

Date of Hearing: July 1, 2025

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Alex Lee, Chair

SB 739 (Arreguín) – As Introduced February 21, 2025

**SENATE VOTE:** 38-0

**SUBJECT:** Disaster CalFresh: county resources: status

**SUMMARY:** Adds to the requirements placed on the California Department of Social Services (CDSS) once the President has issued a major declaration for individual assistance (IA) ensuring that disaster victims are not required to travel through dangerous routes to apply for or receive their Disaster CalFresh (D-CalFresh) or replacement benefits, to include inquiring whether each county facility serving CalFresh participants in the impacted area can provide timely and adequate services.

**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 when it is pertinent to the distribution of sufficient affordable food. (Welfare and Institutions Code [WIC] § 18700)
- 2) Establishes the CalFresh program to administer the provision of federal Supplemental Nutrition Assistance Program (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 IA, to request to operate a federal Disaster SNAP (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) Declares 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. Further provides that many of the hungriest Californians who rely on CalFresh to eat face the most significant barriers, including the lack of kitchen facilities or means of preparing and cooking meals with groceries, special dietary needs, or specific foods required for medications, among other factors that strain the ability of traditional groceries to meet their needs. (WIC § 18919.1(a))

- 7) Requires CDSS to seek all available federal waivers and approvals to maximize food choices for CalFresh recipients, including hot and prepared foods ready for immediate consumption. (WIC § 18919.1(b))
- 8) 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 CalWORKs and CalFresh. (WIC § 10065 *et seq.*)

Federal law:

- 9) Establishes SNAP pursuant to the Food Stamp Act of 1964. (7 United States Code (U.S.C.) § 2011 *et seq.*)
- 10) Establishes the Robert T. Stafford Disaster Relief and Emergency Assistance Act, which states in part that: "All requests for a declaration by the President that a major disaster exists shall be made by the Governor of the affected State." (42 U.S.C. § 5121-5207)

**FISCAL EFFECT:** According to the Senate Appropriations Committee on April 21, 2025:

- The CDSS estimates no fiscal impact to state operations.
- Unknown costs for counties to provide additional information to CDSS during a disaster. Cost to counties for administration would be potentially reimbursable by the state, subject to a determination by the Commission on State Mandates.

**COMMENTS:**

**Background:** *CalFresh*. SNAP (formerly known as the Food Stamp Program) is the largest federal food safety-net program that serves as the first line of defense against hunger and food insecurity for low-income households. In California, federal SNAP funds are administered through the CalFresh program. Overseen by CDSS and administered locally by county human services departments, CalFresh serves a large and diverse caseload, with substantial shares comprising low-income working families with children, elderly and disabled people, and low-income individuals with barriers to employment. Participants use EBT cards to purchase eligible food items such as fruits and vegetables, meat, dairy products, and seeds and plants that produce food at authorized retailers, including grocery stores, supermarkets, and farmers' markets.

The United States Department of Agriculture (USDA) 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, the maximum annual gross income for a household size of three is \$33,576.

CalFresh plays a critical role in reducing food insecurity in California. Research shows that SNAP reduces overall food insecurity by about 20% and reduces food insecurity among children by approximately 33%.

*Disaster CalFresh.* D-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. Specifically, D-CalFresh is only activated following a presidential major disaster declaration for IA, and is intended to meet urgent nutritional needs when households face sudden financial strain due to disaster-related disruptions. D-CalFresh 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. For Fiscal Year 2025, which ends September 30th, the Disaster Gross Income Limit for D-SNAP for a family of three during the disaster benefit period is \$3,068. That same household can receive up to \$768 a month and does not need to be CalFresh recipients before the disaster.

State law requires CDSS to request additional federal waivers when seeking authorization for D-CalFresh. 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 CDSS to know if a county facility in a federally declared disaster area is operational or would need support to administer D-CalFresh.

*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 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.

*This bill* codifies the requirement that the state know of any closures, specifically during a disaster where D-CalFresh is being administered, by requiring CDSS to inquire of the ability of each county facility that services CalFresh participants in the impacted area to provide timely and adequate service.

*Recent Natural Disasters in California.* 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. 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.

*Major Disaster Declarations.* Once a Governor has requested aid for a disaster, a presidential declaration with IA relies on a recommendation from the Federal Emergency Management Agency (FEMA), which uses various factors to assess whether federal assistance is warranted. As part of its recommendation, FEMA considers whether the state has the resources to respond to the disaster without federal help, the extent of damage not covered by insurance, poverty levels in the affected area, the number of deaths and injuries, and the rate of disaster-related unemployment. However, the President ultimately has full discretion on whether to issue a declaration.

