



TO: TEFAP Recipient Agencies
FROM: Randi Lynn Quackenbush, Director of Community Impact
DATE: June 19, 2020
RE: Updated Requirements for Distributing USDA TEFAP Commodities

The New York State Office of General Services (NYS OGS) is responsible for oversight of the USDA TEFAP Program in New York State. By Federal regulations, they are now requiring that agencies receiving TEFAP comply with the following. These changes are being made in accordance with longstanding USDA Policies that have been enforced elsewhere for many years. We ask for your understanding and partnership as we work to implement these requirements. We understand that you may have a lot of questions or concerns about this process, especially given its roll-out during a pandemic. Please read this memo and FAQ closely and let us know if you have any additional questions.

Please make sure that the following changes are made no later than June 30, 2020.

TEFAP Attestation Form

Every household receiving food from your program must complete and sign the attestation form **at least once annually**.

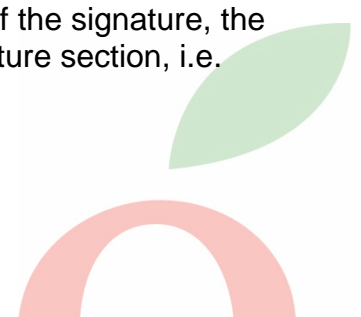
This form may be used as your program's intake form if you wish or may be used in addition to any other forms/electronic documents your agency requires.

If using paper forms: Forms must be maintained in a secure location on site, and confirmation of the use of the forms will be incorporated into agency site visits conducted by the Food Bank. Please note that NYS OGS and/or USDA staff may visit TEFAP recipient agencies at any time to ensure adherence to this policy. All intake and TEFAP attestation forms must be kept on file for **three years**. [Download the form here.](#)

If your agency is currently using PantryTrak for client intake: We are working with PantryTrak with a roll-out to make this easier for you. Some of the benefits of using PantryTrak to do the attestation include: automatic pop-up of the attestation once a year and not having to keep paper forms on file for three years. We will be providing guidance to agencies that are on PantryTrak as this option becomes available.

Current waivers due to COVID: NYS has been approved for the following waivers:

NYS OGS may waive the signature requirement for the annual attestation for those in affected areas. A verbal attestation recorded by an intake person is acceptable. The intake person is required to record the name, address, and number in household. In place of the signature, the intake person may indicate an acronym provided by NYS OGS in the signature section, i.e. COVID-19, after receiving the verbal attestation.





*Please note that the above procedures do not circumvent the normal TEFAP eligibility guidelines

As a reminder, Social Security Numbers may not be requested, collected, or recorded at any time in order to receive pantry food.

Thank you for your attention and prompt implementation of this policy. We have provided the follow FAQs to answer some questions that you might have. We will continue to update you as this process evolves. If you have additional questions, please contact your Programs & Partnership Coordinator.

TEFAP Attestation FAQ

1. What is the TEFAP Attestation?

The TEFAP attestation is a form where clients attest to their eligibility to receive TEFAP products. Each recipient household is required to complete the TEFAP self-declaration or attestation form at a minimum of once per year. This form includes the applicant's name, address, the number of persons in the household, type of eligibility provided, and the applicant's signature.

TEFAP recipient agencies which conduct household distributions must keep a record of the names of all households for each day on which they distribute commodities. Recipient sites must retain these records for three (3) years from the close of the Federal Fiscal Year to which they pertain and must permit inspection of these records by concerned Federal and State personnel.

* Please note: congregate meal programs are exempt from this requirement (See question 6.)

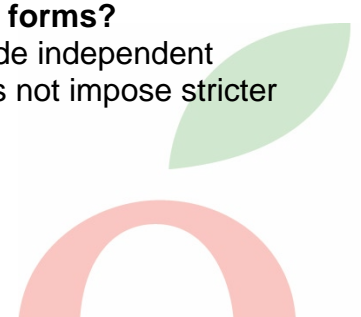
2. Why are we asking agencies to do this now?

The TEFAP attestation requirement has existed for years. However, it has been inconsistently applied in NYS. After a recent audit from NYS OGS, we were informed of the need to implement this requirement this year. We were given a short reprieve due to COVID but now must abide by this requirement.

