

House Bill 3535

Sponsored by Representatives PILUSO, STARK, Senator MONNES ANDERSON; Representatives BARKER, DOHERTY, HACK, HELM, KENY-GUYER, MCKEOWN, MCLAIN, OLSON, PARRISH, REARDON, TAYLOR, Senator SHIELDS

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**.

Modifies temporary assistance for needy families program to promote employment and financial stability for families at risk of qualifying for or who qualify for temporary assistance for needy families or who become ineligible for temporary assistance to needy families aid due to employment.

A BILL FOR AN ACT

1
2 Relating to public assistance; creating new provisions; amending ORS 412.001, 412.029, 412.049,
3 412.054, 412.064, 412.079 and 412.124; and repealing ORS 411.122, 412.114, 412.151 and 412.161.

4 Whereas the Personal Responsibility and Work Opportunity Act became law in 1996; and

5 Whereas that Act created the Temporary Assistance For Needy Families (TANF) program; and

6 Whereas the Oregon Legislative Assembly enacted House Bill 2469 during the 2007 regular
7 session, which made substantial improvements to Oregon's TANF program; and

8 Whereas recessions subsequent to 2007 resulted in significant reductions to Oregon's TANF
9 program; and

10 Whereas with the improving economy, the Governor's Recommended Budget and the budget
11 framework of the co-chairs of the Joint Committee on Ways and Means for the biennium beginning
12 July 1, 2015, propose to reinvest the savings from caseload reductions back into the TANF program
13 in order to produce better results for TANF families; and

14 Whereas the Seventy-eighth Legislative Assembly hereby expresses its commitment to reinvest
15 in the TANF program; and

16 Whereas it is recommended that further improvements to the TANF program be considered in
17 subsequent sessions, including improvements to child care assistance and education and training
18 programs, providing flexible emergency assistance, increasing the amount of aid paid in the TANF
19 program, adjusting the requirements for entry to and exit from the TANF program, providing addi-
20 tional domestic violence related services and other improvements to provide better opportunities for
21 families to successfully transition out of the TANF program; now, therefore,

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

23 **SECTION 1. (1) The employment-related day care program is established in the Depart-**
24 **ment of Human Services. The department shall provide aid to individuals who are looking for**
25 **work and to individuals who are low-income workers by making payments directly to pro-**
26 **viders of day care.**

27 **(2) An individual is eligible for aid under this section if the individual:**

28 **(a) Applies for aid in the manner and form prescribed by the department;**

29 **(b) Is responsible for a child under eight years of age or a child with special needs;**

30 **(c) Is looking for work or earns wages below a standard adopted by the department by**

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 **rule;**

2 (d) Pays a copayment as established by the department by rule; and

3 (e) Meets any other requirement adopted by the department by rule.

4 (3) If a family becomes ineligible for temporary assistance for needy families under ORS
5 412.006 due to employment and qualifies for aid under this section, the department shall re-
6 quire a copayment at the lowest tier of copayments for three calendar months following the
7 date of employment.

8 **SECTION 2.** The Department of Human Services shall provide support service payments
9 for transportation, housing or other costs as necessary to prevent the loss of employment
10 that will result in the family qualifying for temporary assistance for needy families program
11 aid under ORS 412.006.

12 **SECTION 3.** ORS 412.001 is amended to read:

13 412.001. As used in ORS 412.001 to 412.155 and 418.647, unless the context or a specially appli-
14 cable statutory definition requires otherwise:

15 (1) "Aid" means money payments with respect to, or on behalf of, a dependent child or children
16 and includes:

17 (a) Money payments to meet the needs of the **caretaker** relative with whom the child is living
18 and the spouse of the **caretaker** relative if the spouse lives with the **caretaker** relative, *the relative*
19 *is the child's parent and the child is a dependent child by reason of the physical or mental incapacity,*
20 *or the unemployment or underemployment, of a parent];* or

21 (b) Payments made to a representative payee or guardian pursuant to ORS 412.026 or 412.028.

