

FOR EDUCATIONAL USE ONLY  
O.R.S. § 411.816

West's Oregon Revised Statutes Annotated [Currentness \(Refs & Annos\)](#)

Title 34. Human Services; Juvenile Code; Corrections

▣ [Chapter 411](#). Adult and Family Services; Public Assistance [\(Refs & Annos\)](#)

▣ Food Stamp Benefits

➡ **411.816. Eligibility and benefit level**

The Department of Human Services shall adopt rules conforming to federal laws and regulations required to be observed in maintaining the eligibility of this state to receive from the federal government, and to issue food stamp benefits under a food stamp plan. Rules adopted by the department pursuant to this section shall relate to and include, but shall not be limited to:

(1) The classifications of and requirements of eligibility for individuals and households to receive food stamp benefits under such plans. The limitations upon the income and resources of individuals and households established as requirements of eligibility under this section shall not exceed the maximum limitations on income and resources allowable under federal laws, rules and regulations;

(2) The periods during which individuals and households shall be certified or recertified to be eligible to receive food stamp benefits under such plans;

(3) The amount of food stamp benefits to be issued or allotted to recipients, with respect to any period, under a food stamp plan;

(4) Periodic redetermination and review of the eligibility of recipients to receive food stamp benefits issued under such plans;

(5) Cancellation of certifications issued for, and adjustment of the numbers of individuals in any household eligible to receive food stamp benefits issued to recipients under such plans for any period in accordance with changes of circumstances in individual cases; and

(6) Procedures to review, on the basis of substantial hardship, request for such adjustments.

Laws 1963, c. 599, § 7 (enacted in lieu of 411.815); Laws 1969, c. 571, § 1; Laws 1989, c. 942, § 2; [Laws 1997, c. 581, § 11.](#)

## LIBRARY REFERENCES

2003 Main Volume

Key Numbers

[Agriculture k2.6.](#)

Westlaw Key Number Search: 23k2.6.

Encyclopedias

[C.J.S. Agriculture §§ 27 to 29.](#)

## NOTES OF DECISIONS

Equal protection of laws [1](#)

[1](#). Equal protection of laws

Regulation which operated to prohibit food stamp recipient from deducting his payments on his wife's former student loan from his income in determining his food stamp eligibility was not unreasonable nor arbitrary and did not constitute a denial of equal protection. Food Stamp Act of 1964, §§ 2-16, [7 U.S.C.A. §§ 2011-2025](#); ORS 411.816. [Blondell v. Juras, 1973, 15 Or.App. 321, 515 P.2d 727](#), certiorari denied [95 S.Ct. 122, 419 U.S. 866, 42 L.Ed.2d 104. Constitutional Law ¶242.3\(1\)](#)

O. R. S. § 411.816, OR ST § 411.816

Current through End of the 2005 Reg. Sess.

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OREGON ADMINISTRATIVE RULES COMPILATION  
CHAPTER 461. DEPARTMENT OF HUMAN SERVICES, SELF-SUFFICIENCY  
PROGRAMS  
**DIVISION 135. SPECIFIC PROGRAM REQUIREMENTS**

Current through June 15, 2007

**461-135-0505 Categorical Eligibility for FS**

- (1) A person is categorically eligible for food stamps if the person:
  - (a) Receives or is authorized to receive GA or SSI benefits or cash benefits funded by TANF;
  - (b) Receives or is authorized to receive in-kind benefits or services funded by TANF;
  - (c) Is deemed to be receiving SSI under Section 1619(a) or 1619(b) of the Social Security Act ([42 U.S.C. 1382h\(a\) or \(b\)](#)); or
  - (d) Is a member of a financial group with *countable income* less than 185 percent of the federal poverty level as described in [OAR 461-155-0180\(5\)](#) -- and has received a pamphlet about Information and Referral Services.
- (2) A benefit or service is "funded by TANF" (see section (1) of this rule) if it is provided as part of the ADC-PLS, Assessment, EA, ERDC, JOBS, TA-DVS, transition, or other TANF-funded program.
- (3) For an entire filing group to be categorically eligible for food stamps, it must contain only clients who are categorically eligible for food stamps. For the purpose of determining who is categorically eligible for food stamps, in some programs all members of the filing group are considered receiving the benefits of the program even if not all members receive the benefit. Those programs are the ERDC and TA-DVS programs and any housing assistance or transition service funded by TANF.
- (4) A filing group that is eligible for transition services or the TA-DVS program is considered receiving benefits for the entire period of eligibility even if benefits are not received during each month of that period.
- (5) A person categorically eligible for the Food Stamp program is presumed to meet the eligibility requirements for resources and countable and adjusted income limits. The person is also presumed to meet the requirements for a social security number, sponsored alien information, and residency, if verified in a public assistance program.

