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SSP 29-2026

CHAPTER 461

DEPARTMENT OF HUMAN SERVICES SELF-SUFFICIENCY PROGRAMS

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RULES:

461-001-0015, 461-025-0311, 461-120-0125, 461-130-0310, 461-135-1230, 461-145-0170, 461-160-0420, 461-196-0120

AMEND: 461-001-0015

REPEAL: Temporary 461-001-0015 from SSP 21-2026

NOTICE FILED DATE: 04/29/2026

RULE SUMMARY: OAR 461-001-0015 is being amended to add new defined terms "energy assistance payment" and "weatherization assistance payment."

CHANGES TO RULE:

461-001-0015

Definitions; SNAP ¶¶

The following definitions apply to the rules of the SNAP program in Chapter 461:¶¶

- (1) Adult means an individual 18 years of age or older.¶
- (2) A disabled individual or an individual with a disability means an individual who meets any of the following requirements:¶
- (a) Receives SSI benefits under title XVI of the Social Security Act.¶
 - (b) Receives blindness or disability benefits under titles I, II, X, XIV, or XVI of the Social Security Act.¶
 - (c) Receives OSIP or other state or federal supplement under section 1616(a) of the Social Security Act based on disability or blindness criteria under title XVI of the Social Security Act.¶
 - (d) Receives state general assistance benefits based upon disability or blindness criteria under title XVI of the Social Security Act.¶
 - (e) Receives interim assistance pending receipt of SSI or receives disability-related medical assistance under title XIX of the Social Security Act.¶
 - (f) Receives a state or federally administered supplemental benefit under section 212(a) of Public Law 93-66.¶
 - (g) Receives an annuity payment under Section 2(a)(1)(iv) of the Railroad Retirement Act of 1974 and is determined to be eligible for Medicare by the Railroad Retirement Board.¶
 - (h) Receives an annuity payment under Section 2(a)(1)(v) of the Railroad Retirement Act of 1974 and meets the disability criteria used under title XVI of the Social Security Act.¶
 - (i) Receives VA benefits for non-service or service connected disability rated or paid as total under title 38 of the United States Code.¶
 - (j) Receives disability retirement benefits from a governmental agency because of a disability considered permanent under section 221(i) of the Social Security Act.¶
 - (k) Has a disability considered permanent under 221(i) of the Social Security Act section and is the surviving spouse or surviving child of a veteran and considered by the VA to be entitled to compensation for a service-connected death or pension benefits for a non-service connected death under title 38 of the United States Code.¶
 - (l) Is a veteran or surviving spouse of a veteran considered by the VA to be in need of Aid and Attendance benefits or permanently housebound under title 38 of the United States Code.¶
 - (m) Is a surviving child of a veteran and considered permanently incapable of self support under title 38 of the United States Code.¶
- (3) Drug and alcohol treatment and rehabilitation program means a program conducted by a private nonprofit organization or institution, or a publicly operated community mental health center, that --¶
- (a) Qualifies under part B of title XIX of the Public Health Service Act to receive funds, even if it does not actually receive funding under part B of title XIX, or¶
 - (b) Is authorized as a retailer by the Food and Nutrition Service (FNS).¶
- (4) Elderly means an individual 60 years of age or older.¶
- (5) Employee means an individual who works for another in return for financial or other compensation such as rent; but does not include an independent contractor.¶
- (6) Employer means a person that employs one or more individuals for wages, salary, or other compensation such as rent.¶
- (7) Energy assistance payment means a payment provided by a program or organization for the purpose of heating or cooling assistance directly to or on behalf of low-income households. This includes heating or cooling expenses provided through the Low-Income Energy Assistance Act of 1981. ¶
- (8) Externship means a required period of supervised practice completed off campus or away from an individual's school of higher education (see OAR 461-135-0570) in order to complete the requirements for the individual's degree.¶
- ~~(8)~~ Graduate assistantship means an appointment as a graduate student employee offering a financial payment to the graduate student for part-time work in teaching, administration, or research while the graduate student completes the academic requirements for an advanced degree at a school of higher education (see OAR 461-135-0570). A graduate assistantship includes such positions as graduate assistant, graduate research assistant, graduate teaching assistant, and graduate teaching associate.¶
- ~~(9)~~10 Graduate fellowship means a school of higher education (see OAR 461-135-0570) awarded program, targeted to a specific student group or field of study, that may be awarded based on academic need, academic record, or merit.¶
- ~~(10)~~ Group living arrangement means a public or private nonprofit residential setting that serves no more than 16 residents and is certified by State of Oregon under regulations issued under section 1616(e) of the Social Security Act (42 U.S.C. 1382e(e)). To be eligible for SNAP benefits, a resident of such a group living arrangement must be blind or have a disability.¶
- ~~(14)~~ Head of household means a primary person.¶
- ~~(12)~~ An individual is homeless if the individual does not have a fixed or regular nighttime residence or has a primary residence that is one of the following:¶
- (a) A supervised shelter that provides temporary accommodations.¶

- (b) A halfway house or residence for individuals who may become institutionalized.¶
- (c) A temporary accommodation in another individual's or family's residence for 90 days or less.¶
- (d) A place not designed to be or ordinarily used as a place for individuals to sleep, such as a hallway, bus station, or similar place.¶
- (134) Internship means an official or formal program through a school of higher education (see OAR 461-135-0570) to provide practical experience for an individual beginning an occupation or profession.¶
- (145) A migrant farmworker is an individual who regularly travels away from their permanent residence overnight, usually with a group of laborers, to seek employment in an agriculturally related activity. If any member of a SNAP household fits the definition of migrant farmworker at any time during the redetermination period, the household is budgeted according to the policy on migrant farmworkers.¶
- (156) A primary person means:¶
 - (a) An adult in the filing group (see OAR 461-110-0370) who is designated by the group to serve as the primary person. Where there is no adult, the group can designate another responsible person in the filing group.¶
 - (b) Once the primary person has been designated, the filing group cannot choose a different individual to be the primary person during the same certification period (see OAR 461-001-0000) or during an OFSET or job quit disqualification period, unless there is a change in the composition of the household group (see OAR 461-110-0210).¶
- (167) Seasonal farmworkers are individuals employed in agricultural employment of a seasonal or temporary nature. If any member of a SNAP household fits the definition of seasonal farmworker at any time during the redetermination period, the household is budgeted according to policy on seasonal farmworkers. Seasonal farmworkers are not required to be absent overnight from their permanent residence when:¶
 - (a) Employed on a farm or ranch performing field work related to planting, cultivation, or harvesting operations; or¶
 - (b) Employed in a canning, packing, ginning, seed conditioning, or related research or processing operation, and transported to or from the place of employment by means of a day-haul operation.¶
- (178) Unclear information is information that is not verified, or information that is verified but the Department needs additional information to act. ¶
- (19) Weatherization assistance payment means a payment provided by a program or organization to increase the energy efficiency of dwellings owned or occupied by low-income households or to provide such households renewable energy systems or technologies, reduce their total residential expenditures, and improve their health and safety.