22 (2) "Caretaker relative" means a dependent child's [*father, mother, grandfather, grandmother,*
23 *brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew or*
24 *niece]* **parent or other relative by blood, marriage or adoption** who lives in a residence main-
25 tained by one or more of the relatives as the child's or the relative's own home.

26 (3)(a) "Dependent child" means a needy child:

27 [(A) *Who has been deprived of parental support or care by reason of the death, continued absence*
28 *from the home or physical or mental incapacity, or unemployment or underemployment, of a parent;]*

29 [(B)] (A) Whose caretaker relatives are not able to provide adequate care and support for the
30 child without public assistance, as defined in ORS 411.010;

31 [(C)] (B) Who lives with a caretaker relative; and

32 [(D)] (C) Who meets the requirements of paragraph (b) of this subsection.

33 (b)(A) Except as provided in subparagraphs (B) and (C) of this paragraph, a "dependent child"
34 must be under the age of 18 years.

35 (B) A child may qualify as a "dependent child," subject to the availability of funds, if the child
36 is 18 or 19 or 20 years of age and a student regularly attending a school in grade 12 or below or
37 regularly attending a course of professional or technical training designed to fit the child for gainful
38 employment, other than a course provided by or through a college or university.

39 (C) Students under the age of 21 years and regularly attending a school, college or university
40 or regularly attending a course of professional or technical training designed to fit the child for
41 gainful employment may be included in the description in subparagraph (B) of this paragraph at the
42 option of the Department of Human Services.

43 (4) "Federally required participation rates" means the participation rates as required by section
44 407 of the Social Security Act.

45 (5) "Representative payee" means an individual designated by the department to receive money

1 payments of aid pursuant to ORS 412.026.

2 **SECTION 4.** ORS 412.029 is amended to read:

3 412.029. Each money payment of aid made to a representative payee or to a guardian or a
 4 conservator under ORS 412.026 or 412.028 shall be expended by the representative payee, guardian
 5 or conservator solely to [*purchase*] **make purchases to meet** the needs of the individuals with re-
 6 spect to whom the payment is made. However, [*from the money payments*] the individuals may re-
 7 ceive from the representative payee, guardian or conservator such [*sums of money*] **portions of the**
 8 **money payments** and at such intervals as may be permitted by [*rule or regulation of*] **rules adopted**
 9 **by** the Department of Human Services.

10 **SECTION 5.** ORS 412.049 is amended to read:

11 412.049. The Department of Human Services shall:

12 (1) Supervise the administration of the temporary assistance for needy families program under
 13 ORS 412.001 to 412.155 [*and 418.647*].

14 (2) Make such rules and regulations and take such action as may be necessary or desirable for
 15 carrying out ORS 412.001 to 412.155 [*and 418.647*].

16 (3) Prescribe the form of and print and supply such forms as it deems necessary and advisable.

17 (4) Cooperate with the federal government in matters of mutual concern pertaining to temporary
 18 assistance for needy families, including the adoption of such methods of administration as are found
 19 by the federal government to be necessary for the efficient operation of the plan for such aid.

20 (5) Accept and disburse any and all federal funds made available to the State of Oregon for
 21 temporary assistance for needy families purposes.

22 **SECTION 6.** ORS 412.054 is amended to read:

23 412.054. Application for aid under ORS 412.001 to 412.069 [*and 418.647*] shall be made to the
 24 Department of Human Services by the relative with whom the child lives. The application shall be
 25 in the manner and upon the form prescribed by the department.

26 **SECTION 7.** ORS 412.064 is amended to read:

27 412.064. The Department of Human Services shall decide whether the child is eligible for aid
 28 under ORS 412.001 to 412.069 [*and 418.647*] and determine the date on which the aid granted shall
 29 begin.

