COUNTY OF Placer

Environmental Health

Microenterprise Home Kitchen Operations

May 11, 2021

Assembly Bill 626

- Effective January 1, 2019
- Allows for the operation of Microenterprise Home Kitchen Operations (MHKO) if the county authorizes the permitting of them by ordinance or resolution
- **MHKO Definition:** a food facility that is operated by a resident in a private home where food is stored, handled, prepared, and served to consumers

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Status of MHKOs

- Less than a handful of counties have opted in
  - One of these has not implemented due to COVID-19
- MHKOs are not currently allowed in Placer County
- If a county allows MHKOs, *cities could not opt out*

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Impetus of Law

- Low capital entry point
- Test business viability with less risk
- Generate additional income

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Permitting and Inspection Protocol

1. Complete application and submit to Environmental Health (EH)
2. Initial inspection for approval
3. Receive permit to operate from EH
4. EH to conduct no more than 1 routine inspection per year and respond to complaints
5. Unannounced inspections not allowed *(exception for immediate public health threat)*

Note- EH would recommend charging an annual fee to recover cost.

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What Steps Can Local Government Take to Regulate MHKOs?

Yes

- Can limit hours of operation
- Can restrict on-site dining
- Can limit parking
- Can enforce local noise ordinance
- Broad county wide ordinance adoption

No

- Cannot limit number of MHKOs in a geographical area
- Cannot prevent MHKOs from operating in specific residentially dwelling types
- Cannot be so restrictive as to prevent reasonable operation

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Enforcement

- State Health and Safety Code – EH only
- County Code – EH or other designated county agency
- City Code – city enforcement agency

Codes and Local Agreements

MHKO's allowed in:

- Homeowners association
- Homes on private roads
- Residential dwelling on or near winery property
  - Adoption of MHKO ordinance would require county winery ordinance amendment

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City and Community Partner Input

While some see economic value and opportunity others are concerned by local impacts and costs not adequately addressed by the legislation

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Questions?