

Date of Hearing: April 29, 2025

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Alex Lee, Chair

AB 777 (Celeste Rodriguez) – As Amended April 24, 2025

SUBJECT: Food assistance: disasters: utilities

SUMMARY: Requires the California Department of Social Services (CDSS) to maximize the amount of assistance through the federal Disaster Supplemental Nutrition Assistance Program (D-SNAP) during disasters and provides for information-sharing requirements between CDSS and utilities to seek automated mass replacement of federally funded nutrition assistance programs. Specifically, **this bill:**

- 1) Requires each utility to timely respond to data requests by CDSS.
- 2) Requires the California Public Utilities Commission (CPUC) to establish any memorandums of understanding (MOUs) or other data sharing agreements necessary, to direct utilities to provide data to CDSS to maximize the food assistance available pursuant to 6) below.
- 3) Requires each utility to have a dedicated point of contact for CDSS and establish any MOUs or other data-sharing agreements necessary to provide the requested data.
- 4) Requires the CPUC to provide technical assistance to CDSS, including, but not limited to, technical assistance to support the report described in 8) below.
- 5) Defines, for purposes of these provisions, “utility” to mean an electrical corporation, a gas corporation, a water corporation, or a local publicly owned electric utility, as defined in 11) below, serving California customers.
- 6) Requires CDSS to maximize the amount of assistance requested and received through the D-SNAP and all other federally funded nutrition assistance programs, including utilizing necessary data, provided in accordance with 1) through 5) above, in order for CDSS to timely seek automated mass replacement of Supplemental Nutrition Assistance Program (SNAP) benefits, D-SNAP, the Summer Electronic Benefit Transfer for Children (Summer EBT) program, known in California as SUN Bucks, and any other federally funded nutrition assistance programs.
- 7) Requires CDSS to maintain at least one dedicated point of contact with each utility to act as liaison with the utilities in accordance with 1) through 5) above.
- 8) Requires CDSS, on or before December 31, 2026, to submit a report to the Legislature that includes: any further ways to ensure that California maximizes all available federal food assistance during state and federally declared disasters, public health emergencies, or other crises that enable the provision of resources to California households; and, any additional oversight or actions needed to fulfill the objectives of these provisions and those in existing law related to county disaster plans as described in 3) through 5) below.

EXISTING LAW:

State law:

- 1) Acknowledges access to sufficient affordable and healthy food as a human right and requires state agencies and departments to consider this state policy. (Welfare and Institutions Code [WIC] § 18700)
- 2) Establishes the CalFresh program to administer the provision of federal SNAP benefits to families and individuals meeting certain criteria, as specified. (WIC § 18900 *et seq.*)
- 3) Requires CDSS to identify the needed elements in a county human services department disaster plan and develop guidance for the development and submission of that plan. (WIC § 18917 (a))
- 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, to request to operate a federal D-SNAP for the regions affected by the major disaster. Requires the request to 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) Provides legislative intent that CDSS shall maximize the capacity of counties to maintain timely, adequate, and safe access to all applicable benefits during a disaster. (WIC § 18917(e))
- 6) Declares legislative intent to maximize food access for all CalFresh recipients. (WIC § 18919.1(a))
- 7) Establishes the Electronic Benefits Transfer (EBT) Act, and defines the EBT system as a program designed to provide benefits to those eligible to receive public assistance benefits such as the California Work Opportunity and Responsibility to Kids (CalWORKs) and CalFresh. (WIC § 10065 *et seq.*)
- 8) Authorizes the CPUC to supervise and regulate every public utility in the state and to do all things, whether specifically designated or in addition thereto, which are necessary and convenient in the exercise of such power and jurisdiction. (Public Utilities Code [PUC] § 701)
- 9) Establishes the Public Utility District Act, authorizing the formation and governance of public utility districts to provide services such as electricity, water, and waste management to local communities. (PUC § 15501 *et seq.*)
- 10) Defines the following terms:
 - a) “Electrical corporation” includes every corporation or person owning, controlling, operating, or managing any electric plan for compensation within this state, except where electricity is generated on or distributed by the producer through private property solely for its own use or the use of its tenants and not for sale or transmission to others. (PUC § 218(a))