30 **SECTION 8. Notwithstanding any other provision of law, ORS 418.647 shall not be con-**
 31 **sidered to have been added to or made a part of ORS 412.001 to 412.069 for the purpose of**
 32 **statutory compilation or for the application of definitions, penalties or administrative pro-**
 33 **visions applicable to statute sections in that series.**

34 **SECTION 9.** ORS 412.079 is amended to read:

35 412.079. (1) Except as provided in subsections (2) and (3) of this section, a needy caretaker rel-
 36 ative may not receive aid under ORS 412.006 if the needy caretaker relative has received aid under
 37 the temporary assistance for needy families program in this state or any other state for more than
 38 a total of 60 months.

39 (2) The Department of Human Services may not count toward the 60-month limit on receipt of
 40 aid described in subsection (1) of this section any month in which a needy caretaker relative:

41 (a) Receives a grant of temporary assistance for needy families under ORS 412.001 to 412.069,
 42 or assistance funded under Title IV-A of the Social Security Act in this or another state, prior to
 43 July 1, 2003;

44 (b) Resides in an area described in 18 U.S.C. 1151, and 50 percent or more of the adult residents
 45 in the area are unemployed;

1 (c) Is, in that month, a minor child and neither the head of the household nor married to the
2 head of the household;

3 (d) Receives aid under ORS 411.878, 412.014 or 412.124;

4 (e) Is enrolled at an educational institution under ORS 412.016;

5 (f) Is exempt from time limits pursuant to rules adopted by the department in accordance with
6 section 408(a)(7)(C) of the Social Security Act; *[or]*

7 (g) Is unable to obtain or maintain employment *[for a sufficient number of hours in a month to*
8 *satisfy the federally required participation rates]* because the needy caretaker relative:

9 (A) Is a victim of domestic violence as defined in ORS 411.117;

10 (B) Has a certified learning disability;

11 (C) Has a mental health condition or an alcohol or drug abuse problem;

12 (D) Has a disability as defined by the department by rule in a manner consistent with the defi-
13 nition of disability in the Americans with Disabilities Act;

14 (E) Has a child with a disability;

15 (F) Is deprived of needed medical care; or

16 (G) Is subjected to battery or extreme cruelty as defined by the department by rule; **or**

17 **(h) Is experiencing any other situation described by the department by rule.**

18 (3) A needy caretaker relative may not be denied aid or terminated from receiving aid on the
19 basis of the 60-month limitation described in subsection (1) of this section if the individual is expe-
20 riencing a situation described in subsection (2) of this section.

21 **(4) The department shall provide intensive support services to needy caretaker relatives**
22 **nearing the time limit described in subsection (1) of this section.**

23 *[(4)(a)]* **(5)(a)** The department *[of Human Services]* shall monitor the average period of time a
24 family receives aid and shall record such information by family *[size]* **demographics**. The depart-
25 ment shall monitor the wages and benefits received by an individual who becomes employed while
26 receiving aid, including medical and child care benefits. The department shall monitor and record
27 the rate at which families who cease receiving aid for employment subsequently apply for and re-
28 ceive aid.

29 (b) The department shall report the results of the monitoring required under paragraph (a) of
30 this subsection to the Legislative Assembly not later than the 15th day of each odd-numbered year
31 regular session.

32 **SECTION 10.** ORS 412.124 is amended to read:

33 412.124. (1) The Department of Human Services shall continue to provide aid to families residing
34 in Oregon that become ineligible for temporary assistance for needy families under ORS 412.006 due
35 to employment or increased hours of work.

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

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

1 and that the caretaker relatives must provide to complete the determination for aid.

2 (4) The department by rule shall establish standards for aid provided under this section. The
3 department must disregard such aid for purposes of [*publicly subsidized child care assistance*] **the**
4 **employment-related day care program established under section 1 of this 2015 Act.**

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*] **provided by**
7 **community-based organizations to** assist the family in achieving [*long term*] financial stability **and**
8 **maintaining employment.**

9 **SECTION 11. ORS 411.122, 412.114, 412.151 and 412.161 are repealed.**

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