

Date of Hearing: April 8, 2025

ASSEMBLY COMMITTEE ON HUMAN SERVICES  
Alex Lee, Chair  
AB 1161 (Harabedian) – As Introduced February 20, 2025

**SUBJECT:** Public social services: state of emergency or health emergency

**SUMMARY:** Provides for continuous eligibility for at least 90 calendar days or the conclusion of the proclamation, to a recipient of Medi-Cal, California Work Opportunity and Responsibility to Kids (CalWORKs), CalFresh, California Food Assistance Program (CFAP), In-home Supportive Services (IHSS), and/or the Cash Assistance Program for Immigrants (CAPI) that was displaced by or affected by a proclaimed a state of emergency by the Governor or a health emergency declared by the State Public Health Officer. Specifically, **this bill:**

- 1) Requires the Department of Health Care Services (DHCS) and the California Department of Social Services (CDSS) to provide continuous eligibility to social service programs, as specified, for a recipient that was displaced or affected by an event proclaimed a state of emergency by the Governor or a health emergency declared by the State Public Health Officer for Medi-Cal, CalWORKs, CalFresh, CFAP, IHSS, and/or CAPI.
- 2) Provides that for the purposes of 1) above, continuous eligibility must maintain a recipient's current scope of benefits under the applicable program for at least 90 calendar days starting from the proclamation or declaration, whichever one is later, and shall continue through at least the conclusion of the proclamation or declaration.
- 3) Requires DHCS and CDSS to implement 2) above, or each recipient described in 1) above, through automated programming of eligibility systems to pause all discontinuances and all negative actions, without requiring manual eligibility worker action, and must include the transmission of a notification by mail, and a notification through electronic, text, or telephonic format, that inform a recipient about their continued eligibility and about any changes to deadlines for any information required to continue eligibility after the state of emergency or the health emergency, as applicable.
- 4) Requires a county to immediately restore eligibility for the applicable program for any recipient whose eligibility was discontinued and who informs the county that they have been impacted by emergencies described in 1) above, without requesting any further verifications from the recipient. Requires the recipient's attestation of their impact by any means, including, but not limited to, verbal communication.
- 5) Requires a county to determine that the recipient had good cause for failing to submit a semiannual report, an annual redetermination, or recertification of eligibility if they were impacted by an emergency described in 1) above.
- 6) Requires the county to rescind any discontinue notice for the full period of continuous eligibility.

- 7) Prohibits a county from terminating benefits due to a failure to submit:
  - a) A semiannual report by the end of the semiannual reporting period if the recipient had good cause for failing to submit the report.
  - b) An annual redetermination or recertification of eligibility by the end of the annual reporting period if the recipient had good cause for failing to submit the report.
- 8) To the extent permitted by federal law, requires CDSS to seek any necessary federal waivers to suspend or defer the federal Supplemental Nutrition Assistance Program (SNAP) recertification deadline, as applicable.
- 9) Authorizes CDSS to waive, subject to receipt of any necessary federal approvals, the enforcement of specific federal requirements, regulations, or standards necessary to implement this section.
- 10) Clarifies that this bill shall not be construed as limiting the Governor's authority under the California Emergency Services Act or the authority of the director under any provision of this part.
- 11) Specifies that this bill shall only be implemented to extent not in conflict with federal law.
- 12) Permits the DHCS and CDSS directors to issue county directives in the form of all-county letters or eligibility division letters, exempt from the Administrative Procedures Act, regarding compliance with this section during the first three years following the proclamation of a state of emergency or the declaration of a health emergency, or until the state of emergency or the health emergency is terminated, whichever occurs first.

**EXISTING LAW:**

- 1) Grants the Governor the authority, during a state of emergency, to the extent he deem necessary, have complete authority over all agencies of the state government and the right to exercise within the area designated all police power vested in the state by the Constitution and laws of the State of California in order to effectuate the purposes of this chapter. In exercise thereof, the Governor shall promulgate, issue, and enforce such orders and regulations as he deem necessary. (Government Code [GOV] § 8627)
- 2) Authorizes the Governor to make, amend, and rescind orders and regulations necessary to carry out the provisions of this chapter. The orders and regulations have the force and effect of law. Due consideration shall be given to the plans of the federal government in preparing the orders and regulations. The Governor must cause widespread publicity and notice to be given to all such orders and regulations, or amendments or rescissions thereof. (GOV § 8567)
- 3) Establishes the CalFresh program to administer the provision of federal SNAP benefits to families and individuals meeting certain criteria, as specified. (Welfare and Institutions Code [WIC] § 18900 et seq.)
- 4) Requires CDSS and county human services agencies, if the President of the United States (U.S.) issues a Major Disaster Declaration with Individual Assistance (IA), to request to operate a federal Disaster Supplemental Nutrition Assistance Program for the regions