(6) When a filing group contains both members who are categorically eligible for food stamps and those who are not, a resource owned in whole or in part by a categorically eligible member is excluded.

(7) A person cannot be categorically eligible for food stamps in either of the following circumstances:

(a) The person is disqualified from receiving food stamps because of an intentional program violation.

(b) The person is a *primary person* disqualified from receiving food stamps for failure to comply with an OFSET activity or component contained in an OFSET *case plan*.

Stat. Auth.: [ORS 411.816](#)

Stats. Implemented: [ORS 411.816](#)

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 13-1991, f. & cert. ef. 7-1-91; AFS 19-1993, f. & cert. ef. 10-1-93; AFS 9-1997, f. & cert. ef. 7-1-97; AFS 11-1999, f. & cert. ef. 10-1-99; AFS 29-2000(Temp), f. & cert. ef. 12-1-00 thru 3-31-01; AFS 6-2001, f. 3-30-01, cert. ef. 4-1-01; AFS 9-2001, f. & cert. ef. 6-1-01; SSP 2-2003(Temp); f. & cert. ef. 2-7-03 thru 6-30-03; SSP 16-2003, f. & cert. ef. 7-1-03; SSP 4-2005, f. & cert. ef. 4-1-05; SSP 10-2006, f. 6-30-06, cert. ef. 7-1-06

OAR 461-135-0505, OR ADC 461-135-0505

OR ADC 461-135-0505

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## Federal Budget Proposal Would Hit Oregon Food Stamp Program Particularly Hard

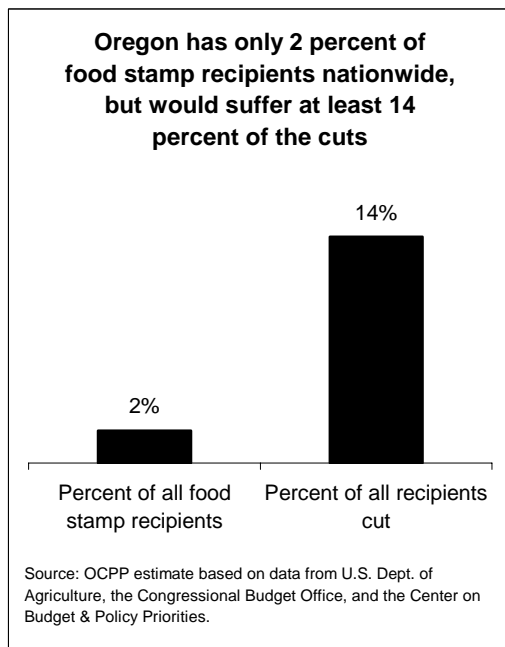
*Oregon would suffer at least 14 percent of the cuts*

Congress will be deciding soon whether to eliminate food stamp benefits for about 255,000 low-income Americans.<sup>1</sup> The cuts are contained in the U.S. House of Representative's budget "reconciliation" bill passed on November 18. This bill would slash more than \$700 million in food stamp benefits for low-income Americans over the next six years.<sup>2</sup> By contrast, the U.S. Senate budget "reconciliation" bill would protect the Food Stamp program entirely from cuts. The final outcome will be determined in a conference committee involving members from both chambers, and the conference agreement will be sent to both chambers for approval.

The specific cuts in the House budget bill target Oregon for a larger share of the reductions than most states. If these cuts happen, Oregon's recent success in reducing hunger might well reverse course.

