

Proposed Legislation 3-24 Late Night Establishments: Hours of Operation

The proposed legislation's reduction of the morning hours of operation of Hookah lounges from 5 am to 3 am on weekends is a step in the right direction. However, we are advocating for closure of these establishments at midnight. At a minimum, we believe the County should want the hours of operation of Hookah establishments to be uniformly consistent with the hours of closure of bars in Montgomery County and that is 2 am. Closure at 3 am is far too lenient considering neighboring jurisdictions (i.e., Washington, DC, Prince George's County and Baltimore County) have stricter legislation related to hours of operation and zoning for Hookah establishments. Moreover, as noted in your legislation, it has been proven that crime and calls to police have been found to increase during the hours that the bars and late-night establishments such as Hookah lounges are open. Counties play a critical role in protecting the health of people and the communities in which they live, learn, work and play. Additionally, Montgomery County has a history of being on the forefront of its health concerns for its residents. In accordance with that legacy, lessening the hours of operation of the lounges would reduce the amount of exposure our young people have to carcinogens and addictive nicotine contained in Hookah smoke. Indeed, the Centers for Disease Control have warned that the amounts of carcinogens and nicotine from Hookah smoke is 100 times the exposure of one cigarette while the World Health Organization has warned it is 200 times the exposure of a single cigarette. Hookah smoke has also been known to be [frequently laced with other highly regulated products](#) including marijuana, hashish and shisha. Illegal drug use is also [more common](#) among [hookah smokers](#).

Criminal risks associated with early morning hours of operation of Hookah lounges include:

- High density of Hookah lounges on a one block radius in downtown Silver Spring drawing patrons from surrounding jurisdictions once their bars close at 2 am. Many patrons are inebriated once they arrive in the downtown and some are carrying guns on their person and in their cars.
- Consequences: excessive noise and music, loitering, assaults, homicides, drug dealing, prostitution, illegal food trucks arriving at 3 am to service the crowds, caravan of cars lined up Bonifant and Thayer with drug dealers approaching cars. The resulting mayhem is unsupportable.
- The sheer density of Hookah lounges open in early morning and the large number of people milling around provides an ideal environment for the drug dealers to operate.

We know the Council wants Montgomery County and specifically downtown Silver Spring to be a safe, healthy, and vibrant place to live. However, the current environment says otherwise. This is not a safe place for children, seniors, or even the young professionals that your plan originally sought to attract to the downtown silver spring area. That original vision set out in the Montgomery County Master Plan for downtown Silver Spring was a revitalized community where people work, live, consume, and play

in a multi-use, inclusive and diverse community next to a regional transit center fostering healthy living options, diversity, green spaces, comfort for residents, safety, and both tangible and intangible connectivity achieved through thoughtful design of the built environment. Intangible connectivity was to take form through harmonious and respectful co-existence of all the stakeholders...residents, businesses, and visitors. Instead, the current conditions have brought us:

- Increased crime (e.g., assaults, homicides, robberies and carjackings);
- Property values that are stagnant or declining;
- Constrained future economic development;
- Vacant ground floor retail in parts of the DTSS;
- Decreased employment options;
- Low to vacant occupancy in commercial buildings;
- Residents who are scared to walk in the community to retail like Whole Foods, the Safeway and Ellsworth retail, the Metro, or other places;
- Genuine concern that when the Purple Line opens, if not comprehensively addressed, the crime level will increase;
- Quality of life disruptions ---night-time sleep interrupted by patrons lining Bonifant to head to Hookah or restaurants/food trucks, other disturbances, noise, gunshots, apprehension walking the community etc.; and
- An already decimated street thanks to Purple Line construction is even more unappealing as a result of ongoing patron loitering.

We propose the following:

- Hookah lounges close at midnight. At a minimum, closure should be consistent with the closure time that bars and restaurants close which is 2 am. This is far more generous than neighboring Prince George's County which now requires Hookah lounges to close at 8 pm. Its counterintuitive to maintain longer hours as it will only serve to draw patrons who would otherwise have gone to DC, Prince George's County, or Baltimore. Extended Hookah hours will create a dumping ground of late-night revelers from other jurisdictions increasing loitering, quality of life crimes and violent crime.
- The county provides subsidies and grants over a period of time allocated to these establishments to facilitate their move to more appropriately zoned areas such as light industrial zoning similar to the smart plan that Prince George's County has approved in their legislation.
- Montgomery County government identifies its priorities in a "renewed" revitalization plan that includes remedies to the current lawlessness and permissiveness for lawless conduct in the downtown area. This is especially important before the Purple Line opens and gets renamed as the "Crime Line".
- This plan should represent a coordinated effort executed by an interdisciplinary team across County Departments to include Park & Planning, the Montgomery County Police Department, and Economic Development and your constituents that have invested in and pay property taxes to ensure that the county thrives.

This new proposed legislation reflects that there is concern for the safety, health, and well-being of the County and especially Silver Spring. We remind you that we are your voting constituents – not the individuals who come from surrounding jurisdictions to frequent the Hookah establishments. We deserve legislation that will have both an immediate and lasting positive impact on the community we love.

We also remind you that we are not anti-business. In fact, many of the residents chose this neighborhood because of the mixed-use zoning that included residential and business development making a vibrant and walkable community. However, community safety is a basic human right and a critical aspect of the quality of life that is becoming non-existent in Downtown Silver Spring. The Council must strike the appropriate balance that keeps the community safe and prosperous and that includes stronger restrictive hours of operation for Hookah Lounges and other all-night establishments.