PROGRAMS

FILED

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ARCHIVES DIVISION

SECRETARY OF STATE

& LEGISLATIVE COUNSEL

FILING CAPTION: Temporary Rule Change to Extend SNAP Application Interview Provisions during COVID-19

EFFECTIVE DATE: 04/02/2021 THROUGH 09/28/2021

AGENCY APPROVED DATE: 04/02/2021

CONTACT: Meorah Solar

503-602-7545

meorah.a.solar@dhs.oregon.gov

2885 Chad Drive

Eugene, OR 97408

Filed By:

Meorah Solar

Rules Coordinator

NEED FOR THE RULE(S):

OAR 461-135-0660 about SNAP; COVID-19, needs to be temporarily amended to immediately make possible the extension of the period during which ODHS shall waive the SNAP application interview requirements.

JUSTIFICATION OF TEMPORARY FILING:

The Department finds that failure to act promptly by amending OAR 461-135-0660 will result in serious prejudice to the public interest, the Department, and clients of its programs. The Department needs to proceed by temporary rule due to immediate nature of the pandemic in order to continue in rule an amendment that provides support to Oregonians in need of SNAP benefits. Failure to act immediately could create confusion for ODHS staff and the public and delay the implementation of the interview waiver. This rule adoption creates clear guidance and transparency regarding SNAP program adjustments during the COVID-19 pandemic for staff, applicants, and the general public.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

Any documents relied upon are available from the SNAP Policy Analyst Team.

AMEND: 461-135-0660

RULE SUMMARY: OAR 461-135-0660 about SNAP; COVID-19, is being temporarily amended to extend the period during which ODHS shall waive the SNAP application interview requirements. It is also being amended to make clear that this waiver is continuously and retroactively effective for SNAP applications with a filing date of March 23, 2020 and after.

CHANGES TO RULE:

461-135-0660

SNAP; COVID-19

The provisions in this rule apply to the SNAP program.¶

benefit group (see OAR 461-110-0750).¶

(b) The emergency allotment shall be issued on a date determined by the Department, not subject to OAR 461-165-0100.¶

(c) The amount of the emergency allotment shall be the difference between the benefit level calculated under OAR 461-160-0400 and the maximum Payment Standard for the number of individuals in the benefit group. If there is no difference, no emergency allotment shall be issued.¶

(d) When the Food and Nutrition Service makes a change that ends, reduces, or suspends the emergency allotment:¶

(A) No decision notice (see OAR 461-001-0000) is required. The Department is not required to mail a notice of intended action.¶

(B) The Department shall publicize the change using one or more of the following methods:¶

(i) Informing the public through the news media.¶

(ii) Placing posters in the offices that serve affected individuals, in the locations where SNAP is issued, and at other sites frequented by individuals receiving SNAP.¶

(iii) Mailing a general notice to the households of affected recipients.¶

(e) Excepting an overpayment (see OAR 461-195-0501), there is no right to hearing to dispute emergency allotment and no right to continuing benefits.¶

(8) For applications with a filing date (see OAR 461-115-0040):¶

(a) Established from March 23, 2020 to ~~February 28~~June 30, 2021, the Department waives the requirement under OAR 461-115-0020 section (1) to meet the interview requirements in order to complete the application process, and¶

(b) Established from March 23, 2020 to ~~February 28~~June 30, 2021, the Department suspends the requirement under OAR 461-115-0230(3)(b) to grant a face-to-face interview at the applicant's request.¶

(c) The provisions in this section are retroactively effective for applications with a filing date of March 23, 2020, and after.¶

(9) Retroactively effective January 16, 2021: In addition to the provisions under section (3) of OAR 461-135-0570, to be eligible for SNAP benefits, a student of higher education (see OAR 461-135-0570) may also meet the requirements of one of the following subsections:¶

(a) The student of higher education is eligible to participate in state or federally funded work study program during the regular school year.¶

(b) The student of higher education has an Expected Family Contribution (EFC) of \$0 in the current academic year, as determined through the Free Application for Federal Student Aid (FAFSA).¶

(10) The provisions--¶

(a) Listed in sections (3) and (4) of this rule end on the last day of the month in which the public health emergency declaration made by the Secretary of Health and Human Services under section 319 of the Public Health Service Act based on an outbreak of coronavirus disease 2019 (COVID-19) is lifted.¶

(b) Listed in section (9) of this rule end 30 days after the day upon which the public health emergency declaration made by the Secretary of Health and Human Services under section 319 of the Public Health Service Act based on an outbreak of coronavirus disease 2019 (COVID-19) is lifted.

Statutory/Other Authority: ORS 411.060, 411.070, 411.121, 411.816, ORS 409.050

Statutes/Other Implemented: ORS 409.010, ORS 411.060, 411.070, 411.121, 411.816, 411.825, 411.837, 7 USC 2015, 7 USC 2029, 7 CFR 273.7, 7 CFR 273.24, Pub. L. 116-127, ORS 409.050, 7 CFR 273.10, 7 CFR 273.14