

Microenterprise Home Kitchen Operations

AB 626, AB 377, SB 972 & AB 1325

Resource Management Agency

Environmental Health Division

800 S. Victoria Ave. Ventura, CA 93009-1730



AB 626 & 377

Microenterprise Home Kitchen Operations (MEHKO)



- Introduced by Assemblyman Eduardo Garcia
- Allows for operation of a MEHKO if the County authorizes by ordinance or resolution
- Authorization (“Opt-In”) by the County automatically opts-in all cities within the County
- A MEHKO is defined as a “food facility that is operated by a resident in a private home where food is stored, handled, and prepared for, and may be served to consumers”
- Can be operated from single family home, including an apartment, owned or rented

Intent of Legislation

- Decriminalize and limit local regulation of home kitchen operation
- Promote entrepreneurship and economic empowerment among low income and marginalized communities
- Improve access to healthy foods through home-cooked meals
- Create regulation for food handling and safety
- Allow for perishable “restaurant style” food - Permitted Cottage Food Operations are limited to non-perishable food
- Provide steppingstone to restaurant ownership by allowing limited scale of food sales



MEHKO - Operational Requirements

- Food facility operated by a resident in a private home
- Operator must pass an accredited Food Protection Manager Certification exam (within 60 days of permit)
- Food must be prepared, cooked and served on the same day
- Food can only be consumed on-site, picked up, or delivered
 - Direct sales only
 - Catering is prohibited
- Limited to no more than 30 meals per day and 90 meals per week
 - No more than \$100,000 in gross annual sales
 - No more than one employee in addition to family and household members
- MEHKO must abstain from posting signage or other outdoor displays advertising the MEHKO and comply with local noise ordinances



Recent Legislation related to MEHKOs

- SB 972 (2022)
 - MEHKO may serve as a commissary for up to 2 Compact Mobile Food Operations (food carts)
 - MEHKO may operate up to 2 Compact Mobile Food Operations to sell food prepared at the MEHKO
- AB 1325 (2023)
 - Increased the weekly number of meals from 60 to 90
 - Increased the annual gross sales from \$50,000 to \$100,000

Zoning and Land Use Exemptions



A MEHKO shall be considered a residence for all purposes of State Uniform Building Standards Code and Local Building and Fire Codes



Use of a residence for the purpose of a MEHKO shall not constitute a change in occupancy



For zoning purposes, a City or County shall not impose any restriction on MEHKO in a residential dwelling

Exemptions and Potential Impacts

- Sanitation deficiencies
- Permit implies compliance with commercial restaurant requirements
- Limited regulatory oversight – Announced inspections (no more than one every 12 months)
- Exemptions from the CA Retail Food Code
 - Handwashing sink requirement in food prep area
 - Commercial exhaust hood ventilation
 - Construction standards
 - Pets allowed (unless during food prep and service)
- Potential increase in food-borne illness incidents
- Potential impacts to residential neighborhoods:
 - traffic, parking, noise, odors, occupancy, fire hazards, and ADA accessibility



Statewide Status

Of **62** Jurisdictions in California,
11 have authorized a MEHKO
Program:

- Alameda County (2019)
- City of Berkeley (2021)
- Imperial County (2020)
- Lake County (2021)
- Riverside County (2019)
- San Diego County (2022)
- San Mateo County (2021)
- Santa Barbara County (2021)
- Santa Clara County (2023)
- Sierra County (2021)
- Solano County (2021)



*Los Angeles County is pending approval

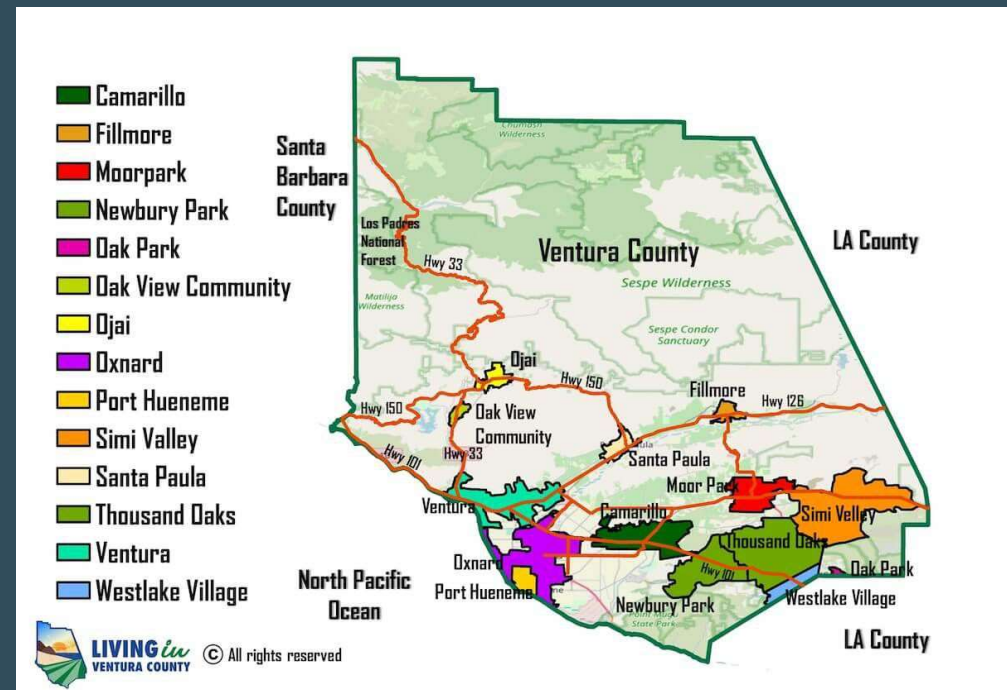
Complaint Survey

JURISDICTION	START DATE	# OF CURRENTLY PERMITTED MEHKO'S	COMPLAINTS	TYPES OF COMPLAINTS
Alameda County	January 2019	56	None	N/A
City of Berkeley	July 2021	1	None	N/A
Imperial County	May 2019	32	Several	MEHKOs operating beyond limitations of permit (catering, setting up on sidewalks)
Lake County	January 2022	8	Few	Unpermitted home-based restaurants without a MEHKO permit
Riverside County	June 2019	94	Few	Improper advertising, catering and one foodborne illness
Santa Barbara County	June 2021	19	Few	Unpermitted home-based restaurants without a MEHKO permit
Santa Clara County	April 2023	22	None	N/A
San Diego County	March 2022	62	4	Signage in front of home, operating outside of home
San Mateo County	December 2021	30	4	Unpermitted home-based restaurants without a MEHKO permit
Sierra County	October 2021	0	None	N/A
Solano County	February 2021	11	2	Cooking outside, signage in front of home

*Survey conducted June 2023

Local Input

- 6 cities in Ventura County (Moorpark, Ojai, Oxnard, Port Hueneme, Simi Valley and Thousand Oaks) have recommended that Ventura County not opt-in
- No city in Ventura County has recommended to opt-in to the program.



Questions?

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