

COMMISSIONER'S BULLETIN
INSPECTIONAL SERVICES DEPARTMENT
CITY OF BOSTON

Number: 2021-03
Date: June 17, 2021

Subject: Establishment of Application Requirements, Administrative Procedures and Administrative Regulations regarding the Permitting of Retail Residential Kitchens pursuant to City of Boston Code, Ordinances Chapter 9-9.15

Purpose: This bulletin is issued to establish application requirements, administrative procedures and administrative regulations regarding the permitting of Retail Residential Kitchens.

Determination:

As part of the Department's ongoing efforts to implement an equitable and sustainable recovery, ISD is implementing a regulatory and permitting framework for food production small businesses to be operated out of residential kitchens. This bulletin outlines the application requirements, application process, inspection requirements, inspection process, and administrative procedures for ISD Health Division.

Pursuant to the *State Sanitary Code 105 CMR 590* and *City of Boston Code, Ordinances Chapter 9-9.15 - An Ordinance to Establish Guidelines for Permitting Retail Residential Kitchens*, a Retail Residential Kitchen Permit is required for any Cottage Food Operation to prepare and produce non-time/temperature control for safety baked goods, jams, jellies, and other non-time/temperature control for safety foods in a kitchen inside a residential unit.

A Retail Residential Kitchen may not prepare finished products that require hot or cold holding for safety, including meat or fish that is raw or heat-treated, certain cut produce including melons, leafy greens, and tomatoes.

Prior to applying for a Retail Residential Kitchen Permit from ISD, please review [Massachusetts Department of Public Health's Frequently Asked Questions regarding Retail Residential Kitchens](#). (also attached to this Bulletin as Exhibit A)

A. Procedure for Obtaining a Retail Residential Kitchen Permit

To obtain a Retail Residential Kitchen Permit, an operator must complete (1) a plan review, (2) submit a completed application to ISD Health Division, and (3) an opening inspection with an ISD Health Inspector prior to obtaining a final operating permit. The submission requirements for the plan review and application, and minimum inspection requirements are as follows:

I. Retail Residential Kitchen Permit Plan Review:

Residential Kitchen Plan Review Procedures: (By Appointment Only)

- Complete a Residential Kitchen Health Division application
- Application requires the following documents:
 - 2 sets of plans (minimum size: 11" x 17")
 - A completed Retail Residential Kitchen Plan Review Application Worksheet
 - A copy of proposed menu indicating items to be prepared
- Contact ISD Health Division to schedule a plan review appointment
 - Request by phone: 617.635.5326
 - Request by email: ISDHealth@boston.gov

II. Retail Residential Kitchen Permit Application:

Application steps for a Retail Residential Kitchen Health Permit:

- Complete a Retail Residential Kitchen Permit Plan Review (as described in *Subsection D*)
- Complete the Retail Residential Kitchen Health Permit Application
- Application requires the following documents:
 - A copy of a letter or email from the property owner verifying that they acknowledge this business operating out of their property
 - A copy of the Full Time onsite Certified Food Managers certificate and a copy of the Allergen Awareness Training certificate.
 - Certification as food protection manager (as indicated by passing a test that is part of an accredited program recognized by the Department of Public Health)
 - Certificate of Food Allergen Awareness Training
- Pay Retail Residential Kitchen Health Division fee (\$100.00)
- Request an opening inspection from the Health Division
 - Request by phone: 617.635.5326
 - Request by email: ISDHealth@boston.gov

III. Inspection Requirements and Procedures:

The following operational procedures and inspection requirements must be adhered to by any operator of a Retail Residential Kitchen:

Purchasing – Food may only from a vendor approved by the state.

Storage - Separate dry and cold storage for the business and personal food items in the kitchen is required. This may be achieved by utilizing a separate shelf or designated spot for business food that is separate from your personal food.

Labeling - If an operator of a Retail Residential Kitchen is packaging food, it must also meet requirements set forth in 105 CMR 520.00 for labeling, which differ for Retail and Wholesale. See also MDPH's brief summary of Labeling Requirements for packaged food. (also attached to this Bulletin as Exhibit B)

Hygiene – Retail Residential Kitchen operators must follow the same health, hygiene, hand washing, and toilet use requirements as those required for a standard commercial kitchen.

Equipment and Utensils – All equipment and utensils need to be made of safe materials and kept in good repair. Generally standard kitchen equipment is sufficient, as long as it is in a condition where it can be properly sanitized.

Food Contact Surfaces - All surfaces that may come into contact with food, like counters, sinks, work surfaces, and more, need to be made of smooth, non-absorbent materials that are easily cleanable. Again, this requirement is generally easily met in a home kitchen as long as the counter top is free from cracks and everything that food will come into contact with can be properly cleaned and sanitized.

Cleaning and Sanitizing - The same rules apply for cleaning and sanitizing as for a commercial kitchen, but there are some looser exceptions that allow for the use of a residential dishwasher, as long as the highest setting of sanitizing possible for that machine is used, and the temperature rises to 150 degrees, which needs to be tested every day, with records kept for 30 days.

Employees and Brokers - Only immediate family members residing in the household can prepare food for sale. No outside employees can be used. Brokers, wholesalers or warehouses also cannot be used.

Insects and Rodents - As in any kitchen, steps must be taken to avoid having insects and rodents in the kitchen.

Pets - Massachusetts does allow a household with pets to license their home kitchen, however, those pets must be kept out of the kitchen and preparation areas at all times during food preparation.

Laundry - If there is a clothes washer or dryer located in the kitchen, it can remain there, but these appliances cannot be used during food preparation.

Guests - The kitchen and cooking facilities cannot be used by guests while food is being prepared for the business.

Trash - Cans used for trash must have lids that seal securely.

B. Other Requirements

Compliance with Other Laws and Regulations - Retail Residential Kitchens must comply with the provisions of State Sanitary Code 105 CMR 590.008

Display Permit - All permittees must display the ISD-issued Retail Residential Kitchen Permit at all times during the use of the kitchen to produce Cottage Foods for sale

Advertising - All permittees must include the ISD-issued permit number on all advertisements and advertising materials promoting the Cottage Food Operation

Signage - No exterior signage shall be allowed unless such signage is permitted and approved under the City of Boston Zoning Code or City of Boston Code, Ordinances Chapter 16-33

Annual Renewal - Retail Residential Kitchen Permits must be renewed annually

C. Violations and Penalties

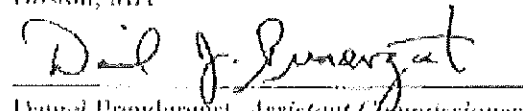
Any person found to be operating a Retail Residential Kitchen in violation of Section 9-9.15 of the City of Boston Code or found to be in violation of the terms of their permit may be subject to a fine of up to three hundred (\$300.00) dollars per day for each day said violation exists.

Signed:



Sean Lydon, *Commissioner*
Inspectional Services Department
Boston, MA

7-1-2021
Date



Daniel Prendergast, *Assistant Commissioner*
Health Division
Inspectional Services Department
Boston, MA

7-1-2021
Date