Under the House plan, at least 35,000 low-income Oregonians would lose food stamp benefits. While Oregonians comprise only two percent of the national food stamp program caseload, Oregonians losing food stamp benefits would equal about 14 percent of the total number of people nationwide who would be cut.

### Food stamp benefits have proved key to reducing hunger



Five years ago when Oregon had one of the nation's highest hunger rates, state agencies working with anti-hunger advocates decided to fight back primarily by improving the food stamp program. Oregon was able to make these improvements largely because, as part of welfare reform in the mid-1990s, Congress allowed states more flexibility in setting food stamp rules.

Oregon's high hunger rate was due, in large part, to hunger among low-wage working families. Research has shown that as working Oregon families improved their incomes, they were less likely to escape food insecurity than families with similar incomes in other states.<sup>3</sup>

Using the new flexibility Congress established under welfare reform, Oregon simplified the previously cumbersome food stamp rules to make more low-income working families eligible. One of the most important changes – known as "expanded categorical eligibility" – particularly benefited low-income working families paying relatively high amounts for housing or child care, and those holding modest levels of assets, such as a reliable car for getting to work. Even after the changes, only families with net incomes (after

considering housing and work-related costs) at or under the poverty line receive food stamp benefits.<sup>4</sup>

## Federal Budget Proposal Would Hit Oregon Food Stamp Program Particularly Hard

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Several other improvements also helped ease Oregon's high hunger rate. The State launched an ambitious outreach and information initiative, significantly scaled back paperwork requirements, and adopted other federal food stamp program options, such as "transitional food stamps" for families leaving cash assistance. Combined, these changes – along with the worsening of the economy beginning in 2001 – sharply increased the number of Oregonians receiving food stamps.

Between September 2000 and September 2005, the number of Oregonians receiving food stamps in Oregon nearly doubled, rising 81 percent by adding 192,000 individuals. This expansion of food stamps, paid for almost entirely with federal dollars, is bringing an additional \$21 million *per month* into Oregon's economy.<sup>5</sup>

The increase in food stamp program utilization led to an improvement in Oregon's hunger rate. Between 1999-01 and 2002-04, Oregon was the only state in the country to see its hunger rate fall.<sup>6</sup> According to USDA estimates, hunger among Oregon households fell from 5.8 percent to 3.8 percent. Oregon went from having one of the nation's highest rates of hunger to a rate that is not statistically different from the national rate. In addition, a November 2005 report finds that Oregon provides food stamps to 85 percent of individuals in the state who are eligible - one of the highest food stamp participation rates in the U.S.<sup>7</sup>

### U.S. House cuts target Oregon

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The House bill made two changes to the food stamp program that would deny food stamp benefits to about 255,000 low-income Americans.<sup>8</sup> First, the House sharply scaled back "categorical eligibility," the provision Oregon used to expand its food stamp program to reach more low-income working families. Second, the House increased from five to seven the number of years *legal* immigrant families must reside in the United States before becoming eligible for food stamps. Both of these provisions would hurt Oregon more than most states.

#### ***At least 34,500 would lose food stamps to categorical eligibility cut***

Using Oregon Department of Human Services data, OCPP estimates that a minimum of 34,500 Oregonians in households with incomes slightly over the federal income limit (130 percent of poverty, or \$20,917 for a family of three) would lose food stamps as a result of the House-passed budget proposal to restrict categorical eligibility.<sup>9</sup> Those cut off would primarily be low-income working families who are not receiving child care or housing subsidies and therefore have relatively high child care or housing costs. More than one in four – about 28 percent – would include elderly or disabled members.<sup>10</sup>

Food stamp recipients who are not categorically eligible must abide by restrictions on the value of any car or other assets they own. Categorically eligible recipients are exempt from these restrictions, but Congress would end this exemption under the House bill. As a result, Oregonians who are currently categorically eligible would lose food stamps if they own a car or other modest assets valued higher than the limits allow.

It is not known how many categorically eligible Oregonians would lose food stamps because of this change, but the number could be significant. That is why OCPP estimates that *a minimum of 34,500* Oregonians would lose food stamps if Congress restricts categorical eligibility. An additional, but unknown, number of Oregonians would lose food stamps because they own a reliable car or other modest assets.

