



# MICROENTERPRISE HOME KITCHEN OPERATION (MEHKO) AB 626 & AB 377

County of San Benito



# ASSEMBLY BILL (AB) 626/377



AB 626 authored by Assemblyman Eduardo Garcia



AB 626 became effective January 1, 2019



AB 377 is a cleanup bill for AB 626 which was signed by the Governor on October 7, 2019 and became effective immediately



AB 626 allows for the operation of Microenterprise Home Kitchen Operations (MEHKOs) if the County authorizes the permitting of them by ordinance or resolution



An authorization ("opt-in") by the County, automatically opts-in all cities within the county.



# A MEHKO IS...

A small-scale restaurant (restricted food service facility) operated by a resident in a private home where:

- There is no more than one employee in addition to family and household members
- Food is prepared, cooked and served on the same day
- Food can be consumed on site, picked up or delivered\*

*\*Must be delivered by a family member or member of the household (or sole employee). No third-party delivery services.*



A vibrant still life photograph of various fresh food items. In the foreground, there's a woven basket filled with bread rolls, a small glass bottle of milk, and some green vegetables. Behind it, a large piece of roasted meat, possibly a pig's head, is visible. To the right, a burlap sack is filled with grains. A whole red fish lies prominently in the middle ground. The background is filled with more produce like lemons, oranges, and asparagus. The overall scene is rich and colorful, representing a variety of fresh ingredients.

# WHAT IT IS NOT

- Not a catering operation.
- Not a cottage food operation.
- Not a full-scale restaurant.





# START UP REQUIREMENTS



Submit a permit application to local environmental health agency



Obtain initial inspection of facility



Successfully pass an approved and accredited food safety certification examination



Limited to no more than 30 individual meals per day and 60 meals per week



Direct sales ONLY; No catering or wholesale



No more than \$50,000 in gross annual sales



Homes must meet State potable water standards



Internet Food Service Intermediaries

# MEHKO OPERATIONS



# MEALS OR EQUIVALENT MEAL COMPONENTS

FRESH  
SQUEEZED  
JUICE  
24 OZ



12 INCH  
PIZZA



TACO COMBO  
PLATE OR  
6 INDIVIDUAL  
TACOS



DOZEN  
COOKIES,  
CUPCAKES,  
PASTRIES



CFOS  
MORPHED TO  
MHKOS



# EXEMPTIONS

- Inspections are limited to once per year and by appointment rather than unannounced risk-based inspections.
- Exempt from handwashing requirements in the kitchen area.
- Exempt from certain equipment and sanitation requirements.
- Exempt from planning provisions.
  - Jurisdiction may not prohibit the operation, require a rezone of the property, or impose any other restriction on a MEHKO in any residential dwelling for zoning purposes.
- Exempt from exhaust hood ventilation requirements
- Exempt from plan review process



# OTHER CONSIDERATIONS

- If County “opt-in”, cities within San Benito County do not have the option to opt-out.
- Workload increase on Governing departments
- Direct Competition with Restaurants / Food Trucks
- Potential Community Impact
- **Complaints and Nuisances:**
  - Local Code Enforcement will investigate and enforce regulations if violations of a nuisance ordinance occur (i.e. odors, traffic, parking, excessive noise, etc.)
  - A MEHKO may not post signage or other outdoor displays advertising the MEHKO



# ACROSS THE STATE

## Opted In & Issuing permits

- Riverside County
- Imperial County
- Lake County

## Opted In – Not yet issuing permits

- Alameda County
- City of Berkley
- San Mateo County
- Santa Barbara County
- Solano County

## Remaining Counties/Cites

- No action – pending





# OPTIONS — BOARD OF SUPERVISORS

## **Opt-In**

County would authorize MEHKO Countywide. Cities would not be able to opt out

## **Opt-out**

County could affirmatively decline to authorize the permitting of MEHKO countywide. Cities would not have option to opt in

## **No Action**

MEHKO would not be authorized countywide



**THANK YOU,  
QUESTIONS?**