affected by the major disaster. The request shall include a waiver request to provide automatic, mass replacement benefits to eligible households and a waiver request to allow households to purchase hot, prepared foods at authorized retailers with their benefits. (WIC § 18917(d))

- 5) Establishes in state law the CalWORKs program, to provide cash assistance and other social services for low-income families through the federal TANF program. Under CalWORKs, each county provides assistance through a combination of state, county, and federal TANF funds. (WIC § §11200 et seq.)
- 6) Establishes income, asset, and real property limits used to determine eligibility for the CalWORKs program and grant amounts based on family size and county of residence. (WIC § § 11150-11160, 11450 et seq.)

**FISCAL EFFECT:** Unknown, this bill has not been analyzed by a fiscal committee.

**COMMENTS:** This analysis only discusses policy issues germane to the jurisdiction of the Assembly Committee on Human Services.

**Background:** *CalWORKs, CalFresh, CFAP, IHSS Eligibility Requirements.* Social safety net programs, as prescribed in this bill, are delivered at the county-level. Eligibility requirements include, but are not limited to, income level, household size, compliance with program requirements, immigration status, and time spent on the program.

For CalWORKs, As of October 2024, the maximum monthly grant for a family of three on CalWORKs (one parent and two children), if the family has no other income and lives in a high cost-of-living county, is \$1,039. In 2024-25, the administration estimates the average CalWORKs grant amount to be \$1,001 per month across all family sizes and income levels. Unless deemed exempt, an adult in a one-parent assistance unit is required to participate in welfare-to-work activities for an average of 30 hours per week or, in the case of someone who is pregnant or parenting a child under six years of age, an average of 20 hours per week, monthly. In a two-parent assistance unit, one or both adults must participate in welfare-to-work activities for a combined average of 35 hours per week.

CalFresh eligibility is determined by federal law. The United States Department of Agriculture establishes the gross and net income requirements for CalFresh eligibility, limiting California's flexibility in setting its own criteria. If a family passes the gross income test, the net income test is computed, and the amount is determined by deducting certain income from a household's gross income. Currently, the maximum allowable gross income is 200% of the federal poverty level, although households with elderly members or members with disabilities are not subject to gross income criteria. Effective October 1, 2024, through September 30, 2025, these gross income limits for a household of three in the U.S. are currently \$2,798 per month, or \$33,576 annually. CFAP has similar income eligibility requirements as CalFresh. CalFresh does not currently have any work requirements.

IHSS requires a Medi-Cal eligibility determination, which requires an income of 138% of the federal poverty level and equates to \$36,777 per year for a family of three, as well as living in a home and not a licensed facility.

Counties determine eligibility using BenefitCal which is an automated online system that determines eligibility for social programs after an applicant fills out the required information. The system then determines what a person might be eligible for based on the information provided. Following the application, a county social worker from the county of residence makes a further evaluation including, but not limited to, documentation, a phone or in-person interview, and eventually an agreement on the program's terms. After a person is determined eligible, the county then requires redetermination or recertification. For CalWORKs and CalFresh, this occurs every 12 months

*Emergencies.* According to the National Centers for Environmental Information, from 1980-2024, there were 46 confirmed weather/climate disaster events with losses exceeding \$1 billion each to affect California. These events included 14 drought events, 6 flooding events, 3 freeze events, 4 severe storm events, and 19 wildfire events. With Climate Change worsening across the world, natural disasters will continue and likely become more catastrophic. CDSS plays a critical role in disaster response by supporting local jurisdictions with the provision of temporary shelter, feeding, and other essential services for individuals and families affected by emergencies. CDSS is designated the lead for mass care and shelter operations through an Administrative Order from the California Governor's Office of Emergency Services. During emergencies, CDSS can provide grant assistance through three programs: the State Supplemental Grant Program; the Disaster Case Management Program; and Crisis Counseling, Immediate Services Program.