From the NYS OGS Website: "Food banks will need to inform all TEFAP recipient agencies of the annual attestation requirement [Part 251.5(b)]. TEFAP recipients must attest to income eligibility at a minimum of once a year."

3. How will this information be used? Who will be looking at these forms?

Federal regulations do not require that an applicant household provide independent verification of income, such as pay stubs. Therefore, NYS OGS does not impose stricter



eligibility standards. However, in compliance with 7 CFR 251.10(a) (4), a TEFAP self-declaration or attestation form is to be used by eligible recipient agencies in determining TEFAP program eligibility.

No one will ever confirm the income stated, as it is only a self-attestation. NYS OGS audits a few TEFAP recipient agencies a year and will ask to see these. The Food Bank will also ask about the process and compliance with the requirement as part of your bi-annual site visits.

4. What is TEFAP eligibility?

TEFAP eligibility falls into two categories. In order to be eligible to receive household TEFAP products, one of the following must apply:

- The total household income for all household members must be at or below 200% of federal poverty guidelines

OR

- Applicants who participate in one or more of the following programs – Supplemental Nutrition Assistance Program (SNAP), Women, Infants, and Children (WIC), Temporary Assistance to Needy Families (TANF), Medicaid, Free and Reduced School Meals or Supplemental Security Income (SSI) are automatically eligible for the TEFAP program.

We are working to confirm a third category under “crisis” due to the COVID-19 pandemic. We did receive guidance from NYS OGS that the first time any individual goes to a pantry for food that they should be given food without question, as they are assumed to be needy. NYS OGS also said that if there is an extreme situation of distress or emergency, such as the loss of a home due to fire, they would not expect the form to be a consideration for that person to receive food.

5. My pantry serves PA residents. How does this apply to them?

NYS OGS is required by the USDA to add a geographic requirement to the state plan. NYS TEFAP food is intended to feed NYS residents. However, in areas where a pantry serves needy people in a contiguous area which crosses states borders, some flexibilities can be allowed, especially in cases where the New York State pantry is going to be the closest and most practical pantry for clients to visit. NYS OGS still expects the individual(s) to meet the remaining New York State eligibility guidelines. Documentation should be completed as fully and practically as possible.

6. I run a meal site. Do I need to do this?

No. There are no federal standards or procedures for determining an individual's eligibility to receive prepared meals. They are presumed to be needy because they seek meals at an approved TEFAP recipient meal site. Meal sites do not have to maintain records of the names of participants to whom they serve meals but must keep a count of the number of meals served.

7. What if someone checks “no” on the form? Do we need to segregate TEFAP food?

NYS OGS informed us that it may not be necessary to segregate food. They are looking to provide us with some examples of segregating food, as it might be good to have this information on hand if other situations arise.

8. What income timeframe? Last calendar year or current? The form does not say.

This part of the form and NYS eligibility requirements are intentionally vague in an effort to allow food banks and thus their food pantries to have some flexibility with the income guidelines. For example, if an individual recently lost their job and does not have the financial resources to obtain food, it could be justified that their income is now zero. This allows us some discretion on how to actually attest to the clients' income.

9. How does this work with PantryTrak?

We are working to incorporate the attestation into the PantryTrak intake process. We expect this to happen very soon and hope to provide an update to all PantryTrak agencies over the next few weeks. . In short, once this is active, a dialogue box will pop up populating an attestation form with the client's information. You will be able to ask the client if they are on any of the programs that qualify them for pantry usage (ex: SNAP, free/reduced lunch), or if their income is below 200% of the federal poverty guideline. The attestation follows the client and is not tied to your agency, so if a client signs it at your agency and then visits another program, they will not have to do it again.

10. I am not on PantryTrak - what do I do?

The paper attestation must be used. [This form is available on our website.](#) Currently, there is a waiver due to COVID where clients can verbally attest to their income and have a proxy, including a pantry coordinator, sign it on their behalf by marking “COVID.”

11. How do I get my agency on PantryTrak?

We are working on a timeline for agencies to onboard with PantryTrak. Kathryn Miller, our Service Insights Manager, will be in touch with you at some point to discuss when we can train and onboard your with PantryTrak. Please contact Kathryn at Kathryn.miller@foodbankst.org to learn more.