

**A-Engrossed
House Bill 2194**

Ordered by the House April 7
Including House Amendments dated April 7

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Human Services and Housing)

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.

Creates general assistance pilot project administered by Department of Human Services. Sunsets pilot project January 2, 2019.

A BILL FOR AN ACT

1
2 Relating to general assistance; creating new provisions; and amending ORS 411.010, 411.081, 411.141,
3 411.760 and 411.795.

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

5 **SECTION 1. (1) The general assistance pilot project is established in the Department of**
6 **Human Services. The department shall conduct outreach to individuals who are likely to**
7 **meet the qualification criteria for the pilot project, and provide aid and services designed to**
8 **assist the individuals in securing housing and Supplemental Security Income benefits or So-**
9 **cial Security Disability Insurance benefits. An individual is qualified to participate in the pilot**
10 **project if the individual:**

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

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

14 (c) **Is homeless.**

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

16 (a) **Housing assistance;**

17 (b) **Cash assistance for personal incidentals; and**

18 (c) **Assistance in applying for and securing Supplemental Security Income benefits or**
19 **Social Security Disability Insurance benefits.**

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

21 (4) **The department shall convene an advisory group consisting of individuals representing**
22 **nonprofit agencies that, as part of their primary mission, advocate for and provide services**
23 **to low income adults. The department shall work with the advisory group to develop metrics**
24 **to evaluate the success of the pilot project in securing for the individuals participating in the**
25 **pilot project housing and Supplemental Security Income benefits or Social Security Disability**
26 **Insurance benefits.**

27 **SECTION 1a. The Department of Human Services shall contract with an independent**
28 **entity to conduct an evaluation of the pilot project under section 1 of this 2015 Act using the**

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 **metrics developed under section 1 of this 2015 Act. The department shall report the results**
2 **of the evaluation, in the manner provided in ORS 192.245, to the interim committees of the**
3 **Legislative Assembly related to human services no later than September 15, 2020.**

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

5 411.010. As used in this chapter and in other statutes providing for assistance and services to
6 needy persons, unless the context or a specially applicable statutory definition requires otherwise:

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

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

11 (a) Temporary assistance for needy families granted under ORS 412.001 to 412.069 and 418.647;

12 (b) General assistance granted under ORS 411.710 to 411.730 **or section 1 of this 2015 Act**;

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

14 (d) General assistance other than general assistance granted under ORS 411.710 to 411.730 **or**
15 **section 1 of this 2015 Act**; and

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

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

20 411.081. (1) A person seeking public assistance shall file an application for public assistance with
21 the Department of Human Services. At the time of application, the applicant shall declare to the
22 department any circumstance that directly affects the applicant's eligibility to receive assistance or
23 the amount of assistance available to the applicant. Upon the receipt of property or income or upon
24 any other change in circumstances that directly affects the eligibility of the recipient to receive
25 assistance or the amount of assistance available to the recipient, the applicant, recipient or other
26 person in the assistance household shall immediately notify the department of the receipt or pos-
27 session of such property or income, or other change in circumstances. The department shall recover
28 from the recipient the amount of assistance improperly disbursed by reason of failure to comply with
29 the provision of this section.

30 (2) The department may recover any cash assistance granted for general assistance under ORS
31 411.710 to 411.730 **and section 1 of this 2015 Act**, and the recipient's portion of the aid described
32 in ORS 412.014 (3), that has been paid to any recipient 18 years of age or older when the recipient
33 is presently receiving or subsequently receives Supplemental Security Income. The amount of re-
34 covery shall be limited to the total amount of Supplemental Security Income that was received for
35 the same time period that the general assistance or the aid received under ORS 412.014 was being
36 paid.

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

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

42 411.141. The Department of Human Services may, subject to the allotment system provided for
43 in ORS 291.234 to 291.260, expend such sums as are required to be expended in this state to provide
44 public assistance. Expenditures for public assistance include, but are not limited to, expenditures for
45 the following purposes:

1 (1) Temporary assistance for needy families granted under ORS 412.001 to 412.069 and 418.647,
2 including services to relatives with whom dependent children applying for or receiving temporary
3 assistance for needy families are living in order to help such relatives attain the maximum self-
4 support or self-care consistent with the maintenance of continuing parental care and protection or
5 in order to maintain and strengthen family life for such children.

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

8 (3) General assistance granted under ORS 411.710 to 411.730 **and section 1 of this 2015 Act.**

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

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

13 (6) Other purposes for which the department is authorized to expend funds, including the ad-
14 ministration expenses of the department.

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

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

17 411.760. All moneys granted under the provisions of ORS 411.060, 411.070, 411.706 and 411.710
18 to 411.730 **and section 1 of this 2015 Act** are inalienable by any assignment or transfer and are
19 exempt from garnishment, levy or execution under the laws of this state.

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

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

29 (2) Except where there is a surviving spouse, or a surviving child who is under 21 years of age
30 or is blind or permanently and totally disabled, the amount of any general assistance paid under
31 ORS chapter 411 is a claim against the estate in any conservatorship proceedings and may be paid
32 pursuant to ORS 125.495.

