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Attorney General's Advisory: Preventing Barriers to Access at Food Pantries

As the COVID-19 pandemic continues, food insecurity has emerged as one of the most pressing issues we face in Massachusetts. Dedicated food pantry staff and volunteers are working hard to prevent hunger, providing essential nutrition to residents of all ages who might otherwise go without. In support of these efforts, the Office of the Attorney General offers this guidance and best practices to prevent barriers and ensure access for vulnerable residents. As addressed in more detail below, food pantries should not require photo ID or Social Security number (SSN) cards to access food. They should carefully consider their policies for collecting information about their clients and can further assist clients by sharing information about other available resources to address food insecurity.

Certain communities have been particularly hard hit by the pandemic and the related sharp increase in food insecurity. Immigrant communities, for example, have been disproportionately affected. Some are not eligible for certain government benefits to alleviate the impact of the recession, and others have been discouraged from seeking needed assistance because of the so-called "public charge" rule. The homeless are also particularly likely to go hungry, and more people across the Commonwealth are at risk of homelessness due to the pandemic.

In this environment, food pantries should take steps to prevent barriers to access for vulnerable residents. Specifically, we recommend three important steps food pantries should take.

1. Food pantries should not ask clients to present photo IDs or Social Security cards in order to access food assistance.

Many vulnerable residents simply do not have photo IDs or Social Security cards. For example, many homeless individuals lack – and often have trouble getting – these documents. Similarly, many immigrant residents do not have state IDs, driver's licenses, and/or SSNs or are afraid of providing identifying documents because of immigration-related concerns.

In addition to these barriers to access, requiring photo ID or SSNs may also be unlawful.

- **TEFAP and MEFAP Requirements:** Pantries that distribute federal TEFAP (The Emergency Food Assistance Program) and state MEFAP (Massachusetts Emergency Food Assistance Program) commodities are prohibited from asking clients to produce photo IDs or SSNs in order to obtain food from these public programs under an advisory issued by the Department of Elementary and Secondary Education (DESE) and the Massachusetts Department of Agricultural Resources (MDAR) earlier this year.¹

¹ <https://www.masslegalservices.org/foodpantries-noID>.

- Requirements for the Collection of Personal Information: Organizations that collect “personal information” – including individuals’ names combined with SSNs, state ID numbers, or driver’s license numbers – are required by state law to adopt strict safeguards to protect this information.² Organizations are further required to report unauthorized disclosure or theft of personal information, and in the case of breaches involving SSNs, must pay for credit monitoring services for affected individuals.³
- Nondiscrimination Requirements: Requesting documents not otherwise required by federal or state law, such as photo IDs, SSNs or SSN cards, may have a disproportionate impact based on national origin or race. Implementation of such policies may violate state nondiscrimination law even if the policies themselves don’t explicitly differentiate between people based on race or national origin.⁴

For these reasons, food pantries should not require photo IDs, Social Security cards, or SSNs to access food. Food pantries should remove notice of any such requirements from their websites, publications, and the information listed with referral organizations, such as Massachusetts 2-1-1 and Project Bread.

2. Food pantries should allow clients to self-report information whenever possible. If verification is required, food pantries should accept a broad range of readily available documents.

We understand that food pantries may require some information about their clients’ identities, residency, income, and household size. We also understand that organizations may administer services or benefits that require additional client information beyond what is required to get food from the pantry. But barriers to access may arise when food pantries require specific documents. For example, immigrants and homeless residents may not have utility bills or mail in their names because they may stay in homes with other families where these documents are not addressed to them. Even when food pantries with these policies make exceptions to their requirements on a case-by-case basis, individuals and families who need assistance may not know to ask.

To avoid barriers to access for vulnerable residents:

- Organizations should evaluate each type of information they request from clients to determine if the information is necessary to provide food or other services. When clients seek only food assistance, food pantries should avoid requiring information or documents needed for other programs.
- If a type of client information is required, food pantries should allow clients to self-report information, without requiring documents, to the maximum extent possible.⁵
- Where food pantries choose to require documents to confirm a client’s identity, they should accept a broad range of documents, including but not limited to: health insurance

² See Mass. Gen. Laws ch. 93H, § 1(a); 201 Mass. Code Regs. 17.

³ Mass. Gen. Laws ch. 93H, §§ 3, 3A.

⁴ Mass. Gen. Laws ch. 272, § 98.

⁵ We understand that some food pantries may believe that verification of identity or other personal client information is a requirement of their grant funding from private charities. We encourage food pantries to share this advisory with their funders and discuss ways to eliminate or modify verification requirements to reduce barriers to access.

cards, pay stubs, letters from government agencies, school records, EBT cards, local supermarket or library cards, public transit cards, and referrals from social services agencies. Where feasible, pantries may wish to issue “membership cards” that can help quickly track client visits at the point of food pick-up.

- Where food pantries choose to require documents to confirm residency in a particular city or town, they should accept not only mail or utility bills, but also other forms of verification. These can include a lease, rent receipt, or letter from a landlord, as well as any document from a state or federal benefits program, or from a school, doctor, social worker, community-based organization or other third party that can confirm the primary address of the household, including if the client is homeless.
- Food pantries should allow exceptions for any document requirements and should publicize these exceptions on any written materials, on websites, and in any phone or in-person communications with clients.

3. Food pantries can further assist clients by providing information about available nutrition resources.

Food pantries can also provide information and encourage their clients to maximize all federal and state nutrition benefits for which they may be eligible, such as:

- **Applying for SNAP** [online through DTACConnect](#), or by mailing in a paper application. [SNAP outreach partners](#) can also assist clients with SNAP applications over the phone.
- **Applying for Women, Infants and Children’s (WIC) Nutrition Program** [online](#) or by phone at 1 (800) 942-1007.
- **Accessing school meals and Pandemic EBT (P-EBT)**, by contacting local school districts about school meal eligibility and [school meal sites](#). All children that are eligible for free/reduced-price meals also receive [P-EBT benefits](#).
- **Calling Project Bread’s Food Source Hotline** at 1 (800) 645-8333 for additional information about nutrition resources, including SNAP, P-EBT, free meals for children and teenagers, and meal delivery for seniors.

Most nutrition programs are available regardless of immigration status and are not considered in the federal government’s “public charge” analysis.⁶ This includes services from food pantries, WIC, school meals, P-EBT, and Meals on Wheels. Further, SNAP benefits received for a child or other eligible dependent are not counted in the “public charge” analysis for the parent or head of household. The Massachusetts Executive Office of Health and Human Services recently issued additional guidance that may be helpful in addressing concerns that food pantry clients may have about the “public charge” rule.⁷

The Office of the Attorney General is grateful for the important work of food pantry staff and volunteers to alleviate food insecurity in the Commonwealth. We hope that this advisory will help food pantries reduce barriers to assistance for some of our most vulnerable families.

⁶ <https://protectingimmigrantfamilies.org/immigrant-eligibility-for-public-programs-during-covid-19/>.

⁷ <https://www.mass.gov/info-details/information-about-the-public-charge-rule-and-how-it-may-impact-you>.