

# House Bill 2032

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown for Department of Human Services)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Specifies benefits that may be provided by Department of Human Services to low-income families after families, because of earnings or increases in hours of work, lose eligibility for temporary assistance for needy families (TANF). Delays, for two years, increase in number of months that family may receive specified benefits.

Eliminates certain requirements for job opportunity and basic skills program.

Extends suspension of provisions regarding TANF program.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to temporary assistance for needy families program; creating new provisions; amending  
3 ORS 411.070, 411.877, 412.006, 412.009, 412.014, 412.084 and 412.124 and sections 1, 7 and 8,  
4 chapter 604, Oregon Laws 2011, and section 29, chapter 765, Oregon Laws 2015; and declaring  
5 an emergency.

6 **Be It Enacted by the People of the State of Oregon:**

## REVISIONS TO TANF AND JOBS PROGRAMS

7  
8  
9  
10 **SECTION 1.** ORS 412.006 is amended to read:

11 412.006. *[(1)]* Aid pursuant to the temporary assistance for needy families program shall be  
12 granted under this section to families with dependent children residing in this state **in accordance**  
13 **with rules adopted by the Department of Human Services.**

14 *[(2) Except as provided in subsections (6) and (7) of this section, a needy caretaker relative may*  
15 *be required to participate in the job opportunity and basic skills program that is described in sub-*  
16 *sections (3) to (5) of this section.]*

17 *[(3) The department shall use a basic assessment tool to determine if a needy caretaker relative*  
18 *applying for or receiving aid under this section has or may have a barrier to employment or to family*  
19 *stability. If the basic assessment tool indicates that there is or may be a barrier, the needy caretaker*  
20 *relative shall be referred for an in-depth assessment by a person with relevant expertise or specialized*  
21 *training.]*

22 *[(4) Based upon the assessment described in subsection (3) of this section, the department, in co-*  
23 *operation with appropriate partner agencies or professionals, may work with the participant to create*  
24 *an effective individualized case plan that establishes goals and identifies suitable activities that promote*  
25 *family stability and financial independence.]*

26 *[(5) For individuals with disabilities, the goal of the individualized case plan must be to promote*  
27 *greater independence.]*

28 *[(6) A needy caretaker relative receiving aid under ORS 412.001 to 412.069 may volunteer for but*

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 *may not be required to participate in the job opportunity and basic skills program:]*

2 *[(a) More than 10 hours per week during the first two months of the third trimester of the parent's*  
 3 *pregnancy;]*

4 *[(b) During the last month of the parent's pregnancy;]*

5 *[(c) If the needy caretaker relative is experiencing medical complications due to pregnancy that*  
 6 *prohibit participation in activities in the program;]*

7 *[(d) For one parent per family, during the first six months after the birth of a child, up to a total*  
 8 *of 12 months per family except that:]*

9 *[(A) The department may require a parent to participate in suitable activities, with a preference for*  
 10 *educational activities, 16 weeks after the birth of a child if the parent is under 20 years of age; and]*

11 *[(B) The department may require a parent of a child under 12 months of age to participate in*  
 12 *evidence-based parenting classes or family stability activities;]*

13 *[(e) If participation is likely to cause undue hardship or is contrary to the best interests of the child*  
 14 *or needy caretaker relative; or]*

15 *[(f) If the department determines that a needy caretaker relative is exempt according to criteria*  
 16 *adopted by rule.]*

17 *[(7) The department shall adopt rules to carry out the provisions of this section.]*

18 **SECTION 2.** ORS 412.014, as amended by section 4, chapter 604, Oregon Laws 2011, is amended  
 19 to read:

20 412.014. (1) There is created in the Department of Human Services the State Family  
 21 Pre-SSI/SSDI program. The department shall provide aid under this section to families that are eli-  
 22 gible for temporary assistance for needy families under ORS 412.001 to 412.069 and that include a  
 23 needy caretaker relative who is unable to maintain substantial gainful activity due to a disability  
 24 or combination of disabilities that meet the criteria of section 216 of the Social Security Act.

25 (2) The department shall assist families receiving aid under this section in qualifying for federal  
 26 Supplemental Security Income and Social Security disability benefits, including obtaining necessary  
 27 medical records and evaluations. The department shall maintain a list of lawyers admitted to the  
 28 bar of any state and approved by the Social Security Administration and nonprofit legal services  
 29 organizations that represent Oregon residents in administrative hearings before the Social Security  
 30 Administration Office of Disability Adjudication and Review.

