



DATE: December 6, 2024

POLICY NO: FD-120: The Emergency Food Assistance Program (TEFAP)

SUBJECT: Participant Eligibility in TEFAP (Revised)

TO: Regional Directors
 Supplemental Nutrition Programs
 MARO, MPRO, MWRO, NERO, SERO, SWRO, and WRO

State Directors
 All TEFAP State Agencies

This policy manual provides updated guidance for TEFAP State agencies on establishing criteria and methods for determining the eligibility of households to receive USDA Foods for home consumption in TEFAP. State agencies that would like to make changes to participant eligibility criteria and methods should follow the process outlined in [FD-153, Guidance for Submitting Amendments to TEFAP State Plans.](#)

Contents

A. Background 2

B. Income-Based Standards and Verification 2

C. Residency Requirement and Verification..... 4

D. Additional Eligibility Criteria at the ERA Level 4

E. Frequency of Eligibility Determinations..... 5

F. Eligibility Criteria for Prepared Meals..... 5

G. Information Collected for Reasons Other Than Eligibility..... 6

H. Confidentiality of TEFAP Applicant and Participant Information 6

I. Sample Eligibility Template..... 6

A. Background

Program regulations at [7 CFR 251.5](#) require each TEFAP State agency to establish uniform Statewide criteria for determining eligibility for USDA Foods for home consumption and the methods for demonstrating eligibility under such criteria. The criteria must include income-based standards and a residency requirement. The criteria and methods must be uniformly implemented by eligible recipient agencies (ERAs) throughout the State or Territory and cannot be tailored for specific ERAs. State agencies must document the criteria and methodology in their TEFAP State plan ([7 CFR 251.6\(a\)\(4\)](#)); and as of October 31, 2025, must post the criteria on a publicly available internet webpage that is updated whenever changes to the criteria or methods are made (7 CFR 251.4(l)).

B. Income-Based Standards and Verification

Eligibility criteria for home consumption must include income-based standards. As of December 30, 2024, these standards must include a maximum income eligibility threshold that is at or between 185 percent to 300 percent of the U.S. Federal Poverty Guidelines published annually by the U.S. Department of Health and Human Services (HHS) (7 CFR 251.5(b)(2)).

Rationale for Income Guidelines Over 300% of the Federal Poverty Guidelines

State agencies may propose use of income-based standards above 300 percent of the U.S. Federal Poverty Guidelines with supporting rationale, subject to approval by FNS. This rationale must be outlined in the State agency's request to update its TEFAP State plan and must describe the basis for serving those with higher incomes. Examples of supporting rationale that may be acceptable to FNS include but are not limited to:

1. Data from a reputable source indicating the cost of living in the State or Territory, or some parts of the State or Territory, is significantly higher than national or regional

averages, resulting in an undue impact on those with higher incomes that are in need of emergency food assistance.

2. A major disaster or other catastrophic event has caused an uptick in food insecurity throughout the State or Territory, resulting in those with higher incomes temporarily being in need of emergency food assistance for an extended period of time.

These examples are illustrative and not intended to be exhaustive. State agencies may provide other supporting rationale based on individual circumstances with documentation, as applicable. FNS reserves the right to deny any requests or to only approve requests for a time-limited period. Approval or denial of requests will depend on the unique circumstances within each State or Territory.

Adjunctive Income Eligibility

In addition to the maximum income threshold, State agencies can also have a policy that makes applicants adjunctively income eligible for TEFAP if they participate in one or more local, state, or federal programs with income limits at or below the income threshold established by the State agency for TEFAP eligibility, provided that all other state-imposed eligibility standards are met (e.g., residency). The State agency - not individual ERAs - must decide which other programs provide adjunctive income eligibility within the State or Territory. The State agency must document the use of adjunctive income eligibility in the TEFAP State plan and make it uniformly available to all TEFAP applicants throughout the State or Territory.

The State agency may choose whether or not to require verification of participation in the program(s) that makes a person adjunctively income-eligible for TEFAP. Households that qualify for TEFAP via the State agency's adjunctive income eligibility policy are still required to complete the TEFAP application process, including providing the information required by 7 CFR 251.10(a)(4).

Verification of Income

TEFAP regulations do not require that applicant households provide verification of income eligibility such as pay stubs. A State agency may choose whether to require verification of income eligibility and determine the process by which TEFAP applicants' income eligibility information is verified. All ERAs in the State/Territory must use the verification process established by the State agency and cannot use an alternate process. Self-attestation of income (including self-attestation of adjunctive income eligibility) is an allowable practice.

C. Residency Requirement and Verification

Eligibility criteria for home consumption must include a requirement that the household reside in the geographic location served by the State agency at the time of applying for assistance, and a method for how residency will be determined (7 CFR 251.5(b)(3)). The State agency cannot require TEFAP applicants or participants to live within the State or Territory for any specific period of time in order to receive USDA Foods. As of December 30, 2024, regulations at 7 CFR 251(b)(3) prohibit State agencies from requiring applicants or participants to provide their address in order to receive USDA Foods and from requiring applicants or participants to provide identification documents - such as a photo identification card, a piece of mail, residency documentation, or any other such similar documents - in order to receive USDA Foods. State agencies may implement other processes to verify residency of TEFAP applicants including self-attestation of residency or the provision of a ZIP code or county of residence. The process for confirming residency must be uniform statewide and outlined in the TEFAP State Plan.