#### ***More than 1,000 legal immigrants would also lose food stamps***

The House also proposes to withhold food stamps from most low-income immigrant adults who are in the country legally and who meet all the other eligibility requirements for food stamps until they have been living in the U.S. for seven years. Currently, legal immigrants must wait five years before being eligible for food stamps.

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## Federal Budget Proposal Would Hit Oregon Food Stamp Program Particularly Hard

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This change hits Oregon particularly hard because a relatively large portion of Oregon's food stamp caseload consists of legal immigrants. The Congressional Budget Office estimates that nationally 70,000 legal immigrant adults will lose food stamp eligibility as a result of this change. Using food stamp data on the number of legal immigrant adults currently on the food stamp program, the Center on Budget and Policy Priorities has allocated CBO's number across the states and estimates that Oregon ranks 12<sup>th</sup> nationally in the number of legal immigrant food stamp recipients. The Center on Budget and Policy Priorities estimates that more than 1,000 legal immigrants in Oregon would lose food stamps once this change is fully implemented in 2008.

### ***In total, Oregon would suffer at least 14 percent of all cuts***

In total, the cuts for immigrants and the cuts to the categorical eligibility provision would mean that a *minimum* of 35,500 Oregonians will lose food stamps if Congress approves the House proposal. This does not include the unknown number of Oregonians who would lose food stamps because they own a reliable car or other modest assets. The known number of Oregonians affected by the cuts (35,500) represents 14 percent of the 255,000 food stamp recipients who would lose benefits nationwide.

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### **The domino effect: Losing food stamps leads to the loss of other assistance**

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The damage to Oregon from food stamp cuts would be particularly harsh because of a domino effect that would occur if thousands of low-income families lose food stamps. Oregon has reduced administrative costs and streamlined certain low-income assistance programs by linking eligibility for these programs to food stamp eligibility. For instance, children in families receiving food stamps are automatically eligible to receive free school lunches and (where available) breakfasts. Some children whose families lose food stamps under the House cuts will remain eligible for free lunches. Others, despite their families' very low net income, may be required to pay a portion of their school meals tab. Still others may lose school meal assistance altogether, since the new rules would require Oregon to adopt a complicated new system for families to access the assistance.

Food stamp households are also eligible for a \$13.50 reduction in their monthly phone bill under the Oregon Telephone Assistance Program (OTAP). OTAP-eligible households can also have their telephone installation fee reduced by half. Households must apply for the assistance, and when OTAP verifies that the household receives food stamps, they are automatically deemed eligible. When families lose food stamps they lose this automatic eligibility for OTAP. Currently, slightly over 63,000 Oregon households are benefiting from this program. About 59,000 of these are eligible because they receive food stamps.<sup>11</sup>

The Oregon Senior Farmers Market Nutrition Program provides coupons to help low-income Oregonians aged 60 or over pay for Oregon-grown fruits, vegetables, and herbs. To be eligible for this assistance, Oregon seniors must be receiving either food stamps or Medicaid.<sup>12</sup> Some seniors losing food stamps would lose access to this program as well.

Finally, Oregonians with college loan debt may delay paying their loans if they are receiving food stamps or benefits from some other state or federal public assistance program.<sup>13</sup> The loss of food stamp benefits may mean losing these loan debt delays also.

If the House budget proposal prevails, the cuts to the food stamp program will reduce these other important assistance programs to low-income Oregon families. Oregon's success in reducing its hunger rate by expanding the food stamp program five years ago benefited from the other assistance that food stamps leveraged for low-income families. Reversing this progress would make it particularly difficult for Oregon to hold down and further reduce its hunger rate in the future.

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### **Senate bill protects Oregon's progress against hunger**

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The final outcome of the budget battle will be determined in a conference committee involving both chambers. Both chambers will subsequently vote on the conference bill. For Oregon to stay on track in

## Federal Budget Proposal Would Hit Oregon Food Stamp Program Particularly Hard

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defeating hunger, the conference committee report – and ultimately the votes on that report in the House and Senate – must reject the House’s food stamp program cuts in favor of the Senate’s plan.