In addition, CDSS oversees Disaster CalFresh. Disaster CalFresh is a way to meet the temporary nutritional needs of disaster victims following a natural disaster such as a flood, fire, earthquake or any other natural disaster. Disaster CalFresh provides a month's worth of benefits on an Electronic Benefit Transfer card, which can be used to purchase food at authorized retail stores. Disaster CalFresh is only available when all of the following elements occur:

- A Presidential Major Disaster Declaration for Individual Assistance has been declared in the affected area;
- Commercial channels of food distribution have been disrupted, and those commercial channels have been restored; and,
- The State of California has been approved to operate a Disaster CalFresh program.

In order to eligible, The household must have lived or worked in the disaster area at the time of the disaster, The household must purchase or plan to have purchased food during the disaster benefit period or have purchased food during that time, if the benefit period has passed, The household must experience at least one adverse effect: loss of income, inaccessible resources, and disaster expenses; and meet income eligibility requirements.

*Current authority.* Existing law permits departments to waive requirements during a declared emergency at the direction of the Governor. For example, during COVID-19, many eligibility requirements were waived to accommodate for public health guidelines which included waiving in-person recertification for a period of time and extending Medi-Cal redetermination timelines.

**Author's Statement:** According to the Author, "When disaster strikes, no one should be left without food, medical care, or the basic support they need to survive. Yet, under current law, there are no protections to ensure that low-income Californians, seniors, people with disabilities, and immigrant communities maintain access to critical public benefits in the wake of a crisis.

Families relying on CalWORKs, CalFresh, Medi-Cal, In-Home Supportive Services, and the Cash Assistance Program for Immigrants face an unnecessary and preventable risk: losing their benefits at the exact moment they need them most. Public benefits programs are designed to provide stability, yet without guaranteed protections during disasters, recipients are left vulnerable to abrupt terminations due to administrative barriers, lost documents, or mail disruptions—through no fault of their own. The absence of clear, permanent safeguards means that each disaster brings uncertainty, forcing people already facing immense hardship to fight for the assistance they should never have to fear losing. [This bill] creates the necessary protections to ensure that individuals and families do not lose their benefits simply because they have been displaced or are struggling to recover from a disaster. This bill establishes a critical safety net—one that prevents terminations, allows for benefit restoration, and ensures that aid reaches those who need it without unnecessary red tape. We cannot allow public benefits to become another casualty of disaster. [This bill] is a proactive, necessary safeguard to protect California's most vulnerable communities, ensuring that disaster survivors have the resources they need to recover with dignity and security."

**Equity Implications:** Lower-income households and renters are disproportionately impacted during disasters due to limited access to insurance, financial savings, and affordable housing options (GAO, 2020). *This bill* aims to ease the burdens on low-income households during disasters.

**Policy Considerations:** Public Health Declarations are broad and encompass many events including Sexually Transmitted Infections, diseases, or infections that are spread via food or interactions with animals. Many of these events do not impede the ability to establish eligibility for social programs. When a public health declaration rises to the level of an emergency, the Governor has the authority to issue an emergency proclamation.

*Should the bill move forward, the Author may wish to remove references to public health declarations.*

**Proposed Committee Amendments:** The Committee proposes amendments to address policy considerations stated above to remove public health declarations as a basis for continuous enrollment.

**Double referral:** Should this bill pass out of this committee, it will be referred to the Assembly Committee on Health.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

Western Center on Law & Poverty, INC. (Sponsor)  
Asian Americans Advancing Justice-Southern California  
California Advocates for Nursing Home Reform  
California Association of Food Banks  
California Coalition for Youth  
California Community Foundation  
California Family Resource Association  
California Hospital Association  
California-Hawaii State Conference of the NAACP

Child Abuse Prevention Center and Its Affiliates Safe Kids California, Prevent Child Abuse  
California and The California Family Resource Association  
Children Now  
Health Access California  
Justice in Aging  
LeadingAge California  
National Health Law Program  
The Arc and United Cerebral Palsy California Collaboration  
The Children's Partnership

**Opposition**

None on file.

**Analysis Prepared by:** Alexandria Smith / HUM. S. / (916) 319-2089