D. Additional Eligibility Criteria at the ERA Level

Consistent with 7 CFR 251.5(b), when determining participant eligibility for USDA Foods for home consumption, all ERAs must utilize the eligibility criteria and methods established by the State agency and cannot add additional criteria or methods to that established by the State agency. Prohibited additional criteria would include limiting distribution of USDA Foods

to a certain subset of the eligible population. For example, a food pantry located within or near a senior center and that participates in TEFAP, is not able to limit distribution of USDA Foods to only seniors; rather, they must serve eligible populations of all ages. Requiring a senior status in order to access USDA Foods would impose an additional TEFAP eligibility criterion which is impermissible under program regulations. Additional criteria also include ERA methods to verify eligibility that are not included in the State agency's overarching methods for verifying eligibility. For example, an ERA cannot require applicants or participants to provide verification of income if the State agency has a self-attestation of income policy in place.

E. Frequency of Eligibility Determinations

Federal regulations do not require State agencies and ERAs to collect new eligibility forms for households that qualify to receive USDA Foods through TEFAP on an ongoing basis (e.g., monthly), if the household's information remains the same. However, household eligibility should be confirmed at each distribution. To confirm household eligibility, State agencies may institute a policy whereby participants are asked to attest their household remains eligible to receive TEFAP when they pick up food at distributions. Alternatively, a State agency can have a policy whereby a household is assumed to be eligible at future distributions, but require the household to report changes in eligibility information immediately. Importantly, when a State agency updates its income guidelines, ERAs must determine whether all previously eligible households continue to be eligible for the program under the new guidelines. The processes for collecting initial eligibility information and reconfirming the information in subsequent visits must be uniform statewide and outlined in the TEFAP State Plan.

F. Eligibility Criteria for Prepared Meals

There is no federal requirement for determining the eligibility of individuals to receive prepared meals in TEFAP. Rather, individuals are presumed to be needy because they seek

meals at an approved TEFAP site, which, per [7 CFR 251.5\(a\)\(2\)](#), is providing prepared meals to serve to predominately needy persons. ERAs are prohibited from implementing eligibility requirements for prepared meals in TEFAP. If a single ERA distributes USDA Foods for home consumption and serves prepared meals, eligibility determinations are only made for households receiving USDA Foods for home consumption.

G. Information Collected for Reasons Other Than Eligibility

State agencies and ERAs may collect additional information– such as household addresses - from TEFAP applicants and participants for reasons other than the TEFAP eligibility determination (e.g., to deliver USDA Foods to participants’ residences or for food recall notification purposes). However, consistent with 7 CFR 251.5(b)(3), the additional information cannot be required in order to receive USDA Foods. It must be made clear the additional collection of information is unrelated to TEFAP eligibility, and the receipt of USDA Foods is not conditional on providing the information. TEFAP applicants and participants must have the option of not providing the additionally requested information. In general, additional information should only be collected from households once the eligibility determination for TEFAP has been made and communicated to the household.

H. Confidentiality of TEFAP Applicant and Participant Information

Information collected from TEFAP applicants and participants must be kept confidential in accordance with 7 CFR 251.10(c). Any TEFAP eligibility processes established by the State agency and implemented by ERAs should maintain applicant and participant confidentiality in accordance with program requirements.

I. Sample Eligibility Template

Attached to this manual is a sample template that may be used by ERAs, with State agency approval, for determining eligibility to receive USDA Foods for home consumption in TEFAP.

State agencies may adapt this template for ERA use as long as the information listed below is included.

- Applicant's name;
- Number of persons in the household;
- The basis for determining the household meets the income-based standard established by the State agency (e.g., self-attestation or adjunctive eligibility if they participate in one or more local, state, or federal program with income limits at or below the income threshold established by the State agency);
- The basis for determining that the household meets the residency requirement established by the State agency (e.g., self-attestation, provision of a zip code, etc.);
- [USDA nondiscrimination statement](#) (a copy of this statement should be made available to applicants upon request); and
- (Optional) At State agency discretion, written notice of beneficiary protections as required by [FD-155: Partnerships with Faith-Based and Neighborhood Organizations Final Rule: Written Beneficiary Notice and Referral Requirements for CSFP and TEFAP State Agencies](#). State agencies may also meet this written notice requirement by posting a written notice at distribution sites or providing flyers or handouts at each TEFAP distribution.

State agencies should contact their respective FNS regional office with any questions about this memorandum.

/ Original Signature on File /

Sara Olson

Director

Policy Division

Supplemental Nutrition and Safety Programs

THE EMERGENCY FOOD ASSISTANCE PROGRAM (TEFAP):
ELIGIBILITY TO RECEIVE USDA FOODS FOR HOME CONSUMPTION

Name:

Number of People in Household:

Do you currently live in [Insert State/Territory name]?

Is your household's income at or below the limits listed below for the number of people in your household? If so, you are eligible to receive USDA Foods in TEFAP.

[Insert State agency's income guidelines, showing limits based on family size]

You are also eligible to receive USDA foods in TEFAP if your household participates in any of the following programs. If you or anyone in your household participates in one of these programs, please check the box next to it.

[Insert any local, State, or Federal programs that the State agency has selected to utilize for adjunctive income eligibility purposes]

Notice of Nondiscrimination

[Insert current USDA nondiscrimination statement, located here: [USDA nondiscrimination statement](#)]

[Optional] Notice of Beneficiary Rights in TEFAP

[At State agency discretion, insert Notice of Beneficiary Rights in TEFAP, as outlined in [FD-155: Partnerships with Faith-Based and Neighborhood Organizations Final Rule: Written Beneficiary Notice and Referral Requirements for CSFP and TEFAP State Agencies](#)]