

ORDINANCE NO. _____

**BOARD OF SUPERVISORS
COUNTY OF SAN MATEO, STATE OF CALIFORNIA**

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**AN ORDINANCE REPEALING AND REPLACING CHAPTER 4.58 TO TITLE 4
OF THE SAN MATEO COUNTY ORDINANCE CODE, AUTHORIZING THE
PERMITTING OF MICROENTERPRISE HOME KITCHEN OPERATIONS**

**The Board of Supervisors of the County of San Mateo, State of California,
ORDAINS as follows:**

SECTION 1. Findings.

The Board of Supervisors finds and determines that:

WHEREAS, San Mateo County seeks to pursue and adopt policies, programs and activities that foster economic empowerment, food access and strong and healthy communities; and

WHEREAS, San Mateo County is committed to expanding access to a wide variety of foods prepared locally and to supporting small-scale businesses and microenterprises; and

WHEREAS, small-scale, home-cooking operations can create significant economic opportunities for people that need them the most – often women, immigrants and people of color; and

WHEREAS, the sale of home-cooked meals by small-scale operators can improve access to healthy foods for communities, particularly in communities with limited options; and

WHEREAS, the bar for entry to restaurant ownership is high, and access to rental kitchens is limited by physical availability and cost, such that an informal economy of locally produced and prepared hot foods exists that includes meal preparation services, delivery of home-cooked items, and communally shared meals; and

WHEREAS, many experienced cooks in California, including in San Mateo County, work in the informal food economy, often because of disability, family responsibilities or lack of opportunity; and

WHEREAS, Assembly Bill (AB) 626 went into effect at the beginning of 2019, and sets a framework for local governments to authorize independent, small-scale cooks in San Mateo County to establish food preparation businesses from their homes, selling meals to diners who are served on site, or as take out or delivery; and

WHEREAS, AB 626 authorizes counties and cities to adopt ordinances or resolutions permitting microenterprise home kitchens operations (“MEHKO”) in accordance with Chapter 11.6 of Division 104, Part 7 of the California Health & Safety Code; and

WHEREAS, on January 29, 2019, the Board of Supervisors (“Board”) appointed Supervisors David Canepa and Don Horsley to a subcommittee of the Board to work with staff to assess and report on implementation of AB 626 in San Mateo County and to develop and bring to the Board an appropriate form of ordinance or resolution to implement AB 626; and

WHEREAS, on July 20, 2021, the Board unanimously approved a two-year MEHKO “pilot” program, which is in effect from October 1, 2021 through September 30, 2023; and

WHEREAS, this Ordinance provides San Mateo County Environmental Health Services the authority to continue permitting MEHKO in accordance with the California Health & Safety Code to build on the success of the pilot program by fostering economic opportunities for San Mateo County residents and increasing dining options for potential customers, while also safeguarding the health and safety of the community.

SECTION 2. Chapter 4.58 of Title 4 of the San Mateo County Ordinance Code is hereby repealed in its entirety and is replaced by the following:

CHAPTER 4.58 PERMITTING MICROENTERPRISE HOME KITCHEN OPERATIONS

Section 4.58.010 Authorization Of Environmental Health Services.

Pursuant to California Health & Safety Code § 114367, Environmental Health Services is hereby authorized to permit microenterprise home kitchen operations, and regulate the same, within the unincorporated and incorporated areas of San Mateo County, in accordance with Chapter 11.6 of Division 104, Part 7 of the California Health & Safety Code.

Section 4.58.020 Authority Of The Director Of Environmental Health Services.

The Director of Environmental Health Services is hereby authorized to promulgate policies and procedures that are consistent with Chapter 11.6 of Division 104, Part 7 of the California Health & Safety Code.

Section 4.58.030 Severability.

If any of the provisions of this Chapter or the application thereof to any Person or circumstance is held invalid, the remainder of those provisions, including the application of

such part or provisions to Persons or circumstances other than those to which it is held invalid, shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this Chapter are severable.

SECTION 3. This Ordinance shall be effective thirty (30) days from the passage date thereof.

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