



Massachusetts Department of Elementary and Secondary Education

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Jeffrey C. Riley
Commissioner

July 23, 2020

Amy Pessia, ED
Merrimack Valley Food Bank
735 Broadway St
Lowell, MA 01854

Re: Impermissible Requirement of Photo ID or Social Security Card at Food Pantries

Dear Ms. Pessia:

The Massachusetts Department of Elementary and Secondary Education (DESE) and the Massachusetts Department of Agricultural Resources (MDAR) are aware of reports of local food pantries requiring household members to show a photo identification or a Social Security card in order to receive food. In addition, several food pantries prominently display this requirement on their website.

Kindly accept this letter as notice that the practice of publicizing and imposing the requirement of a photo identification or Social Security card in order to obtain food from a publicly funded food program is unacceptable. **All references to these practices, including on agency websites and social media, must be immediately removed. Any continued reliance on these practices may be cause for termination as a distribution site for United States Department of Agriculture's The Emergency Food Assistance Program (USDA TEFAP) and the Massachusetts Emergency Food Assistance Program (MEFAP).**

As a reminder, both USDA TEFAP and MEFAP strictly prohibit the requirement of a photo identification or Social Security card as a condition for receiving food from their programs.¹

A household is eligible to receive food from a USDA TEFAP program when:

- The household meets federal TEFAP Income Guidelines;
- The household participates in a federal or state means-tested program including, but not limited to: SNAP, TAFDC/TANF, EAEDC, WIC, Medicaid (MassHealth), SSI, Head Start, Fuel Assistance, Veteran's Aid; Free or Reduced Price Lunch, **or**
- The household makes a self-declaration of financial need.

¹ 7 CFR 251.1

A household is eligible to receive food from MEFAP by virtue of attending an emergency food program such as a food pantry. MEFAP does not impose any eligibility requirements at the household level as a condition to receive food from its program.

TEFAP and MEFAP participants do not need to provide proof of income or identity. It is prohibited to deny food to TEFAP or MEFAP participants if they refuse to reveal any information that is not a requirement of TEFAP or MEFAP.

Any food pantry or other distribution site that requires a photo identification or Social Security card to receive food from a publicly-funded program limits access to such programs and undermines their very purpose. Further, the imposition of such a requirement may violate federal and state nondiscrimination laws as well as data collection and privacy laws. Publicizing these requirements, even if food banks overlook them in practice, also deters eligible individuals and families from accessing these vital resources.

While collecting addresses is a requirement, and necessary to ensure equity in distribution, there are a range of acceptable strategies food pantries can use to track client participation without limiting access or discriminating against certain populations. For example, addresses can be collected verbally, over the phone, via text, or through email. Addresses can be confirmed, if necessary, through a piece of mail to or from the client or a letter from a doctor or social worker on the household's behalf. A client may choose to provide photo identification to confirm their address, however it cannot be required.

Please share this letter with all agencies receiving TEFAP or MEFAP food. Please ensure that any inappropriate practices, and reference to them, are immediately stopped.

If you have questions regarding TEFAP please contact Donna Taylor (DESE) at 781-338-6320 or donnam.taylor@mass.gov. If you have questions regarding MEFAP please contact Rose Arruda (MDAR) at 617-851-3644 or rose.arruda@mass.gov. Thank you for your attention to this matter.

Sincerely,



Robert M. Leshin
Director
Office for Food and Nutrition Programs

C: Commissioner John Lebeaux, Massachusetts Department of Agricultural Resources