Statutory/Other Authority: ORS 411.816

Statutes/Other Implemented: ORS 411.816, 411.825, 7 CFR 273.11, 7 CFR 273.12

AMEND: 461-025-0311

NOTICE FILED DATE: 04/29/2026

RULE SUMMARY: OAR 461-025-0311 is being amended to clarify the deadline for submitting a hearing request to qualify for continuing benefits pending a hearing decision. The amendments clarify existing policy and do not change current Department practice.

CHANGES TO RULE:

461-025-0311

Continuation of Benefits ¶¶

(1) This rule explains who may receive continuing benefits until a final order is issued in a contested case.¶¶

(2) Except as provided otherwise in this rule, an individual who is entitled to a continuing benefit decision notice (see OAR 461-001-0000) or a timely continuing benefit decision notice (see OAR 461-001-0000) under a rule in division 175 of this chapter of rules may, at the option of the individual, receive continuing benefits, in the same manner and same amount, until a final order resolves the contested case. To be entitled to eligible for continuing benefits, the individual must submit a complete a request for hearing (see OAR 461-025-0305) ~~not later than the later of and 461-025-0305(3)) by the later of the following:~~¶¶

(a) The tenth day following the date of the notice; ~~and,~~¶¶

(b) The effective date of the action proposed in the notice.¶¶

(3) The continuing benefits are subject to modification based on additional changes affecting the individual's eligibility or level of benefits.¶¶

(4) In determining timeliness under section (2) of this rule, delay caused by circumstances beyond the control of the claimant (see OAR 461-025-0305) is not counted.¶¶

(5) In the REF and REFM programs, individuals are not entitled to continuing benefits when the issue in question is regarding the termination of benefits because the eligibility time period imposed by OAR 461-135-0900 has been reached.

Statutory/Other Authority: ORS 409.010, 409.050, 411.060, 411.404, 411.408, 411.816, 412.014, 412.049

Statutes/Other Implemented: ORS 409.010, 411.060, 411.404, 411.408, 411.816, 412.014, 412.049

AMEND: 461-120-0125

REPEAL: Temporary 461-120-0125 from SSP 21-2026

NOTICE FILED DATE: 04/29/2026

RULE SUMMARY: OAR 461-120-0125 is being amended to align Supplemental Nutrition Assistance Program (SNAP) eligibility requirements for individuals who are non-citizens with federal guidelines. Eligibility is limited to non-citizen United States nationals, lawful permanent residents that meet specific conditions, Compacts of Free Association (COFA) citizens, and Cuban and Haitian entrants. It is also being amended to provide guidance on when changes will be applied to existing SNAP cases, and to direct readers to OAR 461-135-0665, which contains information about prior modifications to this rule.

CHANGES TO RULE:

461-120-0125

Noncitizen Status Requirements ¶¶

An individual who must meet noncitizen status requirements under OAR 461-120-0110, must meet the noncitizen status requirements of the program for which they are applying. The requirements are listed in sections (2) through (6) of this rule.¶¶

(1) For purposes of this chapter of rules,¶¶

(a) In all programs except the Supplemental Nutrition Assistance Program (SNAP), an individual is a "qualified noncitizen" if the individual is any of the following:¶¶

(A) An individual who is lawfully admitted for permanent residence under the Immigration and Nationality Act (INA) (8 U.S.C. 1101 et seq).¶¶

(B) An Iraqi or Afghan individual granted special immigrant visa status (SIV) under section 101(a)(27) of the INA. These individuals are lawfully admitted for permanent residence under the INA.¶¶

(C) An individual who is an "Amerasian" who is granted immigration status under section 584 of Public Law 100-202; the Foreign Operations, Export Financing, and Related Program Appropriations Act of 1988; as amended by Public Law 100-461. These individuals are lawfully admitted for permanent residence under the INA.¶¶

(D) An individual who is admitted to the United States as a refugee under section 207 of the INA (8 U.S.C. 1157).¶¶

(E) An individual who is granted asylum under section 208 of the INA (8 U.S.C. 1158).¶¶

(F) An individual who is a "Cuban or Haitian entrant" (as defined in section 501(3) of the Refugee Education Assistance Act of 1980).¶¶

(G) An individual who is a "victim of a severe form of trafficking in persons" certified under the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7101 to 7112).¶¶

(H) An individual who is a family member of a "victim of a severe form of trafficking in persons" who holds a visa for family members authorized by the Trafficking Victims Protection Reauthorization Act of 2003 (22 U.S.C. 7101 to 7112).¶¶

(I) An individual whose deportation is being withheld under section 243(h) of the INA (8 U.S.C. 1253(h)) (as in effect immediately before April 1, 1997) or section 241(b)(3) of the INA (8 U.S.C. 1231(b)(3)) (as amended by section 305(a) of division C of the Omnibus Consolidated Appropriations Act of 1997, Pub. L. No. 104-208, 110 Stat. 3009-597 (1996)).¶¶

(J) An individual who is paroled into the United States under section 212(d)(5) of the INA (8 U.S.C. 1182(d)(5)) for a period of at least one year.¶¶

(K) An individual who is granted conditional entry pursuant to section 203(a)(7) of the INA (8 U.S.C. 1153(a)(7)) as in effect prior to April 1, 1980.¶¶

(L) An individual who is a battered spouse or dependent child who meets the requirements of 8 U.S.C. 1641(c), as determined by the U.S. Citizenship and Immigration Services (USCIS).¶¶

(b) In the Oregon Supplemental Income Program Medical (OSIPM) and Qualified Medicare Beneficiaries (QMB) programs, in addition to subsection (a) of this section, an individual is a "qualified noncitizen" if the individual is from the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau who lawfully reside in the United States in accordance with the Compacts of Free Association. The provisions in this subsection are retroactively effective December 28, 2020.¶¶

(c) In the ~~Supplemental Nutrition Assistance Program (SNAP)~~ and Temporary Assistance for Needy Families (TANF) program, in addition to subsection (a) of this section, an individual is a "qualified noncitizen" if the individual is a citizen of the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau who

lawfully resides in the United States in accordance with the Compacts of Free Association. The provisions in this subsection are retroactively effective March 9, 2024.¶

(2) In all programs except the Refugee Assistance (REF) ~~and~~ Refugee Assistance Medical (REFM), and SNAP programs, an individual meets the noncitizen status requirements if the individual is one of the following:¶

(a) An Indigenous, First Nation, Inuit, Métis, or Aboriginal individual who is born in Canada to whom the provisions of section 289 of the INA (8 U.S.C. 1359) apply.¶