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

36 (4) **This section does not create a claim against the property or interests of a recipient**
37 **for general assistance provided under section 1 of this 2015 Act.**

38 **SECTION 7.** ORS 411.010, as amended by section 2 of this 2015 Act, is amended to read:

39 411.010. As used in this chapter and in other statutes providing for assistance and services to
40 needy persons, unless the context or a specially applicable statutory definition requires otherwise:

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

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

45 (a) Temporary assistance for needy families granted under ORS 412.001 to 412.069 and 418.647;

1 (b) General assistance granted under ORS 411.710 to 411.730 [*or section 1 of this 2015 Act*];

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

3 (d) General assistance other than general assistance granted under ORS 411.710 to 411.730 [*or*
4 *section 1 of this 2015 Act*]; and

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

8 **SECTION 8.** ORS 411.081, as amended by section 3 of this 2015 Act, is amended to read:

9 411.081. (1) A person seeking public assistance shall file an application for public assistance with
10 the Department of Human Services. At the time of application, the applicant shall declare to the
11 department any circumstance that directly affects the applicant's eligibility to receive assistance or
12 the amount of assistance available to the applicant. Upon the receipt of property or income or upon
13 any other change in circumstances that directly affects the eligibility of the recipient to receive
14 assistance or the amount of assistance available to the recipient, the applicant, recipient or other
15 person in the assistance household shall immediately notify the department of the receipt or pos-
16 session of such property or income, or other change in circumstances. The department shall recover
17 from the recipient the amount of assistance improperly disbursed by reason of failure to comply with
18 the provision of this section.

19 (2) The department may recover any cash assistance granted for general assistance under ORS
20 411.710 to 411.730 [*and section 1 of this 2015 Act*], and the recipient's portion of the aid described
21 in ORS 412.014 (3), that has been paid to any recipient 18 years of age or older when the recipient
22 is presently receiving or subsequently receives Supplemental Security Income. The amount of re-
23 covery shall be limited to the total amount of Supplemental Security Income that was received for
24 the same time period that the general assistance or the aid received under ORS 412.014 was being
25 paid.

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

30 **SECTION 9.** ORS 411.141, as amended by section 4 of this 2015 Act, is amended to read:

31 411.141. The Department of Human Services may, subject to the allotment system provided for
32 in ORS 291.234 to 291.260, expend such sums as are required to be expended in this state to provide
33 public assistance. Expenditures for public assistance include, but are not limited to, expenditures for
34 the following purposes:

35 (1) Temporary assistance for needy families granted under ORS 412.001 to 412.069 and 418.647,
36 including services to relatives with whom dependent children applying for or receiving temporary
37 assistance for needy families are living in order to help such relatives attain the maximum self-
38 support or self-care consistent with the maintenance of continuing parental care and protection or
39 in order to maintain and strengthen family life for such children.

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

42 (3) General assistance granted under ORS 411.710 to 411.730 [*and section 1 of this 2015 Act*].

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

44 (5) Scholarships or grants for qualified recipients to provide them education and professional,
45 technical or other helpful training, payable to a publicly supported career school or educational in-

1 stitution on behalf of the recipient.

2 (6) Other purposes for which the department is authorized to expend funds, including the ad-
3 ministration expenses of the department.

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

5 **SECTION 10.** ORS 411.760, as amended by section 5 of this 2015 Act, is amended to read:

6 411.760. All moneys granted under the provisions of ORS 411.060, 411.070, 411.706 and 411.710
7 to 411.730 [*and section 1 of this 2015 Act*] are inalienable by any assignment or transfer and are
8 exempt from garnishment, levy or execution under the laws of this state.

9 **SECTION 11.** ORS 411.795, as amended by section 6 of this 2015 Act, is amended to read:

10 411.795. (1) The amount of any general assistance paid under ORS chapter 411 is a claim against
11 the property or any interest therein belonging to and a part of the estate of any deceased recipient
12 or if there be no estate or the estate does not have sufficient assets to satisfy the claim, the estate
13 of the surviving spouse shall be charged for such aid paid to either or both; provided, however, that
14 there shall be no adjustment or recovery of any general assistance correctly paid to or on behalf
15 of any individual under ORS chapter 411 except after the death of such individual and the surviving
16 spouse of the individual, if any, and only at a time when the individual has no surviving child who
17 is under 21 years of age or is blind or permanently and totally disabled.

18 (2) Except where there is a surviving spouse, or a surviving child who is under 21 years of age
19 or is blind or permanently and totally disabled, the amount of any general assistance paid under
20 ORS chapter 411 is a claim against the estate in any conservatorship proceedings and may be paid
21 pursuant to ORS 125.495.

22 (3) This section does not authorize the recovery of the amount of any aid from the estate or the
23 surviving spouse of a recipient to the extent that the need for aid resulted from a crime committed
24 against the recipient.

25 *[(4) This section does not create a claim against the property or interests of a recipient for general
26 assistance provided under section 1 of this 2015 Act.]*

27 **SECTION 12.** The amendments to ORS 411.010, 411.081, 411.141, 411.760 and 411.795 by
28 sections 7 to 11 of this 2015 Act become operative on January 2, 2019.

29 **SECTION 13.** Section 1 of this 2015 Act is repealed on January 2, 2019.

30 **SECTION 14.** There is appropriated to the Department of Human Services, for the
31 biennium beginning July 1, 2015, out of the General Fund, the amount of \$_____ for ad-
32 ministering the general assistance pilot project described in section 1 of this 2015 Act.
33 _____