

461-140-0210**Effective 7-18-23 – Minor Correction****Asset Transfer; General Information and Timelines**

- (1) OAR [461-140-0210 to 461-140-0300](#) regulate the effect of a transfer of an asset on an individual.
- (2) If an asset is transferred during the periods of time listed in section (4) or (5) of this rule and if the transfer is made in whole or in part for the purpose of establishing or maintaining eligibility for benefits:
 - (a) In the REF and REFM programs, the filing group is disqualified if a member of the *financial group* (see OAR [461-110-0530](#)) transferred the asset while that member was in the U.S. and the asset was located in the U.S.
 - (b) In the REF, REFM, SNAP, and TANF programs, the filing group is disqualified if ---
 - (A) The asset was a resource; and
 - (B) A member of the *financial group* transferred the resource.
 - (c) In the OSIP and OSIPM programs, an individual in a *nonstandard living arrangement* (see OAR [461-001-0000](#)) is disqualified if the individual or the spouse of the individual transferred the asset.
- (3) In all programs, individuals in financial groups whose members transfer an asset covered under section (2) of this rule within the time periods listed in section (4) or (5) of this rule must report the transfer as soon as practicable and must provide information requested by the Department concerning the transfer.
- (4) In the REF, REFM, SNAP, and TANF programs, a transfer of an asset may be disqualifying if the transfer occurs:
 - (a) In the REF and REFM programs, during the three years preceding the *filing date* (see OAR [461-115-0040](#)), if --

- (A) The member of the *financial group* was residing in the U.S. at the time of transfer; and
- (B) The asset was a resource.
- (b) In the SNAP program, during the three months preceding the filing date or during a *certification period* (see OAR [461-001-0000](#)) if the asset was a resource.
- (c) In the TANF program, during the three years preceding the *filing date* (see OAR [461-115-0040](#)) if the asset was a resource.
- (5) In the OSIP and OSIPM programs, for an individual in a *nonstandard living arrangement*, a transfer of an asset may be disqualifying if the transfer occurs:
 - (a) On or before June 30, 2006 and as described in one of the following paragraphs:
 - (A) On or after the date that is 60 months prior to the *date of request* (see OAR [461-115-0030](#)) -- for assets that are transferred without compensation equal to or greater than fair market value from a revocable trust (see OAR [461-145-0540](#)(7)(c)).
 - (B) On or after the date that is 60 months prior to the *date of request* -- for assets that are transferred without compensation equal to or greater than fair market value to an irrevocable trust (see OAR [461-145-0540](#)(8)(a)).
 - (C) On or after the date that is 60 months prior to the *date of request* -- when there is a change in circumstances that makes assets in an irrevocable trust unavailable to the individual (see OAR [461-145-0540](#)(8)(d)).
 - (D) On or after the date that is 36 months prior to the *date of request* -- for assets transferred without compensation equal to or greater than fair market value from an irrevocable trust (see OAR [461-145-0540](#)(8)(b) and (c)).

- (E) On or after the date that is 36 months prior to the *date of request* -- for other asset transfers made without compensation equal to or greater than fair market value.
- (b) On or after---
 - (A) July 1, 2006; and
 - (B) The date that is 60 months prior to the *date of request*.
- (6) The duration of the period of disqualification or ineligibility is set out in OAR [461-140-0260 to 461-140-0300](#).

Statutory/Other Authority: ORS [409.050](#), [411.060](#), [411.404](#), [411.710](#), [411.816](#), [412.049](#), [413.085](#), [414.619](#)

Statutes/Other Implemented: ORS [409.010](#), [411.060](#), [411.404](#), [411.710](#), [411.816](#), [412.049](#)

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