(b) A qualified noncitizen (see section (1) of this rule) who is any of the following:¶

(A) A veteran of the United States Armed Forces who was honorably discharged for reasons other than noncitizen status and who fulfilled the minimum active-duty service requirements described in 38 U.S.C. 5303A(d).¶

(B) A member of the United States Armed Forces on active duty (other than active duty for training).¶

(C) The spouse, the un-remarried surviving spouse, or an unmarried dependent child, of an individual described in paragraphs (A) or (B) of this subsection.¶

(3) In the TANF program, an individual meets the noncitizen status requirements if the individual is one of the following:¶

(a) An individual who is a qualified noncitizen (see subsections (1)(a) and (1)(c) of this rule).¶

(b) An individual who is a noncitizen who is currently experiencing domestic violence (see OAR 461-001-0000) or who has a safety concern related to domestic violence.¶

(c) Effective October 1, 2021 until March 31, 2023, or through the end of their parole, whichever is later:¶

(A) An individual who is a citizen or national of Afghanistan paroled into the U.S. between July 31, 2021 through September 30, 2023.¶

(B) An unmarried child under the age of 21 or spouse of an individual listed in paragraph (A) of this subsection, who is paroled into the U.S. after September 30, 2022.¶

(C) A parent or legal guardian of an individual listed in paragraph (A) of this subsection, who is determined to be an unaccompanied child as defined by 6 U.S.C. § 279(g)(2), who is paroled into the U.S. after September 30, 2022.¶

(d) Effective October 1, 2021:¶

(A) An individual who is a citizen or national of Afghanistan who was granted Special Immigrant Conditional Permanent Resident status on or after July 31, 2021.¶

(B) An individual who is a citizen or national of Afghanistan who was granted Special Immigrant SQ/SI Parole status on or after July 31, 2021.¶

(C) An unmarried child under the age of 21 or spouse of an individual listed in paragraph (A) or (B) of this subsection.¶

(D) A parent or legal guardian of an individual listed in paragraph (A) or (B) of this subsection who is determined to be an unaccompanied child as defined by 6 U.S.C. § 279(g)(2).¶

(e) Effective May 21, 2022, through the end of their parole:¶

(A) An individual who was paroled into the U.S. between February 24, 2022, and September 30, 2023, and meets one of the following:¶

(i) Is a citizen or national of Ukraine.¶

(ii) Last habitually resided in Ukraine.¶

(B) An individual who was paroled after September 30, 2023, and who is one of the following:¶

(i) An unmarried child under the age of 21 of an individual listed in paragraph (3)(e)(A) or subsection (3)(f) of this rule. An unmarried child is an individual as defined in section 101(b) of the Immigration and Nationality Act (INA) (8 U.S.C. § 1101(b)).¶

(ii) The spouse of an individual listed in paragraph (3)(e)(A) or subsection (3)(f) of this rule.¶

(C) An individual who was paroled into the U.S. after September 30, 2023, and is the parent, legal guardian, or primary caregiver of one of the following:¶

(i) An individual listed in paragraph (3)(e)(A) or subsection (3)(f) of this rule who is an unaccompanied refugee minor, as defined in section 412(d)(2)(B) of the INA (8 U.S.C. § 1522(d)(2)(B)).¶

(ii) An individual listed in paragraph (3)(e)(A) or subsection (3)(f) of this rule who is an unaccompanied child, as defined in section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. § 279(g)(2)).¶

(f) Effective April 24, 2024, through the end of their parole, an individual who was paroled into the U.S. from October 1, 2023, through September 30, 2024, and is a citizen or national of Ukraine or last habitually resided in Ukraine.¶

(4) In the OSIPM and QMB programs an individual meets the noncitizen status requirements if the individual meets any of the following:¶

(a) The individual has been granted a USCIS status listed under paragraphs (1)(a)(B) through (1)(a)(I) or paragraph (1)(b) of this rule.¶

(b) Effective October 1, 2009, the individual is a qualified noncitizen and is under 19 years of age.¶

(c) The individual was a qualified noncitizen before August 22, 1996.¶

(d) The individual has been granted a USCIS status listed under paragraphs (1)(a)(A), and (1)(a)(J) through (1)(a)(L)

and meets one of the following:¶¶

(A) Physically entered the United States or was granted the USCIS status on or after August 22, 1996; and has been in the U.S. for five years beginning on the date the USCIS status was granted.¶¶

(B) Physically entered the United States before August 22, 1996 and was continuously present in the United States between August 22, 1996, and the date the USCIS status was granted. An individual is not continuously present in the United States if the individual is absent from the United States for more than 30 consecutive days or a total of more than 90 days between August 22, 1996 and the date the USCIS status was granted.¶¶

(e) The individual is under the age of 19 and is one of the following:¶¶

(A) An individual described in 8 CFR section 103.12(a)(4) who belongs to one of the following classes of noncitizens permitted to remain in the United States because the Attorney General has decided for humanitarian or other public policy reasons not to initiate deportation or exclusion proceedings or enforce departure:¶¶

(i) An individual currently in temporary resident status pursuant to section 210 or 245A of the INA (8 USC 1160 and 1255a);¶¶

(ii) An individual currently under Temporary Protected Status (TPS) pursuant to section 244 of the INA (8 USC 1229b);¶¶

(iii) An individual who is a "Cuban or Haitian entrant," as defined in section 202(b) Pub. L. 99-603 (8 USC 1255a), as amended;¶¶

(iv) Family Unity beneficiaries pursuant to section 301 of Pub. L. 101-649 (8 USC 1255a), as amended;¶¶

(v) An individual currently under Deferred Enforced Departure (DED) pursuant to a decision made by the President;¶¶

(vi) An individual currently in deferred action status pursuant to Department of Homeland Security Operating Instruction OI 242.1(a)(22); or¶¶

(vii) An individual who is the spouse or child of a United States citizen whose visa petition has been approved and who has a pending application for adjustment of status.¶¶

(B) An individual in non-immigrant classifications under the INA who is permitted to remain in the U.S. for an indefinite period, including those individuals as specified in section 101(a)(15) of the INA (8 USC 1101).¶¶

(f) In the OSIPM program, is receiving Supplemental Security Income (SSI) benefits.¶¶

(g) In the QMB program, is receiving SSI and Medicare Part A benefits.¶¶

(h) Effective July 31, 2021 until March 31, 2023, or through the end of their parole, whichever is later:¶¶

(A) An individual who is a citizen or national of Afghanistan paroled into the U.S. between July 31, 2021 through September 30, 2023.¶¶

(B) An unmarried child under the age of 21 or spouse of an individual listed in paragraph (A) of this subsection, who is paroled into the U.S. after September 30, 2022.¶¶

