

COTTAGE FOOD LAW REPORT

Erie County

New York · Buffalo · FIPS 36029 · Population 951,232 ·
Crosodo Index #614*

STATE BASELINE

N.Y. Agric. & Mkts. Law §251-z-4; 1 CRR-NY 276.4 (Home Processor Exemption)

STATE TIER

Good

ANNUAL SALES CAP (STATE)

—

CONFIDENCE

HIGH

LAST VERIFIED

2026-05-05

IMPORTANT — NOT LEGAL ADVICE

This report compiles publicly-available statutes, regulations, and county zoning rules into a research reference. It is **not legal advice** and is provided **without warranty** as to accuracy, completeness, or current applicability.

Cottage food law changes frequently. Counties may amend zoning, health departments may issue new permits, and state legislatures may update statutes after the publication date shown above.

Always verify rules directly with your state department of health/agriculture and your county health and planning offices before relying on them for any business or regulatory decision. Consult a licensed attorney for advice specific to your situation.

How to start — 60-second path

Erie County, New York — permit, pickup, and label steps before the full county rules.

HOME KITCHEN ALLOWED?

Yes

STATE SALES CAP

—

HOME OCCUPATION PERMIT?

Conditional

ON-SITE / PORCH PICKUP?

Yes

INSPECTION

No

PETS

Not specified in state rules

BEFORE YOU SELL FROM THIS ADDRESS

- ☐ **1. Menu** — Confirm each product under New York cottage food rules (county cannot expand a state ban).
- ☐ **2. Pickup & zoning** — Home occupation and porch pickup cells above; HOA/lease may still block customer traffic.
- ☐ **3. Local tax / license** — Business license or sales tax certificate if your city/parish requires it (common even with no state food permit).
- ☐ **4. Training** — Food handler or state registration before market day.
- ☐ **5. Labels** — Disclaimer, allergens, ingredients, net quantity, producer info.
- ☐ **6. Call if unclear** — County health and planning for your exact address.

LABEL FIELDS TO INCLUDE

- ☐ Product name · producer name · address (or allowed alternative)
- ☐ Ingredients by weight · major allergens · net weight/quantity
- ☐ New York home-kitchen disclaimer (see live label one-pager)

CONTINUE ONLINE

[Open the live county page →](#)

[New York label one-pager →](#)

[Local notes & questions →](#)

Planning path only — not legal advice. Rules change. Always verify with state and local offices before selling.

NEW YORK: ERIE COUNTY

CROSODO INDEX #614* · FIPS 36029 · Buffalo

Erie County

Population 951,232 · State baseline: N.Y. Agric. & Mkts. Law §251-z-4; 1 CRR-NY 276.4 (Home Processor Exemption) · **HIGH**

QUICK VIEW FOR BAKERS IN THIS COUNTY

HOME KITCHEN ALLOWED?

Yes (Home Processor Exemption is location-specific. Must use home kitchen only; products must be packaged in the home before sale. Registration with NY Ag & Markets required (free, no expiration, location-specific). Private well requires potability test with application. Consult local zoning before starting.)

SEPARATE KITCHEN REQUIRED?

No

PETS ALLOWED?

Not specified in state rules

HOME OCCUPATION PERMIT?

Conditional (NY Ag & Markets advises consulting local zoning officials for approval before starting. Erie County municipality rules vary. City of Buffalo has its own zoning code; unincorporated Erie County areas governed by county zoning. No state-level home occupation permit required but local zoning compliance is necessary.)

ON-SITE / PORCH PICKUP?

Yes

INSPECTION REQUIRED?

No (Home processors are exempt from routine inspections under the Home Processor Exemption. Registration becomes null and void if non-exempt foods are sold.)

Home kitchen rules

HOME KITCHEN ALLOWED	Yes — Home Processor Exemption is location-specific. Must use home kitchen only; products must be packaged in the home before sale. Registration with NY Ag & Markets required (free, no expiration, location-specific). Private well requires potability test with application. Consult local zoning before starting.
SEPARATE DEDICATED KITCHEN	No
PET RESTRICTIONS	Not specified in state rules
WATER SUPPLY	Private well users must submit water potability test (negative for total coliform and E. coli) with registration application
HANDWASHING	Standard sanitation practices; no specific state food handler training required for Home Processor Exemption
FOOD STORAGE	Products must be packaged in the home kitchen before sale; no in-person packaging at events

Inspection & permitting

INSPECTION REQUIRED	No — Home processors are exempt from routine inspections under the Home Processor Exemption. Registration becomes null and void if non-exempt foods are sold.
HOME OCCUPATION PERMIT	Conditional — NY Ag & Markets advises consulting local zoning officials for approval before starting. Erie County municipality rules vary. City of Buffalo has its own zoning code; unincorporated Erie County areas governed by county zoning. No state-level home occupation permit required but local zoning compliance is necessary.
LOCAL BUSINESS LICENSE	Varies

Customer-facing rules

ON-SITE CUSTOMER PICKUP	Yes
ON-SITE SIGNAGE	Conditional
DELIVERY / PICKUP RULES	Sales allowed at farm venues, farmers markets, green markets, craft fairs, flea markets, via home delivery, and online — all within New York State only. Wholesale to local restaurants, cafes, and grocery stores within NYS is permitted. No out-of-state sales or shipping.
MAX EMPLOYEES IN HOME	1 (operator only; commercial employees disqualify the exemption)

Relevant county code

1 CRR-NY 276.4; Erie County municipal zoning varies

RESEARCH NOTES

Erie County Food Policy Council page confirms the NY Home Processor Exemption applies for home-based food businesses in Erie County, and explicitly advises consulting local municipality zoning. NY Ag & Markets page confirms wholesale is permitted (to restaurants, cafes, grocery stores within NYS) — unusual compared to most states. Registration is free and does not expire. Erie County Environmental Health Office of Environmental Health handles foodborne illness investigations. No food handler training required under NY Home Processor Exemption.