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This work is made possible in part by the support of the Ford Foundation, the Governance and Public Policy Program of the Open Society Institute, the Gray Family Fund of the Oregon Community Foundation, the Penney Family Fund, the Oregon School Employees Association, and by the generous support of organizations and individuals. The Oregon Center for Public Policy is a part of the State Fiscal Analysis Initiative (SFAI) and the Economic Analysis and Research Network (EARN).

### Endnotes:

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<sup>1</sup> Congressional Budget Office, *Additional Information on CBO’s Estimate for the Nutrition Provisions of H.R. 4241, the Deficit Reduction Act of 2005, as Passed by the House of Representatives on November 18, 2005*, December 1, 2005. Attachment in letter from Douglas Holtz-Eakin, Director of the Congressional Budget Office to the Honorable Bob Goodlatte, Chairman of the Committee on Agriculture, U.S. House of Representatives. Available at <http://www.cbo.gov/ftpdocs/69xx/doc6910/NutritionLetter.pdf>

<sup>2</sup> The Congressional Budget Office estimates the cuts will total \$733 million between 2006 and 2011.

<sup>3</sup> Edwards, Mark and Bruce Weber, *Food Insecurity and Hunger in Oregon: A New Look*, Working Papers in Agricultural and Resource Economics, Working Paper No. AREC 03-104, November 2003. Available at: <http://arec.oregonstate.edu/ruralstudies/Publications/hunger.pdf>.

<sup>4</sup> See Dean, Stacy, *Administration’s Budget Proposes to Cut the Food Stamp Program*, Center on Budget and Policy Priorities, March 4, 2005. Available at <http://www.cbpp.org/3-4-05fa.pdf>.

<sup>5</sup> The federal government pays 100 percent of the cost of food stamp benefits and 50 percent of the state’s costs of administering the program.

<sup>6</sup> Nord, Mark, Margaret Andrews, and Steven Carlson. *Household Food Security in the United States, 2004*, Economic Research Service, U.S. Department of Agriculture. Economic Research Report No. ERR11, October 2005, p. 53-54. Available at <http://www.ers.usda.gov/publications/err11/>

<sup>7</sup> Castner, Laura A. and Allen L. Schirm, *Reaching Those in Need: State Food Stamp Participation Rates in 2003*, Food and Nutrition Service, U.S. Department of Agriculture, November 2005. Available at <http://www.fns.usda.gov/oane/MENU/Published/FSP/FSPPartState.htm#reaching03>.

<sup>8</sup> See note 1.

<sup>9</sup> Estimate based on data from Oregon Department of Human Services. On average between February 2005 and October 2005, 37,778 Oregon food stamp recipients lived in households with incomes over 130 percent of poverty. Nine percent of these recipients lived in low-income households that are likely to keep food stamps under the House proposal, because they contain elderly or disabled members whose medical or housing costs are likely to keep them eligible for the program under special rules for such households. Subtracting this nine percent from the total number of households with incomes over 130 percent of poverty leaves 34,555 Oregonians in households that will have their food stamps eliminated under the House plan.

<sup>10</sup> Estimate based on data from Oregon Department of Human Services. On average between February 2005 and October 2005, 4,443 households with elderly or disabled members are likely to lose food stamps under the House plan. These households all currently receive \$10 in food stamps, the minimum payment in Oregon. These households make up 28 percent of the 16,137 low-income households who would be cut from food stamps because their incomes slightly exceed the federal income threshold.

<sup>11</sup> In November 2005, 63,184 households received OTAP assistance. Of these, 59,101 were food stamp households. Since there were 221,511 food stamp households that month, OTAP was reaching only about 27 percent of all food stamp households. Many more households are eligible but have not applied. OTAP data from Damara Paris, PUC.

<sup>12</sup> The number of seniors helped through this program is limited by available federal funds. For more information, see [http://www.oregon.gov/DHS/spwpcd/food\\_fin/foodfin.shtml](http://www.oregon.gov/DHS/spwpcd/food_fin/foodfin.shtml).

<sup>13</sup> Economic hardship loan deferments are available through the Federal Family Education Loan Program. An application is available at <http://www.ecmc.org/documents/hrd99.pdf>.

