DC | HEALTH
GOVERNMENT OF THE DISTRICT OF COLUMBIA

District of Columbia Department of Health **Processing Requests for Certificate for Smoking Exemptions, Conditional Certificate of Exemptions, Economic Hardship Waivers, and Hotel Requests for Special Event Exemption**		**SOP 1423.000** Implementing Office: Environmental Health Administration Training Required: Yes. Program specific training and/or supervisory guidance will be provided to staff responsible for reviewing and processing applications under this SOP. Originally Issued: 8/2026 Revised/Reviewed: **(First Revision)**
Approved by: Ayanna Bennett, MD, MSPH, FAAP; Agency Director	**Reviewed by:** Elaine Block; General Counsel	**Effective Date:** AUG 2 0 2026 **Valid Through Date:** AUG 2 0 2029

I. Authority	Reorganization Plan No. 4 of 1996; Mayor's Order 1997-42; Mayor's Order 2001-111; the District of Columbia Smoking Restriction Act of 1979, effective September 28, 1979 (D.C. Law 3-22; D.C. Official Code § 7-1701 *et seq.*); the District of Columbia Smoking Restriction Act of 1979 Amendment Act of 1987, effective March 29, 1988 (D.C. Law 7-100; D.C. Official Code § 7-1703.01 *et seq.*); the Department of Health Functions Clarification Act of 2005, effective April 4, 2006 (D.C. Law 16-90; D.C. Official Code § 7-731 *et seq.*; and the Department of Health Functions Clarification Act of 2016, effective February 18, 2017 (D.C. Law 21-189; D.C. Official Code § 7-741.01); the "Flavored Tobacco Product Prohibition Amendment Act of 2021," effective Sept. 22, 2021 (D.C. Law 24-25; D.C. Official Code § 7-1721.01(1C and 1D); and the Smoking Regulations in Chapter 21 of Title 20 of the District of Columbia Municipal Regulations (DCMR).
II. Reason for the Policy	To protect the public from the hazards of secondhand smoke while providing a transparent and consistent regulatory pathway for eligible establishments to seek relief under specific legal provisions. In accordance with the District of Columbia Smoking Restriction Act of 1979 and its subsequent amendments, smoking is generally prohibited in all enclosed public places and workplaces. However, exemptions may be granted to establishments that demonstrate compliance with the following: • Revenue Compliance: Meeting the strict percentage thresholds for tobacco-related sales as defined by the Department of Health Functions Clarification Act. • Flavor Restrictions: Adherence to the Flavored Tobacco Product Prohibition Amendment Act of 2021, ensuring no prohibited flavored

	• Flavor Restrictions: Adherence to the Flavored Tobacco Product Prohibition Amendment Act of 2021, ensuring no prohibited flavored products are sold unless the establishment meets specific "grandfathered" criteria. • Operational Standards: Maintaining required signage, ventilation, and structural separation as dictated by 20 DCMR Chapter 21.
III. Applicability	This policy applies to any staff reviewing application requests for a Certificate for Smoking Exemption, an Economic Hardship Waiver, or a Special Event Exemption.
IV. Policy Statement	It is the policy of DC Health to strictly regulate smoking in public places and workplaces to protect the health, safety, and welfare of District residents, workers and visitors. In accordance with the District of Columbia Smoking Restriction Act and related authorities, the Department shall implement a uniform process for the intake, review, and adjudication of all exemption and waiver requests for businesses including tobacco bars, hotels, and retail tobacco stores. Only those establishments that demonstrate full compliance with mandated revenue thresholds, structural requirements, and flavor prohibitions—as verified through rigorous documentation and inspection—shall be granted a Certificate of Exemption, Economic Hardship Waiver, or Special Event authorization. No exemption is permanent; all certificates and waivers are subject to periodic audit, inspection, and renewal to ensure ongoing compliance with the established Authority.
V. Definitions & Acronyms	**Acts** – D.C. Law 3-22, the District of Columbia Smoking Restriction Act of 1979 (D.C. Official Code § 7-1701 *et seq.*) and D.C. Law 16-90, the Department of Health Functions Clarification Amendment Act of 2006 (D.C. Official Code § 7-741 et seq.). **Bar area of a restaurant** – the area immediately adjacent to the bar in a restaurant where there are no dining tables or that is primarily the area where persons of legal drinking age consume alcoholic beverages purchased at the bar. **Department** – DC Health. **Director** – the Director of the Department of Health. **Electronic smoking device** – any product, including one composed of a heating element, battery, or electronic circuit, that contains or delivers nicotine, or any other substance intended for human consumption that can be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. The term "electronic smoking device" includes any such product, regardless of whether it is manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, vape pen, or by any other product name or descriptor. **Employee** – the license holder, person in charge, person having supervisory or management duties, person on the payroll, volunteer, or person performing work under contractual agreement at a place of employment.