31 (3) The department shall adopt rules for determining the amount of aid granted under this sec-  
 32 tion that is not less than the *[combined total of 43 percent of the Supplemental Security Income pay-*  
 33 *ment in effect at that time and the amount of aid the child would receive under ORS 412.006 if the*  
 34 *caretaker relative did not receive aid]* **amount of aid granted under ORS 412.006.**

35 (4) Participation in the State Family Pre-SSI/SSDI program shall be voluntary. The department  
 36 shall provide information to potential participants in the State Family Pre-SSI/SSDI program about  
 37 the opportunities for employment while receiving Supplemental Security Income and about employ-  
 38 ment resources available to State Family Pre-SSI/SSDI program participants. The information must  
 39 be in a format accessible to the potential participant.

40 (5) Participants in the State Family Pre-SSI/SSDI program must cooperate with the department  
 41 in establishing eligibility for Supplemental Security Income including, but not limited to, signing an  
 42 interim assistance reimbursement agreement. The department by rule may establish policies for  
 43 monitoring and encouraging full engagement in the State Family Pre-SSI/SSDI program, including  
 44 activities that promote family stability. The department shall offer participants the opportunity to  
 45 participate in any suitable activity in the job opportunity and basic skills program under ORS

1 412.009.

2 **SECTION 3.** ORS 412.014, as amended by section 4, chapter 604, Oregon Laws 2011, and section  
3 2 of this 2019 Act, is amended to read:

4 412.014. (1) There is created in the Department of Human Services the State Family  
5 Pre-SSI/SSDI program. The department shall provide aid under this section to families that are eli-  
6 gible for temporary assistance for needy families under ORS 412.001 to 412.069 and that include a  
7 needy caretaker relative who is unable to maintain substantial gainful activity due to a disability  
8 or combination of disabilities that meet the criteria of section 216 of the Social Security Act.

9 (2) The department shall assist families receiving aid under this section in qualifying for federal  
10 Supplemental Security Income and Social Security disability benefits, including obtaining necessary  
11 medical records and evaluations. The department shall maintain a list of lawyers admitted to the  
12 bar of any state and approved by the Social Security Administration and nonprofit legal services  
13 organizations that represent Oregon residents in administrative hearings before the Social Security  
14 Administration Office of Disability Adjudication and Review.

15 (3) The department shall adopt rules for determining the amount of aid granted under this sec-  
16 tion that is not less than the [*amount of aid granted under ORS 412.006 (1)*] **combined total of 43**  
17 **percent of the Supplemental Security Income payment in effect at that time and the amount**  
18 **of aid the child would receive under ORS 412.006 if the caretaker relative did not receive**  
19 **aid.**

20 (4) Participation in the State Family Pre-SSI/SSDI program shall be voluntary. The department  
21 shall provide information to potential participants in the State Family Pre-SSI/SSDI program about  
22 the opportunities for employment while receiving Supplemental Security Income and about employ-  
23 ment resources available to State Family Pre-SSI/SSDI program participants. The information must  
24 be in a format accessible to the potential participant.

25 (5) Participants in the State Family Pre-SSI/SSDI program must cooperate with the department  
26 in establishing eligibility for Supplemental Security Income including, but not limited to, signing an  
27 interim assistance reimbursement agreement. The department by rule may establish policies for  
28 monitoring and encouraging full engagement in the State Family Pre-SSI/SSDI program, including  
29 activities that promote family stability. The department shall offer participants the opportunity to  
30 participate in any suitable activity in the job opportunity and basic skills program under ORS  
31 412.009.

32 **SECTION 4.** ORS 412.124, as amended by section 7, chapter 765, Oregon Laws 2015, is amended  
33 to read:

34 412.124. [(1) *The Department of Human Services shall continue to provide aid to families residing*  
35 *in Oregon that become ineligible for temporary assistance for needy families under ORS 412.006 due*  
36 *to employment or increased hours of work.*]

37 [(2) *Families may receive aid under this section for 12 consecutive months or until the household*  
38 *income exceeds 250 percent of the federal poverty guidelines, whichever occurs first, as long as the*  
39 *caretaker relatives participate in combined employment and work activities for the number of hours*  
40 *required each month to satisfy federally required participation rates.*]

41 [(3) *If the needy caretaker relatives cease to participate in employment or suitable activities for a*  
42 *sufficient number of hours each month to satisfy federally required participation rates, the department*  
43 *shall determine eligibility under ORS 412.006 based upon information available to the department. If*  
44 *the department does not have sufficient information available to determine eligibility for aid under ORS*  
45 *412.006, the department shall provide notice and an opportunity for hearing prior to terminating aid.*