(C) A parent or legal guardian of an individual listed in paragraph (A) of this subsection, who is determined to be an unaccompanied child as defined by 6 U.S.C. § 279(g)(2), who is paroled into the U.S. after September 30, 2022.¶¶

(i) Effective July 31, 2021:¶¶

(A) An individual who is a citizen or national of Afghanistan who was granted Special Immigrant Conditional Permanent Resident status on or after July 31, 2021.¶¶

(B) An individual who is a citizen or national of Afghanistan who was granted Special Immigrant SQ/SI Parole status on or after July 31, 2021.¶¶

(C) An unmarried child under the age of 21 or spouse of an individual listed in paragraph (A) or (B) of this subsection.¶¶

(D) A parent or legal guardian of an individual listed in paragraph (A) or (B) of this subsection who is determined to be an unaccompanied child as defined by 6 U.S.C. § 279(g)(2).¶¶

(j) Effective February 24, 2022, through the end of their parole:¶¶

(A) An individual who was paroled into the U.S. from February 24, 2022, through September 30, 2024, and meets one of the following:¶¶

(i) Is a citizen or national of Ukraine.¶¶

(ii) Last habitually resided in Ukraine.¶¶

(B) An individual who was paroled after September 30, 2023, and who is one of the following:¶¶

(i) An unmarried child under the age of 21 of an individual listed in paragraph (4)(j)(A) of this rule.¶¶

(ii) The spouse of an individual listed in paragraph (4)(j)(A) of this rule.¶¶

(iii) The parent, legal guardian, or primary caregiver of an individual listed in paragraph (4)(j)(A) of this rule who is also determined to be either an unaccompanied child under section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. § 279(g)(2)) or an unaccompanied refugee minor under section 412(d)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1522(d)(2)(B)).¶¶

(5) In the REF and REFM programs, an individual meets the noncitizen status requirements if the individual is admitted lawfully under any of the following provisions of law:¶¶

(a) The individual has been granted a USCIS status listed under paragraphs (1)(a)(B) through (1)(a)(H).¶¶

- (b) The individual has been paroled as a refugee or asylee under section 212(d)(5) of the Immigration and Nationality Act (INA) (8 USC 1182(d)(5)).¶
- (c) Effective October 1, 2021 until March 31, 2023, or through the end of their parole, whichever is later:¶
- (A) An individual who is a citizen or national of Afghanistan paroled into the U.S. between July 31, 2021 through September 30, 2023.¶
- (B) An unmarried child under the age of 21 or spouse of an individual listed in paragraph (A) of this subsection, who is paroled into the U.S. after September 30, 2023.¶
- (C) A parent or legal guardian of an individual listed in paragraph (A) of this subsection, who is determined to be an unaccompanied child as defined by 6 U.S.C. § 279(g)(2), who is paroled into the U.S. after September 30, 2023.¶
- (d) Effective October 1, 2021:¶
- (A) An individual who is a citizen or national of Afghanistan who was granted Special Immigrant Conditional Permanent Resident status on or after July 31, 2021.¶
- (B) An individual who is a citizen or national of Afghanistan who was granted Special Immigrant SQ/SI Parole status on or after July 31, 2021.¶
- (C) An unmarried child under the age of 21 or spouse of an individual listed in paragraph (A) or (B) of this subsection.¶
- (D) A parent or legal guardian of an individual listed in paragraph (A) or (B) of this subsection who is determined to be an unaccompanied child as defined by 6 U.S.C. § 279(g)(2).¶
- (e) Effective May 21, 2022, through the end of their parole:¶
- (A) An individual who was paroled into the U.S. from February 24, 2022, through September 30, 2023, and meets one of the following:¶
- (i) Is a citizen or national of Ukraine.¶
- (ii) Last habitually resided in Ukraine.¶
- (B) An individual who was paroled after September 30, 2023, and who is one of the following:¶
- (i) An unmarried child under the age of 21 of an individual listed in paragraph (5)(e)(A) or subsection (5)(f) of this rule. An unmarried child is an individual defined in section 101(b) of the Immigration and Nationality Act (INA) (8 U.S.C. § 1101(b)).¶
- (ii) The spouse of an individual listed in paragraph (5)(e)(A) or subsection (5)(f) of this rule.¶
- (C) An individual who was paroled into the U.S. after September 30, 2023, and is the parent, legal guardian, or primary caregiver of one of the following:¶
- (i) An individual listed in paragraph (5)(e)(A) or subsection (5)(f) of this rule who is an unaccompanied refugee minor, as defined in section 412(d)(2)(B) of the INA (8 U.S.C. § 1522(d)(2)(B)).¶
- (ii) An individual listed in paragraph (5)(e)(A) or subsection (5)(f) of this rule who is an unaccompanied child, as defined in section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. § 279(g)(2)).¶
- (f) Effective April 24, 2024, through the end of their parole, an individual who was paroled into the U.S. from October 1, 2023, through September 30, 2024, and is a citizen or national of Ukraine or last habitually resided in Ukraine.¶
- (6) In the SNAP program, an individual meets the noncitizen status requirements if the individual meets any of the following:¶
- ~~(a) Has been granted a USCIS status listed under paragraphs (1)(a)(B) through (1)(a)(I) or subsection (1)(c) of this rule.¶~~
- ~~(b) Has been a non-citizen national of the United States. ¶~~
- ~~(b) An individual who is a "Cuban or Haitian Entranted a quali", as defined noncitizen USCIS status and is under age 18.¶~~
- ~~(c) Has been granted a qualified noncitizen USCIS status and has a disability (see OAR 461-001-0015).¶~~
- ~~(d) Was born on or before August 22, 1931, and on August 22, 1996, was in section 202(b) Pub. L. 99-603 (8 USC 1255a), as amended. ¶~~
- ~~(c) An individual who is a citizen of the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau who lawfully resides in the United States.¶~~
- ~~(e) Was a member of a Hmong or Highland Laotian Tribe at the time that the Tribe rendered assistance to United States personnel by taking part in accordance with the Compacts of Free Association (COFA). ¶~~
- ~~(d) An individual who is an "Amerasian" who is granted immigration status under section 584 of Public Law 100-202; the Foreign Operations, Export Financing and Related Program Appropriations Act of 1988; as amended by Public Law 100-461. These individuals are lawfully admitted for permanent residence under the Immigration and Nationality Act (INA). ¶~~
- ~~(f) Is a spouse, the un-remarried surviving spouse, or an unmarried dependent child, of an individual described in subsection (6)(e) of this rule. ¶~~
- ~~(g) An individual meets the~~ An individual who is an Iraqi or Afghan individual granted special immigrant visa status

(SIV) under section 101(a)(27) of the INA. These individuals are lawfully admitted for permanent residence under the INA.