- b) “Gas corporation” includes every corporation or person owning, controlling operating, or managing a plant for compensation within this state, except where gas is made or produced on and distributed by the maker or producer through private property alone solely for his own use or the use of his tenants and not for sale to others. (PUC § 222(a))
 - c) “Water corporation” includes every corporation or person owning, controlling, operating, or managing a water system for compensation with this state. (PUC § 241)
 - d) “Local publicly owned electric utility” means a municipality or municipal corporation operating as a “public utility” furnishing electric service, a municipal utility district furnishing electric service formed, a public utility district furnishing electric services formed pursuant to the Public Utility District Act, an irrigation district furnishing electric services formed pursuant to the Irrigation District Law, or a joint powers authority that includes one or more of these agencies and that owns generation or transmission facilities, or furnishes electric services over its own or its member’s electric distribution system. (PUC § 224.3)
 - e) “Personal information” means any information that is maintained by an agency that identifies or describes an individual, including, but not limited to, the individual’s name, social security number, physical description, home address, home telephone number, education, financial matters, and medical or employment history, and includes statements made by, or attributed to, the individual. (Civil Code 1798.3(a))
- 11) Establishes the electric investor-owned utility (IOU) authority to shut off the electric power to protect public safety. (PUC §§ 451, 399.2(a))
 - 12) Prohibits electric or gas IOUs and electric publicly owned utilities (POUs) from sharing or selling customer consumption data without explicit customer consent, with exceptions for system operations, grid needs, or specified programs like demand response and energy efficiency. IOUs must implement reasonable security procedures to protect unencrypted customer data from unauthorized access or disclosure. (PUC §§ 8380-8381)
 - 13) Permits electric and gas IOUs and electric POU to disclose customer consumption data as required or permitted under state or federal law or by an order of the CPUC, except to immigration authorities in instances where there is no court-ordered subpoena or judicial warrant. (PUC §§ 8380(f)(3), 8381(f)(3))
 - 14) Establishes information provided by utilities to the CPUC is confidential and not open to public inspection unless ordered by the CPUC. Makes unauthorized disclosure by CPUC personnel a misdemeanor. Permits information-sharing with the California Independent System Operator pursuant to an agreement to treat the shared information as confidential. (Public Utilities Code § 583)

Federal law:

- 15) Establishes SNAP pursuant to the Food Stamp Act of 1964. (7 United States Code § 2011 *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: *SUN Bucks.* Officially known as the Summer EBT for Children program, SUN Bucks is a federally funded nutrition assistance program designed to help low-income families purchase food for their children during the summer months when school meals are unavailable.

Authorized under the federal Consolidated Appropriations Act of 2023, Summer EBT provides eligible families with a preloaded EBT card, similar to CalFresh, which can be used to buy groceries at authorized retailers. Each eligible child receives a fixed amount of benefits per summer (e.g. \$120 per child in 2024), which helps offset the loss of free or reduced-price meals they would typically receive during the school year. In California, the program is called SUN Bucks and is administered by CDSS in collaboration with the California Department of Education. Eligibility is generally tied to participation in programs like CalFresh, CalWORKs, Medi-Cal, or qualification for free or reduced-price school meals.

This bill would require utilities to share timely data with CDSS to support the automatic issuance of federal nutrition benefits, such as SUN Bucks, during disasters and emergencies.

Disaster SNAP. Disaster-CalFresh is the state's specific version of the federal D-SNAP, which provides temporary food assistance to households impacted by a federally declared disaster and is distinct from the regular SNAP. D-SNAP is only activated following a Presidential Major Disaster Declaration for Individual Assistance, and is intended to meet urgent nutritional needs when households face sudden financial strain due to disaster-related disruptions.

The program offers a one-time benefit equal to the maximum monthly SNAP allotment for the household's size. Eligibility is based on factors such as (1) residence or employment in the disaster area, (2) plans to purchase food during the time of the disaster, (3) the experience of an adverse effect—such as loss of income, inaccessible resources, or disaster-related expenses, and (4) meet the disaster gross income limit, which is set by the federal government. Households can receive up to \$292 for a month and do not need to be CalFresh recipients before the disaster.

State law requires CDSS to request additional federal waivers when seeking authorization for D-SNAP. These include: the Timely Reporting Waiver, which extends the 10-day deadline for CalFresh recipients to report food loss; the Automated Mass Replacement Waiver, which allows CDSS to automatically replace a portion of benefits for households in the affected area without requiring an application; and, the Hot Foods Waiver, which temporarily permits the purchase of hot, prepared foods in designated zip codes.

This bill would require utilities to share timely data with CDSS to support the automatic issuance of federal nutrition benefits, such as D-SNAP, during disasters and emergencies.

Disaster Plans. State law requires each county to submit a D-CalFresh Plan annually for every federal fiscal year. The plan must outline how the county will ensure the timely delivery of D-CalFresh benefits and describe arrangements for mutual aid support from at least two other counties. Counties submit their plans to CDSS, who then compiles and submits to the United States Department of Agriculture (USDA) Food and Nutrition Service. CDSS is also responsible for maintaining a D-CalFresh Handbook that provides guidance on program administration, best practices, and protocols for maintaining communication with the state during implementation.

In addition to D-CalFresh planning, counties are required to notify CDSS whenever a county welfare department closes during regular business hours due to a disaster or other emergency. As outlined in the Manual of Policies and Procedures Section 11-601, counties are required to ensure that individuals can still apply for and receive CalFresh, CalWORKs, and Medi-Cal benefits, including emergency benefits within required timeframes. Counties are also required to post notices about their hours of operations and the procedures in place for accessing benefits during closures.