1 *The notice must state the information that the department lacks and that the caretaker relatives must*  
2 *provide to complete the determination for aid.]*

3 *[(4) The department by rule shall establish standards for aid provided under this section. The de-*  
4 *partment must disregard such aid for purposes of publicly subsidized child care assistance.]*

5 *[(5) In addition to money payments, aid includes necessary support service payments and services*  
6 *as part of the job opportunity and basic skills program to directly or indirectly assist the family in*  
7 *achieving long term financial stability.]*

8 **(1) As used in this section, “aid” means:**

9 **(a) Money payments to a family for basic living expenses;**

10 **(b) Necessary support service payments; and**

11 **(c) Services provided through the job opportunity and basic skills program to directly or**  
12 **indirectly assist a family to achieve long term family and financial stability.**

13 **(2) The Department of Human Services shall provide aid to a family residing in this state**  
14 **if:**

15 **(a) The family becomes ineligible for aid under the temporary assistance for needy fami-**  
16 **lies program due to employment or increased hours of work; and**

17 **(b) The caretaker relative is employed.**

18 **(3) Aid provided under this section may not be provided for more than three consecutive**  
19 **months at a time.**

20 **(4) The department shall adopt by rule standards for the aid provided under this section.**

21 **SECTION 5.** ORS 412.124, as amended by section 7, chapter 765, Oregon Laws 2015, and section  
22 4 of this 2019 Act, is amended to read:

23 412.124. *[(1) As used in this section, “aid” means:]*

24 *[(a) Money payments to a family for basic living expenses;]*

25 *[(b) Necessary support service payments; and]*

26 *[(c) Services provided through the job opportunity and basic skills program to directly or indirectly*  
27 *assist a family to achieve long term family and financial stability.]*

28 *[(2) The Department of Human Services shall provide aid to a family residing in this state if:]*

29 *[(a) The family becomes ineligible for aid under the temporary assistance for needy families pro-*  
30 *gram due to employment or increased hours of work; and]*

31 *[(b) The caretaker relative is employed.]*

32 *[(3) Aid provided under this section may not be provided for more than three consecutive months*  
33 *at a time.]*

34 *[(4) The department shall adopt by rule standards for the aid provided under this section.]*

35 **(1) The Department of Human Services shall continue to provide aid to families residing**  
36 **in Oregon that become ineligible for temporary assistance for needy families under ORS**  
37 **412.006 due to employment or increased hours of work.**

38 **(2) Families may receive aid under this section for 12 consecutive months or until the**  
39 **household income exceeds 250 percent of the federal poverty guidelines, whichever occurs**  
40 **first, as long as the caretaker relatives participate in combined employment and work ac-**  
41 **tivities for the number of hours required each month to satisfy federally required partici-**  
42 **ipation rates.**

43 **(3) If the needy caretaker relatives cease to participate in employment or suitable activ-**  
44 **ities for a sufficient number of hours each month to satisfy federally required participation**  
45 **rates, the department shall determine eligibility under ORS 412.006 based upon information**

1 available to the department. If the department does not have sufficient information available  
2 to determine eligibility for aid under ORS 412.006, the department shall provide notice and  
3 an opportunity for hearing prior to terminating aid. The notice must state the information  
4 that the department lacks and that the caretaker relatives must provide to complete the  
5 determination for aid.

6 (4) The department by rule shall establish standards for aid provided under this section.  
7 The department must disregard such aid for purposes of publicly subsidized child care as-  
8 sistance.

9 (5) In addition to money payments, aid includes necessary support service payments and  
10 services as part of the job opportunity and basic skills program to directly or indirectly assist  
11 the family in achieving long term financial stability.

12 **SECTION 6.** Section 1, chapter 604, Oregon Laws 2011, as amended by section 82, chapter 107,  
13 Oregon Laws 2012, section 23, chapter 722, Oregon Laws 2013, and section 22, chapter 765, Oregon  
14 Laws 2015, is amended to read:

15 **Sec. 1.** Notwithstanding ORS 411.070, 412.006, 412.009 and 412.016, the Department of Human  
16 Services may:

17 (1) Prescribe by rule an employability assessment and orientation process that the department  
18 shall use to determine the level of participation by individuals applying for or receiving aid pursuant  
19 to the temporary assistance for needy families program and required to participate in the job op-  
20 portunity and basic skills program described in ORS [412.006. *This process must occur prior to any*  
21 *assessment described in ORS 412.006 (3) that is conducted by the department]* **412.009.**

22 (2) Require all families to participate in the employability assessment and orientation process  
23 as a condition for the family's receipt of aid.