(f) A non-citizen status requirements when the individual has been granted a USCIS lawfully admitted for permanent residence as defined by section 101(a)(20) of the INA who also meets one of the following:

(A) The individual has been residing in the United States listed under paragraph (1)(a)(A) or paragraphs with a qualified status provided in subsection (4)(a)(A) through (4)(a)(F) of this rule, and has completed one of the following:

(A) for at least five years.

(B) The individual is under 18 years old.

(C) The individual is receiving benefits or assistance due to being disabled (see OAR 461-001-0015).

(D) The individual has been lawfully residing in the United States for at least five years while a qualified noncitizen, S. and was 65 years old or older on August 22, 1996.

(E) The individual has worked 40 qualifying quarters of coverage as defined under title II of the Social Security Act, or can be credited with such 40 qualifying quarters as provided under 8 U.S.C. 1645, subject to the following provisions:

(i) No quarter beginning after December 31, 1996, is a qualifying quarter. Beginning January 1, 1997, if the individual received any federal, means-tested benefit during the quarter, the quarter is not included. Federal means-tested benefits include SNAP, TANF, and Medicaid (except emergency medical).

(ii) For the purpose of determining the number of qualifying quarters of coverage, an individual is credited with all of the quarters of coverage qualifying quarters worked by a parent of the individual while the individual was under the age of 18 and, including quarters preceding the birth of the individual. An individual is credited with all of the qualifying quarters worked by a their spouse of the individual during their marriage, during the time the individual remains married to such spouse or such spouse is. To be credited with quarters from a spouse, the couple must still be married, or the spouse must be deceased.

(iii) A lawful permanent resident who would meet the noncitizen status requirements, except for a determination by the Social Security Administration (SSA) that the individual has fewer than 40 quarters of coverage, may be provisionally certified for SNAP program benefits while SSA investigates the number of quarters creditable to the individual. An individual provisionally certified under this subsection who is found by SSA, in its final administrative decision after investigation, not to have 40 qualifying quarters, is not eligible for SNAP program benefits received while provisionally certified. The provisional certification is effective according to the rule on effective dates for opening benefits, OAR 461-180-0080. The provisional certification cannot run more than six months from the date of original determination by SSA that the individual does not have sufficient quarters.

(h) Effective October 1, 2021 until March 31, 2023, or through the end of their parole, whichever is later:

(A) An individual who is a citizen or national of Afghanistan paroled into the U.S. between July 31, 2021 through September 30, 2023. The individual has one of the following military connections:

(i) A veteran of the United States Armed Forces who was honorably discharged for reasons other than noncitizen status and who fulfilled the minimum active-duty service requirements described in 38 U.S.C. 5303A(d).

(B) ii) An unmarried child under the age of 21 or spouse of an individual listed in paragraph (A) of this subsection, who is paroled into the U.S. after September 30, 2022.

(C) A parent or legal guardian of an individual listed in paragraph (A) of this subsection, who is determined to be an unaccompanied member of the United States Armed Forces on active duty (other than active duty for training).

(iii) The spouse or unmarried dependent child of an individual described in (6)(f)(F)(i) or (6)(f)(F)(ii) of this rule, including the spouse of a deceased veteran, provided the marriage fulfilled the requirements of 38 U.S.C. 1304, and the spouse has not remarried. For purposes of this subparagraph, a dependent child means the legally adopted or biological child of an individual described in (6)(f)(F)(i) or (6)(f)(F)(ii) of this rule who is under the age of 18 or, if a full-time student, under the age of 22; or such unmarried dependent child of a deceased veteran provided such child was defined by 6 U.S.C. § 279(g)(2), who is paroled into the U.S. after September 30, 2022 dependent upon the veteran at the time of the veteran's death; or an unmarried disabled child age 18 or older if the child was disabled and dependent on the veteran prior to the child's 18th birthday.

(ig) Effective October 1, 2021:

(A) An individual who is a citizen or national of Afghanistan who was granted Special Immigrant Conditional Permanent Resident status on or after July 31, 2021.

(B) A Lawful Permanent Resident (LPR) as defined by section 101(a)(20) of the INA who previously held an immigration status identified in this subsection:

(A) American Indian born in Canada who possesses at least 50 per centum of blood of the American Indian race to whom the provisions of section 289 of the Immigration and Nationality Act (INA) (8 U.S.C. 1359) apply.

(B) A member of an individual who is a citizen or national of Afghanistan who was granted Special Immigrant SQ/SI Parole status on or after July 31, 2021.

(C) An unmarried child under the age of 21 or spouse of an individual listed in paragraph (A) or (B) of this

subsection.¶¶

~~(D) A parent or legal guardian of an individual listed in paragraph (A) or (B) of this subsection who is determined to be an unaccompanied child as defined by 6 an tribe as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)) which is recognized as eligible for the special programs and services provided by the U.S. to Indians because of their status as Indians.¶¶~~

~~(C) A member of a Hmong or Highland Laotian Tribe at the time that the Tribe rendered assistance to United States personnel by taking part in a military or rescue operation during the Vietnam era (as defined in 38 U.S.C. 101) and is a noncitizen who is lawfully residing in the United States. This category includes the spouse (or un-remarried surviving spouse) or unmarried dependent children of these individuals.¶¶~~

~~(D) Admitted to the United States as a refugee under section 207 of the INA (8 U.S.C. 1157).¶¶~~

~~(E) Deportation being withheld under section 243(h) of the INA (8 U.S.C. 1253(h)) (as in effect immediately before April 1, 1997) or section 241(b)(3) of the INA (8 U.S.C. § 279(g)(2)).¶¶~~

~~(j) Effective May 21, 2022, through the end of their parole: 1231(b)(3)) (as amended by section 305(a) of division C of the Omnibus Consolidated Appropriations Act of 1997, Pub. L. No. 104-208, 110 Stat. 3009-597 (1996)).¶¶~~

~~(F) Granted Asylum under section 208 of the INA (8 U.S.C. 1158).¶¶~~

~~(AG) An individual who was Citizen or National of Afghanistan paroled into the U.S. from February 24 United States from July 31, 2022, through September 30, 2024, and meets one of the following: 3¶¶~~

~~(iH) Is a Citizen or a National of Ukraine.¶¶~~

~~(ii) Last habitually resided in Ukraine.¶¶~~

~~(B) An individual who was paroled after September 30, 2023, and who is one of the following:¶¶~~

~~(i) An unmarried child under the age of 21 of an individual listed in paragraph paroled into the United States from February 24, 2022, through September 30, 2024.¶¶~~

~~(I) "Victim of a severe form of trafficking in persons" certified under the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7101 to 7112).¶¶~~

~~(J) An immigration status described in subsections (6)(b) through (6)(j)(Ad) of this rule. An unmarried child is an individual as defined ¶¶~~

~~(7) SNAP eligibility provisions in section 101(b)(6) of the Immigration and Nationality Act (INA) (8 U.S.C. § 1101(b)).¶¶~~

