

Microenterprise Home Kitchen Operations

AB 626 & AB 377

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 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 60 meals per week
 - No more than \$50,000 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



MEHKO Exemptions

- Inspections are limited to no more than one every 12 months and by appointment, rather than unannounced risk-based inspections
- Additional inspections are allowed in response to a complaint
- Exempt from local grading system requirements
- Exempt from exhaust hood ventilation requirements
- Exempt from handwashing sink requirement in the kitchen area
- Exempt from certain equipment and sanitization requirements

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

Concerns

- Sanitation deficiencies
- Permit implies compliance with commercial restaurant requirements
- Limited regulatory oversight – scheduled inspections
- Exemptions from the CA Retail Food Code
 - Handwashing sink requirement in food prep area
 - Plan check review process
 - Exhaust hood ventilation
- Potential increase in food-borne illness incidents
- Potential impacts to residential neighborhoods:
 - traffic, parking, noise, odors, occupancy, fire hazards, and ADA accessibility



PROS

- Uniform food safety practices in the County
- Pathway to compliance for existing home-based food operations
- Increase entrepreneurship opportunities for low-income and diverse communities

CONS

- Cities do not have an option to opt out or impose restrictions
- Potential impacts to residential neighborhoods
- Enforcement challenges

Opt In

PROS

- Simple implementation
- No additional impact on residential neighborhoods

CONS

- Enforcement Challenges
- Limits access to home based entrepreneurship

Opt Out

Local Input & Statewide Status

- 5 cities in Ventura County (Moorpark, Ojai, Oxnard, 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.
- Ventura County Public Health Officer supports authorization of MEHKO

Of 62 Jurisdictions, 8 have authorized a MEHKO Program:

- Riverside County
- Santa Barbara County
- Solano County
- San Mateo County
- Alameda County
- Lake County
- Imperial County
- City of Berkeley

➤ 18 jurisdictions have opted out or decided to not take action at this time.

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