24 (3) Limit in the job opportunity and basic skills program, for existing and future applicants and  
25 recipients of aid, based on the results of the employability assessment or other criteria:

26 (a) The number of participants;

27 (b) The activities; or

28 (c) The level of participation.

29 (4) Require an individual in a one-parent family to participate in the job opportunity and basic  
30 skills program while caring for a dependent child who is under two years of age.

31 (5) Not approve enrollment in and attendance at an educational institution as an allowable work  
32 activity for purposes of ORS 412.001 to 412.069, except for recipients who have a case plan in effect  
33 on June 30, 2011, that approves enrollment in and attendance at an educational institution as an  
34 allowable work activity under ORS 412.016.

35 (6) Deny or terminate aid to a family in which a caretaker relative is separated from employ-  
36 ment without good cause, subject to exceptions prescribed by the department by rule. The family  
37 shall be ineligible to receive aid for a period of 120 days beginning on the date the caretaker rela-  
38 tive is separated from employment without good cause.

39 (7) Establish an income eligibility limit equal to 185 percent of the federal poverty guidelines for  
40 aid to a dependent child residing with a caretaker relative who is not the child's parent.

41 **SECTION 7.** Section 8, chapter 604, Oregon Laws 2011, as amended by section 25, chapter 722,  
42 Oregon Laws 2013, section 24, chapter 765, Oregon Laws 2015, and section 7, chapter 725, Oregon  
43 Laws 2017, is amended to read:

44 **Sec. 8.** Section 1, chapter 604, Oregon Laws 2011, as amended by section 82, chapter 107,  
45 Oregon Laws 2012, section 23, chapter 722, Oregon Laws 2013, [and] section 22, chapter 765, Oregon

1 Laws 2015, and section 6 of this 2019 Act, is repealed on July 1, [2019] 2021.

2 **SECTION 8.** Section 29, chapter 765, Oregon Laws 2015, as amended by section 8, chapter 725,  
3 Oregon Laws 2017, is amended to read:

4 **Sec. 29.** [(1)] ORS 412.007 and the amendments to ORS 411.635, 412.001, 412.009, 412.079 and  
5 412.124 by sections 6, 10, 12, 19 and 26, chapter 765, Oregon Laws 2015, become operative on April  
6 1, 2016.

7 [(2) *The amendments to ORS 412.124 by section 7, chapter 765, Oregon Laws 2015, become opera-*  
8 *tive on July 1, 2019.*]

9 **SECTION 9.** The amendments to ORS 412.124 by section 5 of this 2019 Act become oper-  
10 ative on July 1, 2021.

11  
12 **CONFORMING AMENDMENTS**

13  
14 **SECTION 10.** ORS 411.877 is amended to read:

15 411.877. As used in ORS 411.877 to 411.896:

16 (1) “Board” means the JOBS Plus Advisory Board established in ORS 411.886.

17 (2) “Job opportunities and basic skills program” means the program described in ORS [412.006]  
18 **412.009.**

19 (3) “JOBS Plus” or “program” means the JOBS Plus Program established in ORS 411.878.

20 (4) “Supplemental Nutrition Assistance Program” has the meaning given that term in ORS  
21 411.806.

22 **SECTION 11.** ORS 411.070 is amended to read:

23 411.070. (1) The Department of Human Services shall adopt by rule statewide uniform standards  
24 for all public assistance programs and shall effect uniform observance of the rules throughout the  
25 state.

26 (2) In establishing uniform statewide standards for public assistance, the department, within the  
27 limits of available funds, shall:

28 (a) Take into consideration all basic requirements for a standard of living compatible with de-  
29 cency and health, including food, shelter, clothing, fuel, public utilities, telecommunications service,  
30 medical care and other essential items and, upon the basis of investigations of the facts, shall pro-  
31 vide budgetary guides for determining minimum costs of meeting such requirements.

32 (b) Develop standards for making payments and providing support services in the job opportu-  
33 nity and basic skills program described in ORS [412.006] **412.009.**

34 **SECTION 12.** ORS 412.009 is amended to read:

35 412.009. (1) The Legislative Assembly finds that:

36 (a) There is evidence that families who experience the most disqualifications from the job op-  
37 portunity and basic skills program are often those with the most barriers to employment; and

38 (b) The loss of income from a program disqualification adds strain and creates instability in  
39 families already experiencing extreme poverty, and this affects the health and food security of the  
40 dependent children in the family.

41 (2) The Department of Human Services by rule shall adopt proven methods of encouraging  
42 participants’ full engagement in the job opportunity and basic skills program, including the devel-  
43 opment of an individualized case plan [*in accordance with ORS 412.006*] and an ongoing process to  
44 ensure that the case plan is appropriate.

