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TEMPORARY ADMINISTRATIVE ORDER

INCLUDING STATEMENT OF NEED & JUSTIFICATION

SSP 3-2026

CHAPTER 461

DEPARTMENT OF HUMAN SERVICES

SELF-SUFFICIENCY PROGRAMS

FILED

01/21/2026 7:25 AM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Adding an Exemption for Individuals with Able-Bodied Adults Without Dependents Status

EFFECTIVE DATE: 02/01/2026 THROUGH 05/29/2026

AGENCY APPROVED DATE: 01/21/2026

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Filed By:
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NEED FOR THE RULE(S):

OAR 461-135-0520 about Time Limit and Special Requirements for ABAWD; SNAP needs to be amended to add a discretionary exemption for individuals with Able-Bodied Adults Without Dependents (ABAWD) status who reside in SNAP time-limit areas without access to an Oregon Employment Department (OED) WorkSource center to assist with meeting work requirements. OED provides ABAWD services through WorkSource centers; however, some Oregon counties do not have these centers available. This amendment is intended to prevent affected individuals from reaching their third countable month and experiencing case closure. In addition, Section (9) needs to be added to provide clarification about when the Department will apply provisions of this rule to existing SNAP benefit groups. Lastly, section (10) needs to be added to direct readers to OAR 461-135-0665, which contains information about prior modifications to this rule that are effective from October 1, 2025, through January 31, 2026.

JUSTIFICATION OF TEMPORARY FILING:

The Department finds that failure to act promptly to amend OAR 461-135-0520 will result in serious prejudice to the public interest, the Department, and individuals with Able Bodied Adults Without Dependents (ABAWD) status who apply for or receive Supplemental Nutrition Assistance Program (SNAP) benefits. Temporary amendments to this rule are necessary to prevent individuals living in a SNAP time limit area without ABAWD support services from reaching three countable months, resulting in their SNAP closure. In addition, immediate action is needed to prevent confusion among the public, Self-Sufficiency Programs staff, and administrative law judges regarding how the rule is applied to existing SNAP cases. Failure to amend the rule timely could result in incorrect SNAP eligibility determinations.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

No documents relied upon.

AMEND: 461-135-0520

SUSPEND: Temporary 461-135-0520 from SSP 26-2025

RULE SUMMARY: OAR 461-135-0520 is being amended to add a discretionary exemption for individuals with Able-

Bodied Adults Without Dependents (ABAWD) status that reside in counties that do not offer ABAWD support services through an Oregon Employment Department WorkSource center. This rule is also being amended to add section (9), which explains when the Department will apply the provisions of this rule to existing Supplemental Nutrition Assistance Program (SNAP) cases. Lastly, section (10) is being added to reference OAR 461-135-0665, which outlines modifications to this rule that are effective from October 1, 2025, through January 31, 2026.

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 Supplemental Nutrition Assistance Program (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 an individual 18 years of age or over, but under the age of ~~5~~6~~5~~5, without dependents. ¶
(A) For purposes of this rule, an individual is "without dependents" if there is no ~~minor (see ORS 419B.550)~~child under 14 years of age in the individual's filing group (see OAR 461-110-0310 and 461-110-0370).¶
(B) For purposes of this rule, an individual is not "without dependents" when~~–~~:¶
(i) A ~~minor~~child under 14 years of age 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~~child will be added to the individual's SNAP case when the notice period ends (see OAR 461-175-0050).¶
(ii) A ~~minor~~child under 14 years of age 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~~child under age 14 will be added to the individual's SNAP case when effective date provisions allow (see OAR 461-180-0010).¶
(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. Effective ~~January~~December 1, 2025, "SNAP time-limit areas" are~~ Benton, Clackamas, Hood River, Multnomah, Washingt~~: ¶
(A) All counties of Oregon except the Tribal areas and lands held in trust in subsection (c) of this section.¶
(B) Tribal areas and lands held in trust of the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw; the Confederated Tribes of Grand Ronde; the Confederated Tribes of the Umatilla Indian Reservation~~,~~; and ~~Yamhill countie~~the Confederated Tribes of Warm Springs.¶
(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. Effective ~~January~~December 1, 2025, "~~Exempt areas" are:¶~~
~~(A) Baker, Clatsop, Columbia, Coos, Crook, Curry, Deschutes, Douglas, Gilliam, Grant, Harney, Jackson, Jefferson, Josephine, Klamath, Lake, Lane, Lincoln, 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;~~SNAP time-limit exempt areas" are:Tribal areas and lands held in trust of the Burns Paiute Tribe, the Confederated Tribes of Siletz Indians, the Coquille Indian Tribe~~; and,~~ the Cow Creek Band of Umpqua Tribe of Indians and the Klamath Tribes.¶
(2) Effective January 1, 2025, 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)(b) 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, 2025 to December 31, 2027. ¶
(3) Effective January 1, 2025, "countable months" means months within the 36-month period of January 1, 2025 to December 31, 2027 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 are prorated for the month.¶
(b) ~~The~~An individual is exempt from the SNAP time limit for any part of the month for any of the following reasons:¶
(A) The individual resides for any part of the month in one of the SNAP time-limit exempt areas (see section (1) of

this rule).¶
(B) The individual is pregnant.¶
(C) 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 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~~meets the definition of Indian, Urban Indian, or California Indian as defined by the Indian Health Care Improvement Act.¶
(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(4)) must average at least the federal minimum wage ~~times~~multiplied by 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, or a comparable program.¶
(4) 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, 2025 to December 31, 2027. ¶
(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~~benefits for an additional 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 obtains current information about the individual and determines if they meet any exemptions under subsection (3)(c) of this rule.¶
(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, 2025 to December 31, 2027. ¶

(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. ¶
(a) Effective September 1, 2025, a discretionary exemption shall be issued for each month an individual meets one of the following:¶
(A) 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).¶
(B) 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) Effective February 1, 2026, a discretionary exemption shall be issued each month the individual resides in the following SNAP time-limit areas that do not offer ABAWD support services: Crook, Gilliam, Jefferson, Lake, Morrow, Sherman, and Wheeler counties.¶
(c) The following restrictions apply:¶
(A) A discretionary exemption is only valid for one month at a time.¶
(B) A discretionary exemption may not be granted for a previous month.¶
(C) 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 is eligible for the following:¶
(a) A transportation payment to attend an initial in-person ABAWD orientation.¶
(b) Support payments necessary for completing the activities listed in the individual's case plan (see OAR 461-001-0020) and as allowed under OAR 461-190-0360.¶
(9) SNAP eligibility provisions in sections (1) and (3) of this rule implement section 10102 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 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. ¶
(10) See OAR 461-135-0665 for SNAP eligibility provisions and effective dates that implement section 10102 of Pub. L. 119-21, 139 Stat. 72 (2025) in this rule for the time period October 1, 2025, through January 31, 2026.
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, 419B.550, Financial Responsibility Act, H.R. 3746, 118th Congress (2023)