

Special Need; Accommodation Allowance

Retroactively effective July 6, 2020, an OSIPM recipient may receive an accommodation allowance as follows:

- (1) Temporary absence of individual from home.
 - (a) A temporary accommodation allowance may be authorized if an individual meets all the following requirements:
 - (A) The individual owns, rents or leases a primary residence.
 - (B) The individual leaves his or her home or rental property and temporarily receives services in a hospital, nursing facility, residential care facility, assisted living facility, adult foster home, specialized living facility or state psychiatric institution.
 - (C) Except for a temporary absence from the primary residence, the individual must be eligible to receive in-home services under OAR chapter [411 division 030](#).
 - (D) The individual cannot afford to keep the home or rental property without the allowance.
 - (E) The individual will be able to return home or rental property within six months of leaving, according to a written statement from a primary practitioner, RN, or PAS (pre-admission screening) RN.
 - (F) The home or rental property will accommodate the service plan of the individual when the individual returns.
 - (b) The allowance may be authorized for six months. If, after six months, the individual continues to meet the criteria in subsection (a) of this section, an extension may be approved in writing by a supervisor.

- (c) The accommodation allowance equals the total of the individual's housing cost, including taxes and homeowners insurance, plus the limited standard utility allowance for the SNAP program provided in OAR [461-160-0420](#).

(2) Disability-associated accommodation allowance.

- (a) In order to be eligible for an accommodation allowance under this section, an individual must meet the requirements of each of the following paragraphs:
 - (A) The individual must meet the requirements of at least one of the following subparagraphs:
 - (i) Receive SSI.
 - (ii) Have adjusted income less than the OSIPM program income standard.
 - (iii) Be receiving or be eligible to receive home and community-based care in-home services under OAR chapter [411 division 030](#) and be 18 years of age or older.
 - (B) The individual's shelter costs exceed \$451 for a one-person need group or \$559 for a two-person need group; and
 - (C) The individual has a documented increase in rent associated with access by an individual with a disability.
- (b) The amount of the accommodation allowance is limited to the amount of the increase in housing cost associated with the individual's access needs.

- (3) Accommodation allowance based on increased costs associated with an individual's need for a home with an additional bedroom for a service provider.
- (a) In order to be eligible for an accommodation allowance under this section, an individual must meet the requirements of all of the following paragraphs:
- (A) Receive in-home services under OAR Chapter [411 Division 030](#).
 - (B) Require full assistance in at least four of the six activities of daily living as determined by the assessment described in OAR Chapter [411 Division 015](#).
 - (C) Receive services from one or more homecare workers who routinely sleep at the individual's home as part of the individual's service plan.
- (b) The amount of the accommodation allowance is the limited standard utility allowance for the SNAP program under OAR [461-160-0420](#) plus:
- (A) One-third of the monthly rental cost; or
 - (B) One-third of the monthly payment on the property agreement (including mortgage, trust deed, or land sale contract). The property agreement is the agreement existing at the time the individual is approved for the accommodation allowance. The accommodation allowance for the housing portion ends if the debt is refinanced, unless the refinancing was done only to reduce the original property agreement's interest rate or total monthly payment amount and the owner realized no direct or indirect payment of the home's equity value is from the refinancing.

- (i) If the refinancing requirement is met under this paragraph, the amount of the accommodation allowance is one-third of the refinanced property agreement amount plus the limited standard utility allowance under OAR [461-160-0420](#).
 - (ii) If the refinancing requirement under this paragraph is not met and the housing portion of the accommodation allowance ends, the individual remains eligible only for the limited standard utility allowance portion under OAR [461-160-0420](#).
- (4) Special requirements.
 - (a) An individual who rents and qualifies for an allowance under section (2) or (3) of this rule must take the steps necessary to obtain subsidized housing under any federal or state housing program. An individual who fails, at any time, to take the steps necessary to obtain reasonably available subsidized housing is ineligible for the allowance. An individual who has been denied or revoked from participation in any rent subsidy program based on the individual's own actions is ineligible for benefits under this rule.
 - (b) An individual who rents housing and refuses subsidized housing will no longer be eligible for an accommodation allowance, except that if the housing that is offered is not suitable, related to accommodations, and the individual continues to have increased costs related to accommodations in the individual's current living situation, the accommodation allowance may continue until such time as appropriate subsidized housing is found.

Statutory/Other Authority: ORS [409.050](#), [411.060](#), [411.070](#), [411.404](#), [411.704](#), [411.706](#), [413.085](#), [414.685](#)

Statutes/Other Implemented: ORS [409.010](#), [411.060](#), [411.070](#), [411.404](#), [411.704](#), [411.706](#)

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