45 (3)(a) The department shall facilitate the participation of needy caretaker relatives and may not

1 reduce the family's aid payment as a method of encouraging full engagement in the job opportunity  
2 and basic skills program pursuant to subsection (2) of this section until the department determines  
3 that the needy caretaker relative that is not fully engaged:

4 (A) Has no identified barriers or refuses to take appropriate steps to address identified barriers  
5 to participation in the program; and

6 (B) Refuses without good cause, as defined by the department by rule, to meet the requirements  
7 of an individualized and appropriate case plan.

8 (b) The department may not reduce aid payments under this subsection to families:

9 (A) Receiving aid pursuant to ORS 412.014 or 412.124;

10 (B) In which the caretaker relative participates in suitable activities for the number of hours  
11 required each month to satisfy federally required participation rates; or

12 (C) Until the department has screened for and, if appropriate, assessed barriers to participation,  
13 including but not limited to physical or mental health needs, substance abuse, domestic violence or  
14 learning needs.

15 (c) The department may not reduce aid payments under this subsection before assessing the risk  
16 of harm posed to the children in the household by the reduction in aid payments and taking steps  
17 to ameliorate the risk.

18 (4) Following notice and an opportunity for a hearing under ORS chapter 183 and subject to  
19 subsection (2) of this section, the department may reduce the aid payment to the family of an indi-  
20 vidual who refuses to participate in suitable activities required by the individual's case plan or may  
21 terminate the aid payment to the family of a noncompliant individual in accordance with procedures  
22 adopted by the department by rule.

23 (5) A caretaker relative may request a hearing to contest the basis for a reduction in or termi-  
24 nation of an aid payment under this section within 90 days of a reduction in or termination of aid.

25 (6) Every six months, the department shall report to the Family Services Review Commission  
26 established under ORS 411.075 the status of and outcomes for families for whom aid has been re-  
27 duced or terminated under subsection (4) of this section. The department shall work with the com-  
28 mission to establish the details to be provided in the report.

29 **SECTION 13.** ORS 412.084 is amended to read:

30 412.084. (1) A person who is a minor parent of a child and is receiving or applying for aid shall  
31 reside with the person's parent, parents or legal guardian. The person may substitute an alternative  
32 supervised living arrangement if the Department of Human Services determines that it is unsafe or  
33 impractical for the person to reside with the person's parent, parents or legal guardian. Failure of  
34 a minor parent applying for or receiving temporary assistance for needy families to reside with the  
35 person's parent, parents or legal guardian or in an alternative supervised living arrangement shall  
36 result in the termination of aid.

37 (2) The provisions of subsection (1) of this section shall not apply to an applicant for or recipient  
38 of temporary assistance for needy families when circumstances or conditions exist that the depart-  
39 ment by rule establishes are not in the best interest of the child.

40 (3) If a person who is a minor parent receiving aid and who is not living with the person's  
41 parent, parents or legal guardian subsequently returns to reside with the parent, parents or guard-  
42 ian and is determined ineligible to receive aid by reason of the parent's or guardian's income, the  
43 minor parent shall be eligible to receive such services, including medical care, as the department  
44 determines are necessary to allow the minor parent to attain a high school diploma or the equiv-  
45 alent, or to participate in the job opportunity and basic skills program as described in ORS

1 [412.006] **412.009.**

2 **SECTION 14.** Section 7, chapter 604, Oregon Laws 2011, as amended by section 24, chapter 722,  
3 Oregon Laws 2013, and section 23, chapter 765, Oregon Laws 2015, is amended to read:

4 **Sec. 7.** [(1)] The amendments to ORS 412.009, 412.014 and 412.024 by sections 2, 3 and 5, chapter  
5 604, Oregon Laws 2011, become operative on October 11, 2011.

6 [(2) *The amendments to ORS 412.014 by section 4, chapter 604, Oregon Laws 2011, become opera-*  
7 *tive on July 1, 2019.*]

8 **SECTION 15.** The amendments to ORS 412.014 by section 3 of this 2019 Act become op-  
9 erative on July 1, 2019.

10 **SECTION 16.** The unit captions used in this 2019 Act are provided only for the conven-  
11 ience of the reader and do not become part of the statutory law of this state or express any  
12 legislative intent in the enactment of this 2019 Act.

13 **SECTION 17.** This 2019 Act being necessary for the immediate preservation of the public  
14 peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect  
15 on its passage.

16 \_\_\_\_\_