



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: April 9, 2020

Re: **City Council Bill 19-0449 Zoning - Use Regulations - Neighborhood Commercial Establishments**

The Department of Housing and Community Development (DHCD) has reviewed City Council Bill 19-0449 for the purpose of prohibiting the sale of tobacco products and electronic smoking devices, accessories, and related products by a retail goods establishment that is a neighborhood commercial establishment.

At its regular meeting of March, 5, 2020 the Planning Commission did not concur with the recommendation of its departmental staff, which recommended disapproval, and instead recommended that Council Bill 19-0449 should be amended and passed by the City Council.

Neighborhood Commercial Establishments (NCE's) are a new used category created through Transform Baltimore. They can be established in the R-5 through R-10 and OR Zoning Districts after obtaining conditional use approval from the Zoning Board.

The Bill prohibits the sale of "TOBACCO PRODUCTS, OR ELECTRONIC SMOKING DEVICE, ACCESSORIES, AND RELATED PRODUCTS" in retail goods establishments in NCE's. DHCD believes that the Bill will be difficult to reasonably enforce.

A practical difficulty of the bill is that it will create additional work for DHCD's Zoning Inspectors and creates a separate class of NCE's that may have been selling tobacco products before enactment of 19-0449, which would presumably be grandfathered out of the legislation.

DHCD **opposes** the passage of City Council Bill 19-0449 and recommends that the sale of tobacco products and electronic smoking devices, accessories, and related products by retail goods establishments are better regulated at the State level and not through the local Zoning Code.

MB:rp

cc: Mr. Blendy, Nicholas, *Mayor's Office of Government Relations*