

D R A F T

SUMMARY

Creates general assistance project administered by Department of Human Services.

A BILL FOR AN ACT

Relating to general assistance; creating new provisions; and amending ORS 411.010, 411.081, 411.141, 411.760 and 411.795.

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

SECTION 1. (1) The general assistance project is established in the Department of Human Services. The department shall conduct outreach to individuals who are likely to meet the qualification criteria for the project and provide aid and services designed to assist the individuals in securing housing and Supplemental Security Income benefits or Social Security Disability Insurance benefits. An individual is qualified to participate in the project if the individual:

(a) Has been determined by the department to have a disability that would qualify the individual for Supplemental Security Income benefits or Social Security Disability Insurance benefits;

(b) Is enrolled in the medical assistance program; and

(c) Is homeless.

(2) The aid and services provided under this section must include, but are not limited to:

(a) Housing assistance;

(b) Cash assistance for personal incidentals; and

(c) Assistance in applying for and securing Supplemental Security

1 **Income benefits or Social Security Disability Insurance benefits.**

2 **(3) Up to 200 individuals may participate in the project each month.**

3 **(4) The department shall convene an advisory group consisting of**
4 **individuals representing nonprofit agencies that, as part of their pri-**
5 **mary mission, advocate for and provide services to low income adults.**
6 **The department shall work with the advisory group to develop metrics**
7 **to evaluate the success of the project in securing for the individuals**
8 **participating in the project housing and Supplemental Security Income**
9 **benefits or Social Security Disability Insurance benefits.**

10 **SECTION 2.** ORS 411.010 is amended to read:

11 411.010. As used in this chapter and in other statutes providing for as-
12 sistance and services to needy persons, unless the context or a specially ap-
13 plicable statutory definition requires otherwise:

14 (1) "General assistance" means assistance or service of any character
15 provided to needy persons not otherwise provided for to the extent of such
16 need and the availability of funds, including medical, surgical and hospital
17 or other remedial care.

18 (2) "Public assistance" means the following types of assistance:

19 (a) Temporary assistance for needy families granted under ORS 412.001
20 to 412.069;

21 (b) General assistance granted under ORS 411.710 to 411.730 **or section**
22 **1 of this 2016 Act;**

23 (c) Assistance provided by the Oregon Supplemental Income Program;

24 (d) General assistance other than general assistance granted under ORS
25 411.710 to 411.730 **or section 1 of this 2016 Act;** and

26 (e) Any other functions, except the administration of medical assistance
27 by the Oregon Health Authority, that may be delegated to the Director of
28 Human Services by or in accordance with federal and state laws.

29 **SECTION 3.** ORS 411.081 is amended to read:

30 411.081. (1) A person seeking public assistance shall file an application for
31 public assistance with the Department of Human Services. At the time of

1 application, the applicant shall declare to the department any circumstance
 2 that directly affects the applicant's eligibility to receive assistance or the
 3 amount of assistance available to the applicant. Upon the receipt of property
 4 or income or upon any other change in circumstances that directly affects
 5 the eligibility of the recipient to receive assistance or the amount of assist-
 6 ance available to the recipient, the applicant, recipient or other person in
 7 the assistance household shall immediately notify the department of the re-
 8 ceipt or possession of such property or income, or other change in circum-
 9 stances. The department shall recover from the recipient the amount of
 10 assistance improperly disbursed by reason of failure to comply with the
 11 provision of this section.

12 (2) The department may recover any cash assistance granted for general
 13 assistance under ORS 411.710 to 411.730 **and section 1 of this 2016 Act**, and
 14 the recipient's portion of the aid described in ORS 412.014 (3), that has been
 15 paid to any recipient 18 years of age or older when the recipient is presently
 16 receiving or subsequently receives Supplemental Security Income. The
 17 amount of recovery shall be limited to the total amount of Supplemental
 18 Security Income that was received for the same time period that the general
 19 assistance or the aid received under ORS 412.014 was being paid.

20 (3) Nothing in subsection (1) or (2) of this section shall be construed as
 21 to prevent the department from entering into a compromise agreement for
 22 recovery of assistance improperly disbursed, if the department determines
 23 that the administration and collection costs involved would exceed the
 24 amount that can reasonably be expected to be recovered.

25 **SECTION 4.** ORS 411.141 is amended to read:

26 411.141. The Department of Human Services may, subject to the allotment
 27 system provided for in ORS 291.234 to 291.260, expend such sums as are re-
 28 quired to be expended in this state to provide public assistance. Expenditures
 29 for public assistance include, but are not limited to, expenditures for the
 30 following purposes:

31 (1) Temporary assistance for needy families granted under ORS 412.001 to

1 412.069, including services to relatives with whom dependent children apply-
2 ing for or receiving temporary assistance for needy families are living in
3 order to help such relatives attain the maximum self-support or self-care
4 consistent with the maintenance of continuing parental care and protection
5 or in order to maintain and strengthen family life for such children.

6 (2) Assistance provided by the Oregon Supplemental Income Program and
7 medical assistance provided to recipients of assistance under the Oregon
8 Supplemental Income Program.

9 (3) General assistance granted under ORS 411.710 to 411.730 **and section**
10 **1 of this 2016 Act.**

11 (4) Carrying out the provisions of law for child welfare purposes.

12 (5) Scholarships or grants for qualified recipients to provide them educa-
13 tion and professional, technical or other helpful training, payable to a pub-
14 licly supported career school or educational institution on behalf of the
15 recipient.

16 (6) Other purposes for which the department is authorized to expend
17 funds, including the administration expenses of the department.

18 (7) Carrying out the provisions of ORS 411.116.

19 **SECTION 5.** ORS 411.760 is amended to read:

20 411.760. All moneys granted under the provisions of ORS 411.060, 411.070,
21 411.706 and 411.710 to 411.730 **and section 1 of this 2016 Act** are inalienable
22 by any assignment or transfer and are exempt from garnishment, levy or
23 execution under the laws of this state.

24 **SECTION 6.** ORS 411.795 is amended to read:

25 411.795. (1) The amount of any general assistance paid under ORS chapter
26 411 is a claim against the property or any interest therein belonging to and
27 a part of the estate of any deceased recipient or if there be no estate or the
28 estate does not have sufficient assets to satisfy the claim, the estate of the
29 surviving spouse shall be charged for such aid paid to either or both; pro-
30 vided, however, that there shall be no adjustment or recovery of any general
31 assistance correctly paid to or on behalf of any individual under ORS chapter

1 411 except after the death of such individual and the surviving spouse of the
2 individual, if any, and only at a time when the individual has no surviving
3 child who is under 21 years of age or is blind or permanently and totally
4 disabled.

5 (2) Except where there is a surviving spouse, or a surviving child who is
6 under 21 years of age or is blind or permanently and totally disabled, the
7 amount of any general assistance paid under ORS chapter 411 is a claim
8 against the estate in any conservatorship proceedings and may be paid pur-
9 suant to ORS 125.495.

10 (3) [*Nothing in this section authorizes*] **This section does not authorize**
11 the recovery of the amount of any aid from the estate or the surviving spouse
12 of a recipient to the extent that the need for aid resulted from a crime
13 committed against the recipient.

14 (4) **This section does not create a claim against the property or in-**
15 **terests of a recipient of general assistance provided under section 1**
16 **of this 2016 Act.**

17 **SECTION 7. There is appropriated to the Department of Human**
18 **Services, for the biennium beginning July 1, 2015, out of the General**
19 **Fund, the amount of \$_____ for administering the general assistance**
20 **project described in section 1 of this 2016 Act.**

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