

The Baltimore City Department of
**HOUSING & COMMUNITY
DEVELOPMENT**

MEMORANDUM

To: The Honorable President and Members of the Baltimore City Council
c/o Natawna Austin, Executive Secretary

From: Michael Braverman, Housing Commissioner



Date: January 29, 2018

Re: **City Council Bill 18-0178 – Indoor Smoking – Hookah Lounges**

The Department of Housing and Community Development (HCD) has reviewed City Council Bill 18-0178, for the purpose of excepting hookah lounges from the City's indoor-smoking restrictions, subject to certain conditions; repealing two obsolete exceptions that have been preempted by more stringent State law and, as such, are invalid; and generally relating to the operation of hookah lounges

If enacted, this bill modifies the Health Code: Title 12 (Tobacco Products and Smoking Devices), Subtitle 1 (Indoor Smoking), §12-107 (Exceptions – Private clubs, smoking bars, tobacconists.) to remove private clubs or lodges and smoking bars and add retail tobacco establishments and hookah lounges, with definitions, to the list of exceptions for indoor smoking.

HCD has concerns with this bill as written because it has the potential to create confusion between requirements in the health code specific to hookah lounges and the permit requirements for lounges in the Building, Fire and Related Codes (BFRC). A lounge in the zoning code is a business establishment that is open to the general public; designed or operated primarily to accommodate social gatherings; and does not serve or permit the on-site consumption of alcohol. A lounge could be an establishment that is used as a place to gather and smoke hookah. A lounge would require a use permit to insure that the location, construction, maintenance, and operation of the facility is not detrimental to or endanger public health, safety or welfare. This bill defines a hookah lounge, but only requires a ventilation system that prevents smoke from infiltrating into any area where smoking is prohibited. Any establishment that would allow the smoking of hookah would also be required to apply for a use permit to determine that the inside activity meets the minimum requirements under the BFRC.

The Department of Housing and Community Development does not support the passage of this bill and defers to the Fire Department and the Health Department on the passage of City Council Bill 18-0178.