

The proposed rule is included in the [Notice of Proposed Rulemaking](#); however, this tracked-changes version is provided to help readers more easily identify the proposed updates. The rule will be updated to reflect the 2026 Federal Poverty Levels (FPL), which increase ERDC income limits and adjust the copay charts. Because the 2026 Federal Poverty Levels have not yet been released by the federal government, these updates will be posted as soon as the federal data are released and published.

Proposed Language [414-175-0050](#); [Income Limits and Copay Amounts](#)

The Department determines financial eligibility for ERDC and the copay benefit level as follows:

(1) ERDC financial eligibility.

(a) A need group is not eligible for benefits if the financial group has countable resources above \$1,000,000.

(b) The monthly countable gross income of the financial group is determined in accordance with OAR 414-175-0040. If monthly countable income equals or exceeds the eligibility standards, the need group is ineligible for ERDC.

(A) At initial certification, the ERDC eligibility standard is met for a need group of eight or less if monthly countable income for the need group is less than 200 percent of the federal poverty level (FPL). The eligibility standard for a need group of eight applies to any need group larger than eight.

(i) A monthly income standard set at 200 percent of the 202~~5~~6 federal poverty level, and updated every March, is set at the following amounts:

Size of Group.....	Standard
2.....	\$ 3,525 <u>3,525</u>
3.....	\$ 4,442 <u>4,442</u>
4.....	\$ 5,359 <u>5,359</u>
5.....	\$ 6,275 <u>6,275</u>
6.....	\$ 7,192 <u>7,192</u>
7.....	\$ 8,109 <u>8,109</u>
8 or more.....	\$ 9,025 <u>9,025</u>

(ii) A monthly income standard set at 85 percent of the 202~~5~~6 state median income, and updated every March, is set at the following amounts:

Size of Group.....	Standard
2.....	\$ 5,683 <u>5,683</u>
3	\$ 7,020 <u>7,020</u>
4	\$ 9,306 <u>9,306</u>

5	\$ 9,695
6	\$ 11,032
7	\$ 12,564
8 or more.....	\$ 12,843

(iii) A monthly income standard set at 250 percent of the 202~~56~~ federal poverty level, and updated every March, is set at the following amounts:

Size of Group.....	Standard
2.....	\$ 4,407
3.....	\$ 5,553
4.....	\$ 6,698
5.....	\$ 7,844
6.....	\$ 8,990
7.....	\$ 10,136
8 or more.....	\$ 11,282

(B) After the income standard in (A) is met at initial certification, then during the certification period and at recertification the ERDC eligibility standard is met for a need group of eight or less if monthly countable income for the need group during the 12 month period is less than 250 percent FPL or 85 percent state median income (SMI), whichever is higher. The eligibility standard for a need group of eight applies to any need group larger than eight.

(c) The copay calculated under section (3) of this rule is compared to the allowable child care cost under section (2) of this rule. If the copay is equal to or greater than the allowable child care cost, the client is not eligible for ERDC.

(2) Allowable Child Care Cost. For an individual found eligible under section (1) of this rule, the allowable child care cost is set under this section.

(a) The child care costs for which the individual has been billed are compared to the amount provided in the appropriate child care chart in OAR 414-175-0075. The allowable child care cost is the lesser of the two amounts.

(b) The need group's copay is determined in accordance with section (3) of this rule.

(c) The copay is subtracted from the allowable child care cost, and the remainder is the payment the Department makes to the provider.

(3) Copay Calculation.

(a) When determining the copay, upon the applicant's request, the Department may exclude at least 50 percent of gross self-employment income when a need group has countable self-employment income and permitted costs. The maximum exclusion is the total of all actual costs permitted under OAR 414-175-0035 (81)

(b) The monthly copay shall be as follows, using the countable income, or countable self-employment income minus permitted costs:

Need group size of 2

Income.....	Monthly Copay
\$0 - \$1,762.99	\$0
\$1,763 - \$2,643.99	\$5
\$2,644 - \$3,524.99	\$10
\$3,525 - \$3,965.99	\$40
\$3,966 - \$5,682.99	\$100

Need group size of 3

Income.....	Monthly Copay
\$0 - \$2,220.99	\$0
\$2,221 - \$3,331.99	\$5
\$3,332 - \$3,886.99	\$10
\$3,887 - \$4,441.99	\$15
\$4,442 - \$4,966.99	\$50
\$4,967 - \$7,019.99	\$110

Need group size of 4

Income.....	Monthly Copay
\$0 - \$2,679.99	\$0
\$2,680 - \$4,018.99	\$5
\$4,019 - \$4,688.99	\$10
\$4,689 - \$5,358.99	\$20
\$5,359 - \$6,028.99	\$60
\$6,029 - \$9,305.99	\$120

Need group size of 5

Income.....	Monthly Copay
\$0 - \$3,137.99	\$0
\$3,138 - \$4,706.99	\$5
\$4,707 - \$5,490.99	\$10
\$5,491 - \$6,274.99	\$25
\$6,275 - \$7,059.99	\$70
\$7,060 - \$9,694.99	\$130

Need group size of 6

Income.....	Monthly Copay
\$0 - \$3,595.99	\$0
\$3,596 - \$5,393.99	\$5
\$5,394 - \$6,292.99	\$10
\$6,293 - \$7,191.99	\$25

~~\$7,192~~ - ~~\$8,090.99~~.....\$70
~~\$8,091~~ - ~~\$11,031.99~~.....\$130

Need group size of 7

Income.....Monthly Copay

\$0 - ~~\$4,054~~.....\$0
~~\$4,055~~ - ~~\$6,081.99~~.....\$5
~~\$6,082~~ - ~~\$7,094.99~~.....\$10
~~\$7,095~~ - ~~\$8,108.99~~.....\$25
~~\$8,109~~ - ~~\$9,121.99~~.....\$70
~~\$9,122~~- ~~\$12,563.99~~.....\$130

Need group size of 8 or more

Income.....Monthly Copay

\$0 - ~~\$4,512.99~~.....\$0
~~\$4,513~~- ~~\$6,768.99~~.....\$5
~~\$6,769~~ - ~~\$7,896.99~~.....\$10
~~\$7,897~~ - ~~\$9,024.99~~.....\$25
~~\$9,025~~- ~~\$10,153.99~~.....\$70
~~\$10,154~~ - ~~\$12,842.99~~.....\$130

(4) Notwithstanding the provisions of this rule section, the ERDC copay may be reduced or temporarily waived as follows:

(a) Reduced to \$0 for no more than three months after closure of TANF benefits when:

(A) The closure is because an individual in the need group had earned income that led to the TANF closure;

(B) An ERDC date of request is established within 90 days of closure; and

(C) The individual is eligible for ERDC at initial certification.

(b) As described in OAR 414-175-0023.