

CHAPTER 93

AN ACT

HB 4042

Relating to general assistance; creating new provisions; amending ORS 411.010, 411.081, 411.141, 411.760 and 411.795; and declaring an emergency.
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 Income benefits or Social Security Disability Insurance benefits.

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

SECTION 2. The Department of Human Services shall convene an advisory group that includes individuals representing nonprofit agencies that, as part of their primary mission, advocate for and provide services to low income adults. The department shall work with the advisory group to:

(1) Compile a list of attorneys to represent the participants in the general assistance project described in section 1 of this 2016 Act in appealing adverse determinations by the United States Social Security Administration; and

(2) Develop metrics to evaluate the success of the project in securing for the individuals participating in the project housing and Supplemental Security Income benefits or Social Security Disability Insurance benefits.

SECTION 3. ORS 411.010 is amended to read:

411.010. As used in this chapter and in other statutes providing for assistance and services to needy persons, unless the context or a specially applicable statutory definition requires otherwise:

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

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

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

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

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

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

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

SECTION 4. ORS 411.081 is amended to read:

411.081. (1) A person seeking public assistance shall file an application for public assistance with the Department of Human Services. At the time of application, the applicant shall declare to the department any circumstance that directly affects the applicant's eligibility to receive assistance or the amount of assistance available to the applicant. Upon the receipt of property or income or upon any other change in circumstances that directly affects the eligibility of the recipient to receive assistance or the amount of assistance available to the recipient, the applicant, recipient or other person in the assistance household shall immediately notify the department of the receipt or possession of such property or income, or other change in circumstances. The department shall recover from the recipient the amount of assistance improperly disbursed by reason of failure to comply with the provision of this section.

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

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

SECTION 5. ORS 411.141 is amended to read:

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

(1) Temporary assistance for needy families granted under ORS 412.001 to 412.069, including services to relatives with whom dependent children applying for or receiving temporary assistance for needy families are living in order to help such relatives attain the maximum self-support or self-care consistent with the maintenance of continuing parental care and protection or in order to maintain and strengthen family life for such children.

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

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

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

(5) Scholarships or grants for qualified recipients to provide them education and professional, technical or other helpful training, payable to a publicly supported career school or educational institution on behalf of the recipient.

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

(7) Carrying out the provisions of ORS 411.116.

SECTION 6. ORS 411.760 is amended to read:

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

SECTION 7. ORS 411.795 is amended to read:

411.795. (1) The amount of any general assistance paid under ORS chapter 411 is a claim against the property or any interest therein belonging to and a part of the estate of any deceased recipient or if there be no estate or the estate does not have sufficient assets to satisfy the claim, the estate of the surviving spouse shall be charged for such aid paid to either or both; provided, however, that there shall be no adjustment or recovery of any general assistance correctly paid to or on behalf of any individual under ORS chapter 411 except after the death of such individual and the surviving spouse of the individual, if any, and only at a time when the individual has no surviving child who is under 21 years of age or is blind or permanently and totally disabled.

(2) Except where there is a surviving spouse, or a surviving child who is under 21 years of age or is blind or permanently and totally disabled, the amount of any general assistance paid under ORS

chapter 411 is a claim against the estate in any conservatorship proceedings and may be paid pursuant to ORS 125.495.

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

(4) **This section does not create a claim against the property or interests of a recipient of general assistance provided under section 1 of this 2016 Act.**

SECTION 8. The Department of Human Services shall appoint the advisory group described in section 2 of this 2016 Act no later than July 1, 2016.

SECTION 9. Section 1 of this 2016 Act and the amendments to ORS 411.010, 411.081, 411.141, 411.760 and 411.795 by sections 3 to 7 of this 2016 Act become operative on July 1, 2016.

SECTION 10. (1) Notwithstanding any other provision of law, the General Fund appropriation made to the Department of Human Services by section 1 (1), chapter 760, Oregon Laws 2015, for the biennium beginning July 1, 2015, for central services, statewide assessments and enterprise-wide costs, and program design services, is increased by \$81,717 for administering the general assistance project described in section 1 of this 2016 Act.

(2) Notwithstanding any other provision of law, the General Fund appropriation made to the Department of Human Services by section 1 (3), chapter 760, Oregon Laws 2015, for the biennium beginning July 1, 2015, for aging and people with disabilities and intellectual/developmental disabilities programs, is increased by \$1,542,919 for administering the general assistance project described in section 1 of this 2016 Act.

(3) Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2 (4), chapter 760, Oregon Laws 2015, for the biennium beginning July 1, 2015, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts and Medicare receipts and including federal funds for indirect cost recovery, Social Security Supplemental Security Income recoveries and the Child Care and Development Fund, but excluding lottery funds and federal funds not described in section 2, chapter 760, Oregon Laws 2015, collected or received by the Department of Human Services, for shared services, is increased by \$65,348 for administering the general assistance project described in section 1 of this 2016 Act.

SECTION 11. This 2016 Act being necessary for the immediate preservation of the public

peace, health and safety, an emergency is declared to exist, and this 2016 Act takes effect on its passage.

Approved by the Governor April 4, 2016
Filed in the office of Secretary of State April 4, 2016
Effective date April 4, 2016
