

# House Bill 4042

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 **as introduced**.

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 Income benefits or Social Security Disability Insurance benefits.**

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

**(4) The department shall convene an advisory group consisting of 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 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 2. 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

**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 not otherwise provided for to the extent of such need and the availability of funds, including med-  
2 ical, surgical and hospital or other remedial care.

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

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

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

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

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

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

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

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

23 (2) The department may recover any cash assistance granted for general assistance under ORS  
24 411.710 to 411.730 **and section 1 of this 2016 Act**, and the recipient's portion of the aid described  
25 in ORS 412.014 (3), that has been paid to any recipient 18 years of age or older when the recipient  
26 is presently receiving or subsequently receives Supplemental Security Income. The amount of re-  
27 covery shall be limited to the total amount of Supplemental Security Income that was received for  
28 the same time period that the general assistance or the aid received under ORS 412.014 was being  
29 paid.

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

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

35 411.141. The Department of Human Services may, subject to the allotment system provided for  
36 in ORS 291.234 to 291.260, expend such sums as are required to be expended in this state to provide  
37 public assistance. Expenditures for public assistance include, but are not limited to, expenditures for  
38 the following purposes:

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

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

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

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

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

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

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

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

10 411.760. All moneys granted under the provisions of ORS 411.060, 411.070, 411.706 and 411.710  
11 to 411.730 **and section 1 of this 2016 Act** are inalienable by any assignment or transfer and are  
12 exempt from garnishment, levy or execution under the laws of this state.

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

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

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

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

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

31 **SECTION 7.** There is appropriated to the Department of Human Services, for the  
32 biennium beginning July 1, 2015, out of the General Fund, the amount of \$\_\_\_\_\_ for ad-  
33 ministering the general assistance project described in section 1 of this 2016 Act.

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