~~(ii) The spouse of an individual listed in paragraph (6)(j)(A) of this rule. ¶¶~~

~~(C) An individual who was paroled into the U.S. after September 30 is rule implement section 10108 of Pub. L. 119-21, 139 Stat. 72 (2025) and is applied to existing SNAP cases as follows:¶¶~~

~~(a) For a benefit group (see OAR 461-110-0750) whose SNAP eligibility is based on an application with a filing date (see OAR 461-115-0040) of July 4, 2023, and is or after, the Department, legal guardian, or primary caregiver of shall redetermine SNAP eligibility to apply the provisions of the following is rule.¶¶~~

~~(ib) An individual listed in paragraph (6)(j)(A) of this rule who is an unaccompanied refugee minor, as defined in section 412(d)(2)(B) of the INA (8 U.S.C. § 1522(d)(2)(B)).¶¶~~

~~(ii) An individual listed in paragraph (6)(j)(A) of this rule who is an unaccompanied child, as defined in section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. § 279(g)(2)) For a benefit group whose SNAP eligibility is based on an application with a filing date before July 4, 2025, the Department shall apply the provisions of this rule when SNAP eligibility is redetermined for any reason. ¶¶~~

~~(8) See former OAR 461-135-0665 for SNAP eligibility provisions and effective dates that implement Pub. L. 119-21, 139 Stat. 72 (2025) in this rule for the time period October 1, 2025, through March 18, 2026.~~

Statutory/Other Authority: 409.050, 411.060, 411.404, 411.704, 411.706, 411.816, 412.014, 412.049, 413.085, 414.231, 414.619

Statutes/Other Implemented: 411.060, 411.404, 411.704, 411.706, 411.816, 412.014, 412.049, 414.231, 409.010, 411.070, 414.025, H.R. 133, 116th Cong. (2019-2020), Public Law 117-43, H.R. 7691, 117th Cong. (2021-2022), 45 CFR 400, H.R. 8035 - 118th Congress (2022-2023)

AMEND: 461-130-0310

NOTICE FILED DATE: 04/29/2026

RULE SUMMARY: OAR 461-130-0310 is being amended to expand the Job Opportunity and Basic Skills (JOBS) volunteer definition to include individuals who have a self-disclosed or documented disability.

CHANGES TO RULE:

461-130-0310

Participation Classifications: Exempt, Mandatory, and Volunteer ¶¶

(1) In the Pre-TANF, ~~Temporary Assistance for Needy Families (Pre-TANF), Refugee Assistance (REF), SNAP, and Supplemental Nutrition Assistance Program (SNAP), and Temporary Assistance for Needy Families (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 Job Opportunity and Basic Skills (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.¶¶

(H) An individual with a documented or self-disclosed disability (see OAR 461-001-0000), that is recorded in a Department approved system of record.¶¶

(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~~ Refugee Employment Program (REP) 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

AMEND: 461-135-1230

REPEAL: Temporary 461-135-1230 from SSP 18-2026

NOTICE FILED DATE: 04/29/2026

RULE SUMMARY: OAR 461-135-1230 is being amended to align language regarding ineligible fines and fees, and flexibility in payment verification, with the language used by the Temporary Assistance for Needy Families (TANF) program. The rule is also being revised to enhance flexibility with dual payee and vendor payee options to improve safety. In addition, minor structural and grammatical edits are included.

CHANGES TO RULE:

461-135-1230

Benefits; TA-DVS ¶¶

In the Temporary Assistance for Domestic Violence Survivors (TA-DVS) program:¶¶

(1) An individual may receive TA-DVS program benefits for up to 90 days from the date the individual was found eligible.¶¶

(a) Two 90-day certification periods may not overlap.¶¶

(b) Once a 90-day certification period (see OAR 461-001-0000) has expired, the individual may reapply for TA-DVS program benefits under OAR 461-135-1200(2).¶¶

(2) An individual may receive benefits simultaneously from the TA-DVS and Temporary Assistance for Needy Families (TANF) programs.¶¶

(3) An individual may receive benefits under the TA-DVS program during the 90-day certification period not to exceed:¶¶

(a) \$1,200 for individuals whose certification period ended prior to August 11, 2024; or¶¶

(b) \$3,200 for individuals in a certification period on or after August 11, 2024.¶¶

(4) The Department (see OAR 461-001-0000) does not make payments --¶¶

(a) After the 90-day certification period unless payment verification was received by the Department by day 90 and payment was not able to be issued due to Department error.¶¶

(b) Notwithstanding subsection (a) of this section, more than 10 days after the last day of the certification period.¶¶

(5) When approving TA-DVS payments, the Department must consider lower cost alternatives. Benefits issued under this rule are not intended to replace funding that is available in the community. The expectation is that Department staff and individuals work collaboratively to seek resources that are reasonably available to the individual.¶¶

(6) TA-DVS benefits address a specific crisis situation or episode of need related to the individual's domestic violence (see OAR 461-001-0000) situation (such as securing new or temporary housing, payment of security deposit, first month's rent, moving expenses, furniture, and clothing replacement). TA-DVS benefits are not utilized to meet current ongoing or recurrent needs expected to continue beyond the 90-day certification period and are not used for the following items even if the individual believes the item would contribute to the individual's safety:¶¶

(a) Payments that benefit the abuser;¶¶

(b) Payment for attorney or other legal fees;¶¶

~~(c) Payment of a fine or other fines, reinstatement fees, restitution, legal or civil fees (including attorney fees and expungement), court costs, or other costs associated with a legal penalty;~~¶¶

~~(d)~~ Payment of outstanding or past due costs such as rent or utilities when the individual does not intend to stay in the residence or the need for the payment was not related to the current domestic violence situation;¶¶

~~(e)~~ Payment of a pet fee (unless the pet is a service animal, and only when the service status has been verified by a qualified and appropriate medical professional);¶¶

~~(f)~~ Payment for relocation of household or personal belongings from another state;¶¶

~~(g)~~ Purchase of a car or recreational vehicle, including a travel trailer;¶¶

~~(h)~~ Purchase of a firearm, other weapon, or items intended to be used as self-defense;¶¶

~~(i)~~ Purchase of furniture unless --¶¶

(A) The furniture was left behind when the individual fled domestic violence, or it was damaged or stolen as a result of domestic violence;¶¶

(B) The furniture is essential to setting up a household (such as a bed, dresser, dining room table and chairs, couch); and¶¶

(C) The furniture is not available through a community resource or a less costly alternative.¶

(~~ji~~) Purchase of a non-essential item or service such as a television, cable, or satellite even if such an item or service was left behind when the individual fled the domestic violence situation; ~~or~~¶

(~~kj~~) Purchase of a pet or guard animal; ~~or~~¶

(~~lk~~) Payment of a request about which inaccurate information was provided.¶

(~~m7~~) ~~Payment without verification to the extent required under OAR 461-115-0610~~The Department may require an individual to provide verification of a need for, or costs associated with, payments, prior to approval and issuance of payments if verification is reasonably available.¶

(~~78~~) The individual and the Department prepare a case plan that identifies activities necessary to enhance the safety of the family. The case plan ~~spec~~identifies the payments the Department makes to meet the needs for shelter ~~and~~, food and ~~for~~ relocation or other services that will enhance safety.¶

(~~89~~) An individual's available liquid resources may be considered when developing the case plan.¶

(~~910~~) A payment ~~issued for an item in the case plan is~~may be issued as a dual-payee or vendor-pay check ~~unless the use of a dual-payee or vendor-pay check is likely to put the individual at risk of harm; to meet a specific need or to enhance safety~~¶

(~~101~~) Reimbursements are not an allowable payment unless payment was pre-authorized by the Department and the reason for purchase was related to the current episode of need related to the domestic violence situation.

