

OFFICE OF THE SECRETARY OF STATE
TOBIAS READ
SECRETARY OF STATE

MICHAEL KAPLAN
DEPUTY SECRETARY OF STATE



ARCHIVES DIVISION
STEPHANIE CLARK
DIRECTOR

800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701

TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

SSP 23-2025

CHAPTER 461

DEPARTMENT OF HUMAN SERVICES

SELF-SUFFICIENCY PROGRAMS

FILED

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ARCHIVES DIVISION
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& LEGISLATIVE COUNSEL

FILING CAPTION: House Resolution 1 Supplemental Nutrition Assistance Program Rule Changes

EFFECTIVE DATE: 10/01/2025 THROUGH 03/29/2026

AGENCY APPROVED DATE: 10/01/2025

CONTACT: Jennifer Lay
541-844-6136
jennifer.l.lay@odhs.oregon.gov

2885 Chad Drive
Eugene, OR 97408

Filed By:
Lay Jennifer
Rules Coordinator

NEED FOR THE RULE(S):

OAR 461-135-0665 needs to be adopted because House Resolution 1 (H.R.1), also called the One Big Beautiful Bill Act by the federal government, was passed on July 4, 2025, and creates new eligibility laws for the Supplemental Nutrition Assistance Program (SNAP). The federal government made it known on August 29, 2025, that H.R.1 became effective July 4, 2025, so Oregon must implement it to ensure SNAP eligibility determinations align with the new law.

JUSTIFICATION OF TEMPORARY FILING:

The Department finds that failure to act promptly by adopting OAR 461-135-0665 will result in serious prejudice to the public interest, the Department, and individuals who apply for or receive Supplemental Nutrition Assistance Program (SNAP) benefits. A temporary rule is required to implement provisions of House Resolution 1 (H.R. 1) that became effective on July 4, 2025. Without aligning the Department's rules with the requirements of H.R. 1, eligibility determinations may be incorrect. This could result in households that are no longer eligible for SNAP benefits receiving them in error, potentially leading to overpayment claims. Implementing the provisions of H.R. 1 effective October 1, 2025, ensures that errors or misunderstandings by SNAP applicants, recipients, or the Department will not result in overpayments for October 2025.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

United State Department of Agriculture (USDA) Food and Nutrition Memos released by the time the rule was written were relied upon and available here: <https://www.fns.usda.gov/obbb>

ADOPT: 461-135-0665

RULE TITLE: SNAP; House Resolution 1 Act

RULE SUMMARY: OAR 461-135-0665 is being adopted to implement House Resolution 1 (HR1), also called the One Big Beautiful Bill Act by the federal government, in the Oregon SNAP program. The rule creates a maximum SNAP allotment cap for large groups, changes utility deductions for those receiving energy assistance, changes how energy assistance payments are counted, changes who is subject to ABAWD work rules, and changes noncitizen SNAP

eligibility.

RULE TEXT:

The provisions in this rule apply to the Supplemental Nutrition Assistance Program (SNAP).

(1) Notwithstanding any rule provisions in Chapter 461 of the Oregon Administrative Rules, the Department amends SNAP eligibility by the adoption of sections 10101, 10102, 10103, and 10108 of the One Big Beautiful Bill Act of 2025, or House Resolution One (H.R.1). For a benefit group (see OAR 461-110-0750) whose SNAP eligibility is impacted by H.R.1 provisions:

(a) For a benefit group whose eligibility is based on an application with a filing date of July 4, 2025, or after, the Department shall immediately redetermine SNAP eligibility.

(b) For a benefit group whose SNAP eligibility is based on an application with a filing date before July 4, 2025, H.R.1 provisions will be implemented when eligibility is redetermined for any reason.

(2) Section 10101.

(a) The Department amends OAR 461-155-0190(2) as follows: For a household of nine persons or more, the monthly amount is increased for each additional person by 22 percent. The additional percentage shall not total more than 200 percent.