CDSS Emergency Response Handbook. According to the CDSS Emergency Response Handbook, CalFresh households experiencing food loss—the spoilage or destruction of food purchased with CalFresh benefits as a direct result of a disaster—can request replacement benefits by submitting a replacement affidavit within 10 days of loss. This timeframe may be extended to 30 days if a Timely Reporting Waiver is approved. The affidavit form can be submitted in person, by mail, fax, telephone or online. Counties are required to verify the loss, which may involve contacting agencies like the Red Cross or local fire departments. Once verified, replacement benefits should be issued within two business days. For losses due to power outages, the replacement amount is typically 70% of the calculated benefit, reflecting the proportion of perishable food likely lost.

Criteria for approval of automated mass replacement include evidence that at least 50% of households in the area experienced food loss and that power outages lasted four hours or more. Disaster-impacted areas are typically defined by ZIP code, though they may also include entire counties or broader geographic regions. To support the Automatic Mass Replacement Waiver, particularly in cases involving power outages, CDSS or county welfare departments must obtain data from local or state utility providers, which is outlined below. For events like major flooding, CDSS allows counties to assume food loss without requiring the same level of documentation as for power outages.

To assist counties in working with utility companies, CDSS includes a Power Outage Data Request Checklist in its Emergency Response Handbook. CDSS encourages counties to proactively build relationships with local utility providers, as obtaining necessary documentation after a disaster can be difficult. The checklist advises counties to request:

- A list of ZIP codes where 50% or more households or meters experienced a power outage lasting for four more hours;
- The start and end dates of the reported outages; and,
- Confirmation that ZIP codes with 15 or fewer households or meters may be excluded to protect personally identifiable information.

In addition to the above information, specific caseload data must also be secured for the geographic area, either by CDSS or the county welfare department (CWD), including:

- Number of CalFresh households in affected area(s);
- Number of CalFresh individuals in affected area(s); and,
- Estimated amount of replacement benefits.

Once the caseload data has been provided and CDSS and CWD have completed the Automatic/Mass Replacement Waiver request, the request will be submitted by CDSS to the USDA Food and Nutrition Service (FNS) for approval. If approved, CDSS, the CWD, and their respective consortia, will work together to coordinate the automatic issuance of replacement benefits to CalFresh households in the geographic area. The FNS will specify the percentage of benefits that will be replaced in their approval of the Automatic/Mass Replacement Waiver request.

Once the Automatic/Mass Replacement Waiver request has been approved, CWDs will work with CDSS and their respective consortia to schedule the issuance of automatic/mass replacement benefits. Most often, automatic/mass replacement benefits are issued via an overnight batch process. Only ongoing CalFresh households residing in the qualifying geographic area(s) at the time of the disaster are eligible to receive replacement benefits on an automatic/mass basis.

The author raised instances of ZIP codes in her district that experienced public safety power shutoff (PSPS) events in January 2025, but were excluded from D-CalFresh benefits. PSPS is a preventive measure used by electric utility companies to temporarily shut off power in specific areas when there is a high risk of wildfire, which are typically planned in advance to protect public safety. While PSPS events can help prevent wildfires, they can also disrupt access to food.

This bill requires utilities to share timely data with CDSS to support the automatic issuance of federal nutrition benefits, such as D-SNAP and SUN Bucks, during disasters and emergencies. *This bill* also requires CPUC to help establish necessary data-sharing agreements and requires CDSS to maintain utility coordination and submit a report to the Legislature by December 31, 2026, with recommendations to improve access to federal food assistance and identify any needed state actions.

Recent Natural Disasters. On January 24, 2025, President Trump issued a major disaster response declaration due to one of the most extensive and expensive firestorms in U.S. history that occurred in Los Angeles County. The fires burned over 57,000 acres of land and destroyed more than 18,000 homes and structures. As a result of these firestorms, many impacted residents were forced to evacuate to temporary housing arrangements and shelters. As such, many residents lost the ability to store food and access to cooking facilities. Wildfire impacted areas include specified zip codes in Eaton, Hughes, Hurst, Palisades, and other areas that experienced power outages. On January 13, 2025, CDSS announced that individuals and families directly impacted by the fires may be eligible to receive D-CalFresh food benefits, which provides automatic disaster supplements. CDSS also secured a hot foods waiver for affected households in the counties of Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, and Ventura to purchase hot foods through March 10, 2025, which was extended from the original deadline of February 8, 2025.

