



Microenterprise Home Kitchen Operations MEHKO

Update for October 8, 2024 Board Item



sonoma county
DEPARTMENT OF HEALTH SERVICES

Microenterprise Home Kitchen Operation

AB 626, AB 377, AB 1325

- A Microenterprise Home Kitchen Operation (MEHKO) is a small-scale restaurant (dine-in or take-out) operated by a resident in a private home.
- Assembly Bills 626 (2018), 377 (2019) and 1325 (2023) establish the regulations for MEHKOs through California Health and Safety Code (CalCode).
- The County may “opt in” by ordinance or resolution, which allows permitting of MEHKOs within both the unincorporated County and in the cities.

- MEHKOs provide home-based business opportunities for those with limited access to capital and lower the barriers for entry to disadvantaged persons wishing to start a food related business.
- MEHKOs increase community access to healthy food, offering cultural and regional foods that may not be available locally.
- The Legislature also found that many of these small-scale businesses already exist, and less restrictive regulation will provide better food safety oversight.



MEHKO Requirements

- Operator must be a resident of the private home operating as a MEHKO and hold a food safety manager certification.
- The MEHKO must be the primary residence. Second homes, vacation homes and motor homes do not qualify.
- If the residence is leased or rented, the property owner will be required to approve the use.
- No more than one employee may work in the facility in addition to family and household members.
- Any individual working in the MEHKO must obtain a food handler card.

MEHKO Requirements (cont.)

- Food must be prepared, cooked and served the same day.
- Food preparation must occur in the kitchen of the residence with no auxiliary kitchens added.
- No outdoor signage is allowed.
- Sales limited to no more than 30 meals per day or 90 meals per week with gross annual sales limited to \$100,000 annually.
- Meals can be consumed on site, picked up or delivered through an employee or intermediary registered with CDPH. Third party delivery services, catering, resale and sales from food trucks or carts are prohibited.

Health and Safety Code Limitations

- Environmental Health can conduct no more than one routine inspection per year, with additional inspections being allowed only to investigate a complaint or suspected health hazard.
- MEHKOs are exempted from several health and safety requirements that apply to other restaurants:
 - A dedicated handwashing sink is not required in the kitchen area
 - Separate dishwashing/preparation sinks are not required
 - Ventilation and hoods are not required to meet restaurant fire and safety standards
 - Animals are not excluded in cooking areas
 - ADA requirements are not applicable

Zoning, Land Use and Permitting

- The decision to opt in will also apply automatically within the city limits. (Health & Safety Code § 114367) If the county opts in, the cities may not opt out.
- MEHKOs are automatically by right uses in residential occupancies for the purposes of zoning and cannot be further regulated by local zoning or building regulations.
- All that is required is a Health permit.
- The law allows for the enforcement of noise and nuisance ordinances.



Regulatory Authority

Environmental Health:

- One routine inspection in a 12-month period. Must be scheduled with the operators at a time convenient to them. Additional scheduled inspections in response to a complaint or an emergency
- Exempt from placarding/grading system
- Permit to be renewed annually

Partner Agencies (Code Enforcement, City, Police and Fire, etc.):

- Signage, Noise, Nuisances (excessive crowding, traffic, parking issues, garbage overflow, etc.)

AB 178 MEHKO Assistance Grant

- Sonoma County received \$138,015.04 in Grant Funds for FY 2023/2024 and 2024/2025 to assist with costs associated with development of a MEHKO program, including program development, public outreach, offsetting permit fees, and enforcement. This grant funding does not require the implementation of a program.
- According to the grant letters of intent the following jurisdictional information is available:
 - 15 jurisdictions have opted into the MEHKO program (Riverside, Santa Barbara, San Diego, Solano, San Mateo, San Benito, Santa Clara, Alameda, Amador, Imperial, Sierra, Monterey, Lake, Contra Costa and the City of Berkeley).
 - 16 jurisdictions are currently considering a MEHKO program (City of Vernon, Mariposa, Inyo, Trinity, Tehama, Mendocino, Nevada, Marin, Santa Cruz, City of Long Beach, Sonoma, Fresno, Los Angeles, Mono, Humboldt and El Dorado).

Previous City Outreach and Comments - 2021

- County received written comments from the following jurisdictions: Town of Windsor, City of Rohnert Park, City of Cotati, City of Sebastopol, City of Santa Rosa, City of Petaluma.
- Cities were generally supportive of the program's goals, but positions on whether the County should opt in were mixed.

Policy Options/Considerations

- Sonoma County Health Services was directed by the Board to return in September of 2024 with a draft MEHKO ordinance.
- Health Services will bring a proposal to opt into the MEHKO statute via ordinance. MEKHOs would be permitted in any residence but would not be permitted in areas of the applicable city or county where they are prohibited by General Plan.

Next Steps

1. Let the County know if your city supports or opposes the proposal
2. Reach out to Department with Health Services with any questions or concerns

Sonoma County Department of Health Services



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