Statutory/Other Authority: 411.060, ORS 409.050, 411.070, 412.049

Statutes/Other Implemented: ORS 409.010, 411.060, 411.070, 412.049, 412.072, 45 CFR 75.404, 45 CFR 260.20, 2 CFR 200.404

AMEND: 461-145-0170

REPEAL: Temporary 461-145-0170 from SSP 21-2026

NOTICE FILED DATE: 04/29/2026

RULE SUMMARY: OAR 461-145-0170 is being amended to add provisions about how to treat energy and weatherization assistance payments in the Supplemental Nutrition Assistance Program (SNAP). It is also being amended to provide guidance on when changes will be applied to existing SNAP cases, and to direct readers to OAR 461-135-0665, which contains information about prior modifications to this rule.

CHANGES TO RULE:

461-145-0170

Energy Assistance Payments ¶

~~A~~(1) Except in the Supplemental Nutrition Assistance Program (SNAP), all energy assistance payments or allowances made under any federal, state, or local law are excluded as income and as a resource.¶

(2) In the SNAP program an energy assistance payment (see OAR 461-001-0015) or weatherization assistance payment (see OAR 461-001-0015) provided under state law is treated as follows:¶

(a) Excluded as income and a resource when the filing group (see OAR 461-110-0370) includes an individual who meets the SNAP definition of disabled (see OAR 461-001-0015) or elderly (see OAR 461-001-0015).¶

(b) When the filing group does not include an individual who meets the SNAP definition of disabled or elderly: ¶

(A) A one-time payment or other payment that is lump sum income (see 461-001-0000) is treated in accordance with OAR 461-140-0120.¶

(B) Ongoing payments are countable as unearned income.¶

(3) In the SNAP program an energy assistance payment or weatherization assistance payment provided under federal law is excluded as income and a resource.¶

(4) SNAP eligibility provisions in sections (2) and (3) of this rule implement section 10103 of Pub. L. 119-21, 139 Stat. 72 (2025), and are applied to existing SNAP cases as follows:¶

(a) For a benefit group whose SNAP eligibility is based on an application with a filing date (see OAR 461-115-0040) of July 4, 2025, or after, the Department shall redetermine SNAP eligibility to apply the provisions of this rule.¶

(b) For a benefit group whose SNAP eligibility is based on an application with a filing date before July 4, 2025, the Department shall apply the provisions of this rule when SNAP eligibility is redetermined for any reason.¶

(5) See former OAR 461-135-0665 for SNAP eligibility provisions and effective dates that implement section 10103 of Pub. L. 119-21, 139 Stat. 72 (2025) in this rule for the time period October 1, 2025, through March 18, 2026.

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

Statutes/Other Implemented: ORS 412.014, 412.049, 7 CFR 273.9, ORS 329A.500, 409.010, 411.060, 411.404, 411.816

AMEND: 461-160-0420

REPEAL: Temporary 461-160-0420 from SSP 21-2026

NOTICE FILED DATE: 04/29/2026

RULE SUMMARY: OAR 461-160-0420 is being updated to add additional information to the utility allowance section to state that when a filing group receives an energy or weatherization assistance payment, a full utility allowance (FUA) can only be provided if the filing group includes someone who meets the Supplemental Nutrition Assistance Program (SNAP) definition of elderly or disabled. It is also being amended to provide guidance on when changes will be applied to existing SNAP cases, and to direct readers to OAR 461-135-0665, which contains information about prior modifications to this rule.

CHANGES TO RULE:

461-160-0420

Shelter Cost; SNAP ¶¶

(1) This rule explains how to calculate the shelter cost. The shelter cost is used to determine the shelter deduction (see OAR 461-160-0430). The shelter cost is the sum of the filing group's cost of housing plus an allowance for utilities, if the individual incurs a utility cost. The shelter deduction is calculated considering the shelter cost and may be subject to a limitation described in OAR 461-160-0430.¶¶

(2) Cost of housing.¶¶

(a) The following comprise the cost of housing if they are incurred with respect to the filing group's current residence or the home described in section (5) of this rule:¶¶

(A) Regular, periodic charges for the shelter of the filing group (see OAR 461-110-0370), such as rent, mortgage payments, and condominium or association fees. Late fees charged because a mortgage or rent payment was made late are not deductible.¶¶

(B) Property taxes, state and local assessments, and property insurance on the structure.¶¶

(C) Costs for repairing a home substantially damaged or destroyed by a natural disaster (such as a fire or flood), if such costs are not reimbursed.¶¶

(D) If a filing group is experiencing homelessness and their living circumstances meet the definition of homeless under OAR 461-001-0015, the following are allowable costs:¶¶

(i) Working in exchange for housing costs; or¶¶

(ii) If living in a vehicle, vehicle payments and collision and comprehensive insurance premiums.¶¶

(E) For filing group members required to pay room and board in a nonstandard living arrangement (see OAR 461-001-0000), the shelter cost is the cost of room and board, minus the payment standard for the benefit group; or the actual room cost if the individual can prove that the room cost exceeds the room and board minus the payment standard.¶¶

(b) If housing costs are billed on a weekly or biweekly basis, the monthly cost is the weekly cost multiplied by 4.3 or the biweekly cost multiplied by 2.15.¶¶

(c) The filing group has the following choices about housing costs:¶¶

(A) The group may choose to apply the cost in the month it is billed or becomes due.¶¶

(B) The group may choose to have periodic costs averaged.¶¶

(C) For expenses that are billed less often than monthly, the group may choose to have them averaged over the period they are intended to cover.¶¶

(3) Shared housing. If the filing group shares housing costs with an individual in the dwelling who is not in the filing group, only the housing costs incurred by the filing group are included in the calculation. If the portion paid by an individual outside the filing group cannot be ascertained, the cost is apportioned among the individuals contributing to the cost. The pro rata share of those not in the filing group is deducted from the total, and the balance is considered a housing cost of the filing group.¶¶