In March of 2025, President Trump signed an executive order (EO) to shift responsibility for disaster preparations to state and local governments as part of an effort to overhaul FEMA. In part, the EO states that federal “policy must rightly recognize that preparedness is most effectively owned and managed at the State, local, and even individual levels, supported by a competent, accessible, and efficient Federal Government.”

As a result, in April of 2025, President Trump initially denied a request from Arkansas for IA following tornadoes and severe storms that killed more than 40 people. The President eventually reversed this decision in May after the Arkansas Governor appealed his decision. Moreover, requests from Washington State for disaster aid after a “bomb cyclone” caused over \$34 million in damage, were also denied twice in April and May of this year without explanation.

According to NPR affiliate KUOW, “Since February, Trump has denied 6 of 10 major-disaster requests he has received from Democratic governors, according to Federal Emergency Management Agency records analyzed by KUOW. Trump has approved 14 of 15 requests he has received from Republican governors. Trump has denied requests from California, Hawaii, Kentucky, Oregon, Tennessee, Washington, and Wisconsin.”

While there have been prior incidents where major disaster requests by states have been denied, they have typically occurred when FEMA determined the damage did not exceed state and local capabilities. For example, President Barack Obama denied a request from Arizona in 2013 after a fire killed 19 firefighters and destroyed over 100 homes, and while FEMA’s recommendation was not made public, it did issue a detailed explanation for the denial. According to an analysis conducted by Stateline, a nonprofit news organization, between 1991 and 2011, presidents approved more than 85% of governors’ disaster requests. During that period, the states most likely to be denied disaster declarations were Connecticut (39%), Arizona (37%), Texas (35%) and Rhode Island (33%).

**Author’s Statement:** According to the Author, “Many low income families rely on CalFresh benefits to make ends meet. Without such benefits, thousands of families will go hungry, and have no way to provide for their families. For most households, the monthly gross income must

be at or below 200% of the Federal Poverty Level for the household size. In addition to offering food assistance through CalFresh, the state can authorize Disaster CalFresh for people who have experienced a major disaster and temporarily need help purchasing food whether or not they were previously CalFresh recipients. Disaster CalFresh is the state specific version of the federal program, Disaster Supplemental Nutrition Assistance Program (SNAP).

“As the state of California witnessed major fires in 2025, families are affected financially due to their homes being destroyed and having to rely on programs like Disaster CalFresh. SB 739 will require the California Department of Social Services (CDSS) to inquire whether a county in a federally declared disaster area is able to provide timely and adequate service to CalFresh recipients in the impacted area. Like all CalFresh programs, the federal government funds the benefits and some of the administration costs for Disaster CalFresh and CalFresh waivers, the state applies for the waivers and oversees the implementation, and the county administers the program, interacting directly with disaster victims. Since, like other buildings in the disaster area, the county facilities that current CalFresh and potential Disaster CalFresh recipients rely on for answers about their benefits can be damaged and county employees could be displaced.

“Unfortunately, after a disaster, victims are immediately focused on getting the essentials like shelter, safe water, and food. The state of California and nonprofit organizations can step in and assist with food in multiple ways but one of the primary food assistance programs is Disaster CalFresh. Families can receive up to \$292 monthly if they qualify for Disaster CalFresh, and for many low income families, this month’s worth of benefits determines if they are able to provide food on their table or not.”

**Equity Implications:** *This bill* aims to ensure that all disaster-affected individuals, especially those in vulnerable communities, have equal access to critical food assistance without facing additional barriers due to unsafe travel conditions. By requiring CDSS to assess the ability of local county facilities to provide timely and adequate services, *this bill* addresses potential disparities in service access that may disproportionately impact individuals with mobility issues, those living in remote areas, or those from low-income communities, which could prevent inequitable access to benefits and promote more inclusive, response disaster relief efforts.

#### **RELATED AND PRIOR LEGISLATION:**

**AB 777 (C. Rodriguez) of the current legislative session,** requires CDSS to maximize the amount of assistance through the federal 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. *AB 777 is set to be heard by the Senate Energy, Utilities, and Communications Committee on July 1, 2025.*

**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 set to be heard by the Senate Appropriations Committee on June 30, 2025.*

**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**

None on file.

**Opposition**

None on file.

**Analysis Prepared by:** Bri-Ann Hernández-Mengual / HUM. S. / (916) 319-2089