(b) The Department amends OAR 461-160-0400(3) as follows: Step three: The benefit level for an eligible benefit group (see OAR 461-110-0750) is determined as follows --- adjusted income is multiplied by 30 percent, and the product is rounded to the next higher dollar. The result is subtracted from the benefit group's payment standard (see OAR 461-155-0190). The remainder is the benefit amount except for groups that exceed the additional percentage limit. For groups that exceed the additional percentage limit, their benefit amount is limited under subsection (a) of this section.

(3) Section 10102.

(a) The Department amends OAR 461-135-0520 subsection (1)(a) through subparagraph (1)(a)(B)(ii) to read: Unless the context indicates otherwise, the following definitions apply to rules in OAR chapter 461: "Able-bodied adult without dependents (ABAWD)" means an individual 18 years of age or over, but under the age of 65, without dependents.

(A) For purposes of this rule, an individual is "without dependents" if there is no child under 14 years of age in the individual's filing group (see OAR 461-110-0310 and 461-110-0370).

(B) For purposes of this rule, an individual is not "without dependents" when -

(i) A child under 14 years of age has joined the individual's filing group, has not yet been added to the individual's SNAP case due to being on another SNAP case, and the child will be added to the individual's SNAP case when the notice period ends (see OAR 461-175-0050).

(ii) A child under 14 years of age has joined the individual's filing group, has not yet been added to the individual's SNAP case due to effective date provisions, and the child under age 14 will be added to the individual's SNAP case when effective date provisions allow (see OAR 461-180-0010).

(b) The Department amends OAR 461-135-0520(3)(b) to remove the following exemptions:

(A) Paragraph (3)(b)(D): The individual is experiencing homelessness.

(B) Paragraph (3)(b)(E): The individual is a veteran of the US Armed Forces, regardless of discharge status.

(C) Paragraph (3)(b)(F): The individual is 24 years of age or younger and was in foster care on the date they turned 18 years of age, regardless of what state or agency provided the foster care.

(c) The Department amends OAR 461-135-0520(3)(b) to add the following exemption: The individual meets the definition of Indian, Urban Indian, or California Indian, as defined in the Indian Health Care Improvement Act.

(4) Section 10103.

(a) The Department amends OAR 461-160-0420(4)(d) to add: When a third party pays a utility expense on behalf of a filing group under a State law to provide energy assistance -

(A) A filing group that includes an individual who meets the definition of elderly or disabled shall still be allowed the utility expense as a deduction.

(B) A filing group that does not include an individual who meets the definition of elderly or disabled shall not be allowed the utility expense as a deduction.

(b) The Department amends the last two sentences in OAR 461-160-0420 (4)(d)(A) to the following: A filing group that does not pay for heating and cooling separate from housing but received a payment, or had a payment made on their behalf, under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.) or other similar energy assistance program, shall receive the full standard utility allowance if they meet all of the following:

(A) The filing group includes an individual who meets the definition of disabled (see OAR 461-001-0015) or elderly (see OAR 461-001-0015),

(B) The payment was made in the current month or in the last 12 months, and

(C) The payment was greater than \$20 annually.

(c) The Department amends the following asset treatment rules as follows:

(A) OAR 461-145-0170 is amended to read: Except in the Supplemental Assistance Nutrition Program (SNAP), all energy assistance payments or allowances made under any federal, state, or local law are excluded as income and as a resource. In the SNAP program, a payment made under a State law to provide energy assistance--

(i) Shall be excluded from the assets of a filing group (see OAR 461-110-0370) that includes an individual who meets the definition of elderly (see OAR 461-001-0015) or disabled (see OAR 461-001-0015).

(ii) Shall not be excluded from the assets of a filing group that does not include an individual who meets the definition of elderly or disabled.