SOURCES VERIFIED AT RESEARCH TIME

<https://www3.erie.gov>

<https://agriculture.ny.gov/food-safety/home-processing>

<https://www3.erie.gov/fpc/regulations-and-policies-operating-food-related-businesses>

Questions about this county? Local notes and a place to leave a question: crosodo.com/nb/new-york/erie-county-discuss

Bordering counties — cottage food law

Regulation	Erie County	Niagara County	Chautauqua County
HOME KITCHEN ALLOWED	Yes	Yes	Yes
SEPARATE DEDICATED KITCHEN	No	No	No
PETS ALLOWED	Not specified in state rules	No explicit pet restriction stated in NY Home Processor Exemption. Standard GMP food safety practices apply.	Not specified in state statute; kitchen must maintain sanitary conditions.
INSPECTION REQUIRED	No	No	No
ON-SITE CUSTOMER PICKUP	Yes	Yes	Yes
ON-SITE SIGNAGE	Conditional	Conditional	Conditional
DELIVERY / PICKUP	Sales allowed at farm venues, farmers markets, green markets, craft fairs, flea markets, via home delivery, and online — all within New Yor...	NY Home Processor Exemption allows direct sales from home, online (within New York only), farmers markets, farm stands, craft fairs, and de...	Sales permitted at farms, farm stands, farmers markets, green markets, craft fairs, flea markets, via home delivery, and online — but only ...
HOME OCCUPATION PERMIT	Conditional	Conditional	Varies
LOCAL BUSINESS LICENSE	Varies	Varies	Varies
RESTRICTIONS	Home Processor Exemption is location-specific. Must use home kitchen only; products must be packaged in the home before sale. Registration ...	New York Home Processor Exemption allows non-PHF, shelf-stable baked goods and certain jams, jellies, preserves, and snack mixes. All produ...	Home Processor Exemption administered by NY Ag & Markets (not local health departments). Registration is free and does not expire but is lo...
FOOD STORAGE	Products must be packaged in the home kitchen before sale; no in-person packaging at events	Pre-packaged in the home; all products must be shelf-stable and labeled. Non-potentially hazardous products only.	Shelf-stable baked goods and certain jams/jellies/preserves/snack mixes only. Pre-packaged in the home. All products must be baked (pathoge...
POPULATION	951,232	212,230	127,440

State context — New York cottage food law

Erie County's rules sit on top of New York's state cottage food framework. The state law sets the floor — counties can add but cannot remove protections.

STATUTE

N.Y. Agric. & Mkts. Law §251-z-4; 1 CRR-NY 276.4

ANNUAL SALES CAP

—

REGISTRATION REQUIRED

Yes

FOOD HANDLER CERT

No

KITCHEN INSPECTION

No

DIRECT SALES ONLY

No

INDIRECT SALES

Yes — Wholesale to restaurants, cafes, and grocery stores within New York State is explicitly permitted. Products may also be sold online (NY residents only) and via delivery. Shipping out of state is not permitted. Registration is free, location-specific, and has no expiration date.

For the full state-level analysis including the verbatim statute text, see the [New York cottage food law report](#) on Crosodo, or open the live guide: crosodo.com/states/new-york.

STATE-LEVEL REFERENCES

State statute: <https://www.nysenate.gov/legislation/laws/AGM/251-Z-4>

State dept cottage food page: <https://agriculture.ny.gov/food-safety/home-processing>

Forrager.com: <https://forrager.com/law/new-york/>

Questions about Erie County? Local notes and a place to leave a question are on Crosodo. We monitor new threads — start with zoning, permits, or porch pickup.

crosodo.com/nb/new-york/erie-county-discuss

Classifieds

Resources for cottage food & home bakers · crosodo.com/advertise

NATIONAL

SUPPLIES

Advertise here — Supplies

Reach home bakers across the country. crosodo.com/advertise

COURSES

Advertise here — Courses

Reach home bakers across the country. crosodo.com/advertise

INSURANCE

Advertise here — Insurance

Reach home bakers across the country. crosodo.com/advertise

LOCAL

Advertise here

Reach home bakers in Erie County, New York. Supply stores, farmers markets, kitchen rentals, and bakery services welcome.

crosodo.com/advertise

Your business here

Local cottage food listings, kitchen rentals, co-packer referrals, and community events — post yours on Crosodo.

crosodo.com/nb/new-york/erie-county-discuss

Free ad space available

Let us know if you're a non-profit or community organization. Farmers markets, kitchen rentals, and cottage food events near you welcome.

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