



David Hall
Code Administrator

CITY OF CONCORD
New Hampshire's Main Street™
Community Development Department
Code Administration

REGULATIONS FOR HOMESTEAD OPERATIONS

Effective [Insert Date]

I. Applicability:

Pursuant to the City of Concord Code of Ordinances, Article 13-5, a “homestead operation” is defined as food products that are being offered, created or manufactured from one’s own residential kitchen with the intention of being sold.

It shall be unlawful for any person to operate a food service establishment within the City of Concord who does not possess a valid license issued by the Code Administration Department. All persons must comply with all applicable federal, state and local laws, rules and regulations to be entitled to receive and retain such a license.

II. Application Requirements:

All applicants seeking to obtain a homestead license shall be subjected to application review. The application shall include, but is not limited to, the following information:

- (1) Full menu of items to be created and sold;
- (2) Dates and times of operation;
- (3) Proof of a valid Food Protection Manager Certification;
- (4) A valid Certificate of Liability Insurance;
- (5) A sample of food product label;
- (6) Any information required under Process Review (see Section VII, herein);
- (7) Proof of contract with licensed pest control company; and

(8) If the property is not served by municipal water, written results of laboratory analysis of water for total coliform and E. coli bacteria, nitrate and nitrite that is dated within the last six months.

Please Note: An inspection of the proposed facility shall be required before the application is approved.

III. Food Operations Requirements:

(a) Only the following food products shall be produced and sold from exempt homestead food operations:

- (1) Baked items, including, breads, rolls, muffins, cookies, brownies, and cakes;
- (2) Double-crust fruit pies;
- (3) Candy and fudge;
- (4) Packaged dry products, which include spices and herbs;
- (5) Acidic foods, such as vinegars and mustards; and
- (6) Jams and jellies.

(b) Homestead food operations shall not produce or sell TCS Foods (formally known as potentially hazardous foods), which includes any foods which requires refrigeration or processed acidified and low acid canned foods.

IV. Labeling Requirements:

All homestead food products made in a homestead food operation shall be sold in packages with individual labels on each package containing the following information:

- (a) Name of the homestead food operation;
- (b) Address of the homestead food operation;
- (c) Phone number of the homestead food operation;
- (d) Name of the homestead food product;
- (e) All ingredients of the homestead food product in descending order of predominance by weight;
- (f) The net weight, volume, or numerical count in both US customary and metric;
- (g) The name of each major food allergen contained in the homestead food product unless it is already part of the common or usual name of the respective ingredient already disclosed in the ingredient statement in (e) above;
- (h) The following statement: "This product is made in a residential kitchen licensed by the City of Concord" in at least the equivalent of 10 point font and a color that provides a clear contrast to the background; and

(i) A product code which includes date of manufacture, container size and product lot or batch number to aid in a recall of product in the case of an imminent health hazard.

Please Note: Hand written labels will not be accepted.

V. Approved Products:

(a) Only Non-Time/Temperature Control for Food Safety (“TCS”) Foods (formally known as Non-Potentially Hazardous Foods) shall be produced and sold from homestead food operations. Non-TCS Foods are capable of being safely kept at room temperature and do not require refrigeration.

(b) Unless authorized by the Health and Licensing Officer in writing, only the following food products shall be produced and sold from homestead food operations:

- (a) Baked items, including, breads, rolls, muffins, cookies, brownies, and cakes;
- (b) Double-crust fruit pies;
- (c) Candy and fudge;
- (d) Packaged dry products, which include spices and herbs;
- (e) Acidic foods, such as vinegars and mustards; and
- (f) Jams and jellies.

VI. Prohibited Products:

(a) Homestead food operations shall not produce or sell TCS foods, which includes any foods that require refrigeration or processed acidified and low acid canned foods.

(b) Prohibited Products include TCS Foods which include, but are not limited to, meat (beef, pork, lamb), dehydrated or freeze-dried meats or fruits/vegetables, poultry (chicken, turkey, duck), fish & shellfish/crustaceans, eggs, milk & dairy products, plant based foods (e.g. cooked rice, beans, vegetables), mushrooms, raw sprouts, tofu & soy-protein foods, untreated garlic & oil mixtures, acidified foods (including but not limited to: pickles, relishes, salsa), bottled beverages (such as iced coffee, iced tea, lemonade or fruit juices), cold brew, apple cider and pumpkin butter.

VII. Process Review Required:

(a) Homestead food operations which are licensed and produce approved homestead food products listed herein shall comply with the following:

- (1) If jams and jellies are being produced, but do not use recipes approved by the National Center for Home Food Preservation, the homestead food operation shall submit and comply with a process review conducted by a food processing authority on each product prior to its being produced by the license holder. If the food processing authority declares, in writing, that there are no biological concerns with the food after evaluating the scheduled process, the food shall be allowed to be produced;

- (2) License holders shall keep records of all pHs on file and available for review by the regulatory authority upon request;
- (3) A process review shall be conducted for a product that has been previously tested if the ingredients are altered or the process changes;
- (4) License applicants shall submit process review documentation with the license application as required by the license application requirements; and
- (5) License holders shall keep all process review information on file and available for review by the regulatory authority upon request.

(b) A list of food processing authorities described in (a)(1) above and a list of recipes approved by the National Center for Home Food Preservation, described in (a) above, or a website link to the same, shall be available on the department's website at <https://www.dhhs.nh.gov/dphs/fp/documents/processing-faqs.pdf>

VIII. Homestead Standards

- (a) Homestead food operations shall comply with the requirements in this section.
- (b) Commercial equipment shall not be required.
- (c) The kitchen shall be equipped with either:
 - (1) A 2-compartment sink; or
 - (2) A residential model dishmachine and a one-compartment sink.
- (d) A sink used for food preparation shall not be required to be equipped with an indirect wasteline.
- (e) A backflow device shall not be required for kitchen sinks provided with a spray hose.
- (f) Coved base at the juncture of the floor and wall shall not be required.
- (g) Only those bathrooms which open directly into the kitchen or into any hallway leading into the kitchen shall be required to have self-closing doors and mechanical ventilation.
- (h) The kitchen shall not be required to be separated from any living area or sleeping area by complete partitioning or solid, self-closing doors.
- (i) Laundry facilities shall:
 - (1) Be allowed in the kitchen; and
 - (2) Not be used during processing, preparing, serving, or packaging of foods related to the business.
- (k) Pets are not allowed in the kitchen area during food production.

IX. Water Analysis Testing

All homestead operations which are not connected to the municipal water supply must test the well water for total coliform and E. coli bacteria, nitrate and nitrite. The test results shall be provided with the initial application, as well as annually when applying for license renewal.

X. Pest Control

All homestead operations shall provide proof that a licensed pest control company has been contracted for regular maintenance. All reports of inspection shall be maintained and provided to the Health and Licensing Officer during routine health inspections.

XI. Routine Health Inspections

Homestead Operations will be subjected to two (2) inspections per year. Additional inspections may be required in the event deemed necessary by the Health and Licensing Officer.

XI. Fees

Homestead Operations fall under a **Class III License** and carries an annual fee of \$223.00, including a one time \$40.00 Plan Review fee.

XII. Zoning Requirements

All Homestead Operations shall comply with applicable zoning requirements for the City of Concord relative to home occupation.

The City reserves the authority to amend or modify these rules at any point. For any questions, please contact Brian Santiago, Health & Licensing Officer at bsantiago@concordnh.gov or (603) 230-3640.