(B) The Department amends OAR 461-145-0230(2)(d) to read: In the SNAP program, payments for utilities are excluded when the filing group includes an individual who meets the definition of elderly (see OAR 461-001-0015) or disabled (see OAR 461-001-0015). Other payments are unearned income.

(C) The Department amends OAR 461-145-0470(1)(c) to read: In the SNAP program, shelter-in-kind housing and utility payments under a State law to provide energy assistance are excluded for a filing group (see OAR 461-110-0370) that includes an individual who meets the definition of elderly (see OAR 461-001-0015) or disabled (see OAR 461-001-0015). Shelter-in-kind housing and utility payments not made under a State law to provide energy assistance or made for a filing group that does not include an individual who meets the definition of elderly or disabled are not excluded. Notwithstanding the provisions in this subsection, an expenditure by a business entity for shelter costs (see OAR 461-001-0000) of a principal (see OAR 461-145-0088) is counted as income.

(5) Section 10108. For the SNAP program, the Department amends OAR 461-120-0110(1); OAR 461-120-0125 subsections (1)(a), (1)(c), and (6) to restrict SNAP eligibility to residents of the United States who are one of the following:

(a) A citizen or national of the United States.

(b) A noncitizen lawfully admitted for permanent residence as an immigrant as defined by sections 101(a)(15) and 101(a)(20) of the Immigration and Nationality Act, excluding, among others, noncitizen visitors, tourists, diplomats, and students who enter the United States temporarily with no intention of abandoning their residence in a foreign country. Noncitizens lawfully admitted for permanent residence under this subsection must also complete one of the following:

(A) The individual has been residing in the United States for at least five years while a qualified noncitizen.

(B) The individual has worked 40 qualifying quarters of coverage as defined under title II of the Social Security Act, or can be credited with such qualifying quarters as provided under 8 U.S.C. 1645, subject to the following provisions:

(i) No quarter beginning after December 31, 1996, is a qualifying quarter if the individual received any federal, means-tested benefit during the quarter. Federal means-tested benefits include the Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance for Needy Families (TANF), and Medicaid (except emergency medical).

(ii) For the purpose of determining the number of qualifying quarters of coverage, an individual is credited with all of the quarters of coverage worked by a parent of the individual while the individual was under the age of 18 and all of the qualifying quarters worked by a spouse of the individual during their marriage, during the time the individual remains married to such spouse or such spouse is deceased.

(iii) A lawful permanent resident who would meet the noncitizen status requirements, except for a determination by the Social Security Administration (SSA) that the individual has fewer than 40 quarters of coverage, may be provisionally certified for SNAP program benefits while SSA investigates the number of quarters creditable to the individual. An

individual provisionally certified under this section who is found by SSA, in its final administrative decision after investigation, not to have 40 qualifying quarters is not eligible for SNAP program benefits received while provisionally certified. The provisional certification is effective according to the rule on effective dates for opening benefits, OAR 461-180-0080. The provisional certification cannot run more than six months from the date of original determination by SSA that the individual does not have sufficient quarters.

(c) A noncitizen who has been granted the status of Cuban and Haitian entrant, as defined in section 501(e) of the Refugee Education Assistance Act of 1980 (Public Law 96-422); or

(d) An individual who lawfully resides in the United States in accordance with a Compact of Free Association referred to in section 402(b)(2)(G) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

STATUTORY/OTHER AUTHORITY: ORS 409.050, ORS 411.060, ORS 411.070, ORS 411.121, ORS 411.816

STATUTES/OTHER IMPLEMENTED: ORS 409.050, ORS 411.060, ORS 411.070, ORS 411.121, ORS 411.816, ORS 409.010, ORS 411.825, ORS 411.837, ORS 419.B550, 7 USC 2015, 7 USC 2029, 7 CFR 273.7, 7 CFR 273.24, Financial Responsibility Act, H.R. 3746, 118th Congress (2023), House Resolution 1 Act 119th Congress (2025-2026)