(4) Cost for utilities.¶¶

(a) A filing group has a cost for utilities if it incurs a cost for heating or cooling; cooking fuel; electricity; water and sewerage; well installation and maintenance; septic tank system installation and maintenance; garbage and trash collection; service for a telephone, such as basic service fee, wire maintenance, subscriber line charges, relay center surcharges, 911 service, and taxes; or initial installation fees charged by a utility provider.¶¶

(b) If the group incurs no cost for utilities in either its current home or in the home described in section (5) of this rule, then the shelter cost is calculated without an allowance for utilities.¶¶

(c) If a filing group experiencing homelessness uses a vehicle for shelter, the cost of fuel for the vehicle is considered a utility cost.¶

~~(d) If a filing group incurs a cost for utilities, then the utility allowance is one of the following:¶~~

~~(A) Allowance with heating or cooling. A full standard utility allowance of \$515 per month is used if the household group (see OAR 461-110-0210) is billed. A full utility allowance (FUA) of \$515 is given if the filing group:¶~~

~~(A) Incurs a cost for heating or cooling costs for its dwelling. Charges for any fuel and for electricity are considered heating costs if they are used for heating. A; or¶~~

~~(B) Includes an individual who meets the SNAP definition of disabled (see OAR 461-001-0015) or elderly (see OAR 461-001-0015), and the filing group who receives an energy assistance payment for the dwelling provided through the Low Income (see OAR 461-001-0015 and 461-145-0170) or weatherization assistance payment (see OAR 461-001-0015).¶~~

~~(i) The Energy Assistance Act of 1981 is eligible for the utility allowance established by this paragraph (A). This energy assistance payment, weatherization assistance payment, or combination of such payments must be greater than \$20 annually.¶~~

~~(B) Allowance without heating or cooling; and¶~~

~~(ii) Must be received by the filing group in the current month or the immediately preceding 12 months.¶~~

~~(ie) A limited standard utility allowance (LUA) of \$404 per month is used is given if the filing group is not billed for heating or cooling costs but is billed for at least two other costs enumerated in subsection (4)(a) of this rule.¶~~

~~(#f) An individual standard utility allowance (IUA) of \$65 per month is used is given if the filing group is not billed for heating or cooling costs but is billed for only one of the costs enumerated in subsection (4)(a) of this rule other than the service cost for a telephone, including the related taxes or fees.¶~~

~~(iiig) A telephone standard utility allowance (TUA) of \$81 per month is used is given if the filing group is billed only for telephone service, such as basic service fee, wire maintenance, subscriber line charges, relay center surcharges, 911 service, and taxes.¶~~

(5) Housing costs for a home not occupied by the filing group. Housing and utility costs with respect to a home not currently occupied may be considered in calculating the shelter cost if--¶

(a) The home is temporarily unoccupied because of employment or training away from home, illness, or abandonment caused by casualty or natural disaster;¶

(b) The filing group intends to return to the home;¶

(c) No other, current occupant is claiming a deduction for shelter costs in the Supplemental Nutrition Assistance Program (SNAP); and¶

(d) The home is not leased during the household's absence.¶

(6) SNAP eligibility provisions in subsection (4)(d) of this rule implement section 10103 of Pub. L. 119-21, 139 Stat. 72 (2025), and are applied to existing SNAP cases as follows:¶

(a) For a benefit group whose SNAP eligibility is based on an application with a filing date (see OAR 461-115-0040) of July 4, 2025, or after, the Department shall redetermine SNAP eligibility to apply the provisions of this rule.¶

(b) For a benefit group whose SNAP eligibility is based on an application with a filing date before July 4, 2025, the Department shall apply the provisions of this rule when SNAP eligibility is redetermined for any reason.¶

(7) See former OAR 461-135-0665 for SNAP eligibility provisions and effective dates that implement Pub. L. 119-21, 139 Stat. 72 (2025) in this rule for the time period October 1, 2025, through March 18, 2026.

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

Statutes/Other Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.816, 411.825, 411.837, 7 CFR 273.5

AMEND: 461-196-0120

NOTICE FILED DATE: 04/29/2026

RULE SUMMARY: OAR 461-196-0120 is being amended to remove the 2025 income standards and add the 2027 income standards.

CHANGES TO RULE:

461-196-0120

Budgeting; SEBT

- (1) In the Summer EBT (SEBT) program, the income eligibility criteria for the program is based upon the filing group's (see OAR 461-196-0020) size and current income which is converted to arrive at an annual amount. ¶
 - (2) Current income means the gross income received by the filing group in the month prior to the SEBT application (see OAR 461-196-0020) before any deductions. ¶
 - (3) If the current income does not reflect the filing group's typical monthly income, they can estimate their annual income. ¶
 - (4) If self-attested income is questionable, the Department (OAR 461-196-0020) will request verification for cause (OAR 461-196-0080). ¶
 - (5) Self-employed individuals may use their previous year's income to estimate this year's net income unless their current net income is more representative of their actual earnings in accordance with OAR 461-196-0090. ¶
 - (6) The Department will calculate the filing group's current income based on the frequency of pay and converted as follows to arrive at an annual amount: ¶
 - (a) Once a week pay is converted to an annual amount by multiplying by 52. ¶
 - (b) Biweekly pay (e.g., paid every other Friday) is converted to an annual amount by multiplying by 26. ¶
 - (c) Twice a month pay (e.g., paid 15th and 30th of each month) is converted to an annual amount by multiplying by 24. ¶
 - (d) Monthly pay is converted to an annual amount by multiplying by 12. ¶
 - (7) For children who are not eligible through streamlined certification (OAR 461-196-0020 and 461-196-0060), the filing group's annual income must be under the income limit identified in section (8) of this rule to be eligible for SEBT. ¶
 - (8) The National School Lunch Program/School Breakfast Program (NSLP/SBP) (see OAR 461-196-0020) income standards are published annually and change on July 1st of each year. ¶
 - (a) The income standards for ~~2025~~6 are from July 1, ~~2024~~5, to June 30, ~~2025~~6. [see attached table 1] ¶
 - (b) The income standards for ~~2026~~7 are from July 1, ~~2025~~6, to June 30, ~~2026~~7. [see attached table 2] ¶
- Statutory/Other Authority: 411.060
- Statutes/Other Implemented: 411.060

RULE ATTACHMENTS MAY NOT SHOW CHANGES. PLEASE CONTACT AGENCY REGARDING CHANGES.

NOTE: Attachments referenced are attached to this document. You may view the attachment 461-196-0120.pdf from the Attachments panel. Alternately, you may view the attachments at the following link:

<https://secure.sos.state.or.us/oard/viewAttachment.action?ruleVrsnRsn=336121>