Re: Bill 3-24, Late Night Establishments – Hours of Operation
February 24, 2024

Dear Montgomery County Council,

I am writing regarding Bill 3-24, which proposes to limit the hours of operation of hookah lounges from 9:00am to 2:00am on weeknights and to 3:00am on weekends. I live at the Lofts 24 building in downtown Silver Spring, an area in close proximity to many of the businesses that are the subject of this bill. I know that my community will be submitting a statement on behalf of all the residents here, but I also wanted to provide an additional, personal statement.

While this bill is undoubtedly an improvement over the current status quo, I think it would be a tremendous improvement if the weekend hours, in particular, were pushed back a little farther.

Allowing businesses to close at 3:00am means that the level of noise, disruption, and chaos in Silver Spring will persist to the point where residents who live near these establishments will still struggle to get a reasonable night's sleep. While I am lucky enough to be insulated from this noise, I know many residents in my building who struggle to sleep and are repeatedly awoken by the commotion surrounding these businesses; with this bill in place, they will continue to struggle. Even a couple of hours' difference (such as allowing these businesses to close at 1am or even 2am) would at least provide them the chance to get the recommended 7 hours of uninterrupted sleep, assuming they wake at the relatively late hour of 9am on Saturdays and Sundays. I should note that a senior living facility (the Bonifant) is located right next to many of these lounges, so one would think that would be more of a concern…

More importantly, the 3am closing time is unlikely to actually achieve the intended effect of the bill—preventing crime by stopping intoxicated individuals who exit closing bars and restaurants from congregating at the hookah lounges. A lot of the criminal incidents observed already occur around or shortly after 3am, so keeping the closing time at 3am may just lead to these same crimes continuing as normal. I note that a huge number of bars close much earlier than 3am. For example—the Quarry House Tavern closes at 1am or 2am, McGinty's at midnight, the Society at 2am, etc. Allowing the hookah lounges to close at 3 does little to prevent one of the major problems that prompted this bill in the first place—intoxicated individuals flowing from closing bars to congregate around hookah lounges and other late-night establishments in the wee hours of the morning--and sometimes committing crimes, or, at the very least, making it easier for crimes to go unnoticed, given the chaotic environment in which they occur. This can still happen, since there will still be a gap of time between the closing hours of the bars and the late-night lounges, albeit a slightly shorter one. Again, most people tend to already leave the hookah lounges between 3-3:30am. Most crime also tends to occur around this time —including the shooting that nearly resulted in injury to my wife inside our home and from which I still have a bullet as a souvenir (what a conversation piece when people ask my wife and I how life in Silver Spring is!).

For this reason, a closing time of 3 is not ideally situated to address the underlying problem. In addition to letting people come from closing bars, it also has the potential to attract overflow from other jurisdictions that close earlier—or worse, serve as a magnet for all the people looking for a place to get wild who might be turned off by the more regulated, earlier closing hours of places like Baltimore, Washington, DC, or Prince George's, all with significantly earlier closing

times. Worst case scenario, Silver Spring could continue to build its reputation as the unregulated, "wild west" of late-night partying and drugs.

I hope the Council will reconsider the specific closing hours. I would advocate for a closing time of midnight, but I understand that the County is highly sympathetic to these lounges, so I implore the Council to at the very least implement a 2am closing time across the board.

Finally, I want to express that regarding said sympathy for these lounges, as with any kind of establishment, there are different forms a business can take. Obviously, not all hookah lounges are inherently bad. There are—I know because I have seen been to them—nice restaurants/hookah lounges. It comes down to a place's overall vibe, and in an alternate universe where Silver Spring's hookah lounges were like the one I grew up with down the street in St. Louis, Missouri, I might not mind them being open so late. But as far as I can tell from personal observation and what I have been told by the police, the majority of the hookah lounges in downtown Silver Spring, unfortunately, are of the shady variety. I'm not sure if that is entirely their fault, or merely the result of a confluence of factors partially outside their control, such as: 1) the fact they are located so close to so many bars and therefore draw a high proportion of intoxicated, low-inhibition individuals; 2) the fact that the Purple Line construction had given the area an increasingly run-down, shady vibe that in turns results in an increase of illegal activity in the surrounding area; 3) the fact that they draw bad actors not from Silver Spring due to the disparity between their operating hours and those of surrounding jurisdictions. But whatever the cause, it's become pretty clear that hookah lounges and other late-night businesses are serving as magnets for criminal activity and disruption, and that their closing at 3am is contributing to an atmosphere of chaos that is a perfect environment for crime to flourish. The Council now has the chance to do something about it, and it would be a big shame to waste that chance by passing a law that, with a few tweaks, could exponentially increase its effectiveness. 3am is so late a curfew as to almost be meaningless. For that reason, I suggest considering an alternate curfew of midnight or--worse case scenario--2am.

Sincerely,

/s/ Stefan Babich

Stefan Babich