On January 8, 2023, President Biden issued a major disaster declaration due to severe winter storms, power outages, and flooding in California that began on December 27, 2022. Similar to the Los Angeles fires, many affected residents were forced to evacuate to temporary housing and shelters, resulting in the loss of food storage and access to cooking facilities. On January 27, 2023, CDSS submitted a request to the USDA to amend the federal definition of “food” to permit impacted residents to purchase hot foods. On January 27, 2023, the USDA approved the request and permitted residents in the counties of Merced, Monterey, Sacramento, San Luis

Obispo, San Joaquin, Santa Barbara, Santa Cruz, Alameda, Alpine, Amador, Contra Costa, El Dorado, Fresno, Kern, Kings, Madera, Mariposa, Placer, San Benito, Santa Clara, San Francisco, Solano, Stanislaus, Sutter, Tuolumne, Ventura, and Yolo to temporarily purchase hot foods until February 20, 2023. The flexibility was later expanded to include the counties of Glenn, Humboldt, Lake, Los Angeles, Mendocino, Sonoma, Tehama, and Trinity.

Author’s Statement: According to the Author, “During the January 2025 Southern California fires and windstorms, neighborhoods in California that were impacted by the emergency did not receive support they could have been eligible for. This included emergency food assistance through D-SNAP. [This bill] will maximize federal food assistance following disasters by ensuring that all public and private utilities serving California households provide the necessary data to draw down all available federal food assistance benefits.”

Equity Implications: *This bill* impacts low-income households, communities of color, and rural or disaster-prone areas that are disproportionately impacted by power shutoffs, wildfires, and other emergencies. By requiring utilities to share timely outage data with CDSS, the state can more effectively and equitably target automatic replacement of CalFresh benefits and deploy SUN Bucks and D-SNAP to households experiencing food loss.

Without such data sharing, many vulnerable families may fall through the cracks, especially those who face barriers to submitting individual affidavits for food loss (e.g. due to language access issues, disability, housing instability, or lack of internet access). *This bill* may help reduce administrative burden on these communities by enabling automatic benefit issuance, thereby promoting more equitable disaster response and food security outcomes. Furthermore, by requiring CDSS to identify further strategies to maximize federal food assistance, *this bill* supports continuous improvement in ensuring that emergency nutrition assistance reaches those most in need, particularly in under-resourced and high-risk areas.

Policy Considerations: While the bill establishes a framework for utilities to share data with CDSS to support the delivery of emergency food assistance, it does not currently specify safeguards to limit the type, use, or sharing of sensitive information. Without clear privacy protections, there is a risk that data collected for emergency purposes could be used inappropriately or disclosed without adequate consent.

Should this bill move forward, the Author may wish to consider adding provisions that strengthen data privacy protections in all MOUs between utilities and CDSS. Specifically, the provisions should require that collected data be strictly limited to the aggregate customer power outage information which is necessary to maximize access to food assistance during emergencies, and shall not include personally identifiable information. The provisions should also make clear that any data collected is required to only be used for the purpose of administering emergency food assistance and not for any other purpose. Finally, all information collected, shared, and maintained under the bill should be required to comply with applicable state and federal privacy laws to ensure the protection of individuals’ sensitive information.

Proposed Committee Amendments: The Committee proposes amendments to address policy considerations stated above to do the following:

- Require all MOUs, at minimum, to require: (1) collected data must be limited to only the aggregate customer power outage information which is necessary for maximizing food assistance in an emergency, and shall not include any personally identifiable information; (2) this information collected shall not be used for any other purpose; and, (3) information received and shared shall follow all applicable privacy laws.

Double referral: This bill was previously heard by the Assembly Committee on Utilities and Energy on April 23, 2025, and was approved on an 18-0 vote.

RELATED AND PRIOR LEGISLATION:

AB 553 (Caloza) of the current legislative session, requires CDSS to maximize all available food choices for CalFresh recipients pursuant to the Federal Food and Nutrition Act of 2008. *AB 553 is pending referral by the Senate Committee on Rules.*

SB 739 (Arreguín) of the current legislative session, requires CDSS to inquire of the ability of each county facility that serves CalFresh participants in the impacted area of a disaster to provide timely and adequate service. *SB 739 is pending before the Assembly Committee on Appropriations.*

AB 607 (Gloria), Chapter 501, Statutes of 2017, required certain specified actions on the part of CDSS, the Department of Public Health, and county human services agencies in order to prepare for and respond to the needs of low-income residents in the event of a disaster, including CDSS's implementation of D-SNAP.

REGISTERED SUPPORT / OPPOSITION:

Support

California Association of Food Banks (Co-Sponsor)
GRACE - End Child Poverty CA (Co-Sponsor)
Western Center on Law & Poverty (Co-Sponsor)
Food Bank of Contra Costa and Solano
Food for People, the Food Bank for Humboldt County
Hunger Action Los Angeles INC
Los Angeles Regional Food Bank
Second Harvest Food Bank of Orange County

Opposition

None on file.

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