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**SECTION:** LOCAL STORIES; Pg. B01

**LENGTH:** 660 words

**HEADLINE:** FOOD STAMPS AVAILABLE TO MORE PEOPLE A NEW RULE EASES RESTRICTIONS ON INCOME AND ASSETS, PREVENTING THOUSANDS FROM HAVING TO CHOOSE BETWEEN BENEFITS OR OWNING A CAR

**SOURCE:** JAMES MAYER and DAVE HOGAN - The Oregonian

**BODY:**

Thousands more low-income Oregonians will qualify for food stamps with new rules that go into effect today.

People will be able to earn more money, plus own a decent car or other assets, and still receive benefits, said Jim Neely, deputy administrator of the Adult and Family Services Division, the state's welfare agency.

The agency made the changes under a federal law that gives states flexibility to set eligibility levels for food stamps. The food stamp program is financed entirely by the federal government.

"The biggest difference is going to be for those individuals who were not eligible simply because they had a vehicle," Neely said.

Beginning today, food stamps will be available to Oregonians who earn at or below 185 percent of the federal poverty level, up from 130 percent. This change brings the income limit up to the same standard used by the Women, Infant and Children program and the school lunch program.

A family of four will now qualify if their income is less than \$2,628 a month. With the previous rules, the cutoff was \$1,847.

The increase vastly expands the pool of potential food stamp recipients. In October, 241,931 people received food stamps in Oregon. Neely said about 385,000 Oregonians have incomes between 130 percent and 185 percent of the poverty level, but he stressed that the number includes people ineligible for food stamps for other reasons. He also said most of those people would qualify only for the minimum benefit of \$10 a month.

But many will qualify for much more, said Michael Leachman, an analyst with the Oregon Center for Public Policy, which advocates programs to assist low-income people.

Leachman said the amount of food stamp benefits a family receives depends not just on income but also on expenses such as housing and child care. He said a family of four earning 150 percent of the poverty level, with two children in child care, would receive \$177 a month in food stamps.

And the expanded income limit will help people who lose their food stamps because they get a raise or a better-paying job, said Kim Thomas, public policy manager for the Oregon Food Bank.

"We've had people tell us that they asked their boss not to give them that \$1 or \$2 raise," she said. "That's a horrible position to be in."

Thomas said she hopes the new rules will relieve the pressure on the food bank, which last year delivered more than 500,000 emergency food boxes.

The other rule change may have more impact, officials and advocates said.

FOOD STAMPS AVAILABLE TO MORE PEOPLE A NEW RULE EASES RESTRICTIONS ON INCOME AND ASSETS, PREVENTING THOUSANDS FROM HAVING TO CHOOSE BETWEEN BENEFITS OR OWNING A CAR The Oregonian December 1, 2000 Friday

With the old rules, people with more than \$2,000 in assets didn't qualify for food stamps. The value of any vehicle over \$4,650 counted toward the limit. So if they owned a car worth \$6,650, they couldn't get food stamps, regardless of income.

"It forced people to choose between a reliable vehicle to get to work or food stamps," Neely said.

State officials, pressed by advocacy groups to expand food stamp eligibility, turned to a tactic used by some other states: placing people under welfare rules.

People who receive federal welfare benefits do not have to meet the asset limits for food stamps. The state, with federal approval, produced a brochure explaining low-income programs aimed at Oregonians who earn less than 185 percent of the poverty level. That information qualified as a welfare benefit, exempting those people from the asset limit.

Neely said the change will make food stamps available for about 2,800 more Oregonians a month.

The change will be welcome in rural Oregon, where rough roads and harsh weather mean many people need heavy-duty, reliable vehicles, Thomas said.

"With the way they live, they have to give up their rig to get food stamps," she said. "It's a real hard decision. Most people stick with their rig to get a job." You can reach James Mayer at 503-294-4109 or by e-mail at jim-mayer@news.oregonian.com, and Dave Hogan at 503-221-8531 or davehogan@news.oregonian.com.

**GRAPHIC:** Sidebar - New food stamp rules

**LOAD-DATE:** December 2, 2000