SENATE THIRD READING
SB 739 (Arreguín)
As Introduced February 21, 2025
Majority vote

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.

Major Provisions

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.

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%).

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."

Arguments in Support
None on file.

Arguments in Opposition
None on file.

FISCAL COMMENTS

According to the Assembly Appropriations Committee on July 16, 2025:

1) CDSS anticipates negligible costs.

2) County costs of an unknown, but likely minor amount to provide additional information to CDSS during a disaster. These costs would occur only during a declared disaster and only to the extent a county provides the requested information. Whether county costs, if any, are reimbursable by the state is subject to a determination by the Commission on State Mandates.

   This bill requires CDSS to ask a county about the ability of impacted county facilities to provide CalFresh services during a disaster, but the bill does not require a county to respond to the inquiry. Although this bill is keyed as a state mandate by Legislative Counsel, it is unclear the bill creates a new duty for counties.

VOTES

SENATE FLOOR: 38-0-2
YES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener
ABS, ABST OR NV: Limón, Reyes

ASM HUMAN SERVICES: 7-0-0
YES: Lee, Castillo, Calderon, Elhawary, Jackson, Celeste Rodriguez, Tangipa

ASM APPROPRIATIONS: 13-0-2
YES: Wicks, Sanchez, Calderon, Caloza, Dixon, Elhawary, Fong, Mark González, Hart, Pacheco, Solache, Ta, Tangipa
ABS, ABST OR NV: Arambula, Pellerin

UPDATED

VERSION: February 21, 2025

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