	Enclosed area – all the space between a floor and ceiling that is enclosed on all sides by solid walls or windows or doors, exclusive of doorways, that extend from the floor to the ceiling. **Existing building** – a building that was built, under construction, or had a building permit issued on or before August 3, 1991. **Hookah** – a type of waterpipe used to smoke shisha or other tobacco products with a long flexible tube for drawing aerosol through water. Components of a hookah may include heads, stems, bowls, and hoses. **Hookah bar** – a restaurant, tavern, brew pub, club, or nightclub that: (a) Generates revenue from the sale for on-site consumption of tobacco products used with a hookah, excluding sales from vending machines or the rental of on-site humidors; provided, that the restaurant, tavern, brew pub, club, or nightclub has a valid smoking exemption from the Department of Health pursuant to § 7-741.03(a)(2) or (3); and (b) Does not permit any person under 21 years of age to be present or enter the premises at any time. **OGC** – Office of the General Counsel. **Nightclub** – as defined in D.C. Official Code § 25 -101(33), a space in a building, and the adjoining space outside of the building, regularly used and kept open as a place that serves food and alcoholic beverages and provides music and facilities for dancing. **Place of employment** – an enclosed area under the control of a public or private employer that employees normally frequent during the course of employment, including work areas, employee lounges, restrooms, conference rooms, classrooms, employee cafeterias, hallways, and vehicles owned by a private employer, if the vehicle is used by more than one person, and excludes a private residence, unless it is used as a child care, adult day care, or health care facility. **Private Clubs** – a private club is a place where people with shared interests can gather and socialize, often with specific rules and membership requirements. These clubs typically offer facilities and activities for their members and their guests but are not open to the general public. Examples include country clubs, yacht clubs, and social organizations with limited membership. **Public place** – an enclosed area to which the public is invited or in which the public is permitted, including banks, educational facilities, health care facilities, laundromats, public transportation facilities, reception areas, restaurants, retail food production and marketing establishments, nightclubs, retail service establishments, retail stores, shopping malls, sports arenas,

taverns, theaters, and waiting rooms. This term does not apply to a private residence unless it is used as a child development center, adult day care facility, or health care facility.

Restaurant – a restaurant as defined in DC Official Code § 7-1702(5), and any other establishments licensed by the District of Columbia in the business of preparing or serving food to the public. The term "restaurant" shall include coffee shops, cafeterias, luncheonettes, eateries, and soda fountains. The term "restaurant" shall not include sidewalks, terraces, or space used by restaurants to provide outdoor facilities, nightclubs, or taverns.

Retail store – as defined in DC Official Code § 7-1702(6), any establishment whose primary purpose is to sell or offer for sale to consumers, not for resale, any goods, wares, merchandise or food for consumption off the premises, and all activities, operations and services connected therewith or incidental thereto. The term "retail store" shall not include separate areas of a retail store which are used as a restaurant.

Review – a critical evaluation, examination, or study on a retrospective basis that may or may not include a formal examination of accounting records with applicable audit standards.

Room or hall – a space used for private social functions, which includes weddings, banquets, and parties.

Smoking – the inhaling, exhaling, burning, or carrying of a lighted or heated cigar, cigarette, pipe, electronic smoking device, or any other tobacco or plant product intended for human consumption through inhalation, in any manner or in any form.

Tavern – as defined in DC Official Code § 25-101(52), a space that:

(A) Is regularly used and kept open as a place where food and alcoholic beverages may be served;

(B) May offer entertainment, except nude performances, and offer facilities for dancing for patrons only with an entertainment endorsement and may have recorded and background music without an entertainment endorsement; and

(C) Does not provide facilities for dancing for its employees or entertainers.

Tobacco bar – a restaurant, tavern, brew pub, club, or nightclub that generates ten percent (10%) or more of its total annual revenue from the on-site sale of tobacco products, excluding sales from vending machines or the rental of on-site humidors.

Tobacco product – any product that is made from or derived from tobacco and is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled, or ingested by any other means, including through a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, snus, smokeless tobacco, or an electronic smoking device, as

	that term is defined in § 7-741.01(1). The term "tobacco product" also includes any component or accessory used in the consumption of a tobacco product, such as filters, rolling papers, pipes, or liquids used in electronic smoking devices. The term "tobacco product" does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act, approved June 25, 1938 (52 Stat. 1040; 21 U.S.C. § 301 *et seq.*). **Tobacco specialty store** – a retail store that bars entry to individuals under 21years of age and that is used primarily for the sale of tobacco products and accessories in which the total annual revenue generated by the sale of non-tobacco products or accessories is no greater than 25% of the total revenue of the establishment.
VI. Procedures	**ALL APPLICATIONS SHALL BE:** (1) Acknowledged within 48 business hours of receipt. (2) Issued a Determination Letter (Approved, Conditionally Approved, or Denied). (3) Closed within 30 business days of no action from the Applicant. In situations where the Applicant(s) are relying on receiving required documents from other DC Government agencies, an application may be extended for up to 60 business days. **PROCESSING APPLICATIONS FOR CERTIFICATES FOR SMOKING EXEMPTIONS** **Step 1. Determining if the Application is for an establishment that is eligible to receive a Certificate for Smoking Exemption.** **A Reviewer shall:** 1. Determine if the application **does not need** a Certificate for Smoking Exemption. According to § 2105.1 of Title 20 of the DCMR (the Smoking Regulations), the following business are exempt and do not need a Certificate for Smoking Exemption: a. An outdoor area of a restaurant; tavern; club; brew pub; or nightclub; b. A hotel room or motel room rented to one or more guests; or c. Upon the stage of a theatrical performance, provided that smoking is part of the theatrical production. 2. Determine if the application **needs** a Certificate for Smoking Exemption. According to § 2105.1 and § 2105.2 of the Smoking Regulations, the following businesses are required to apply for a Certificate for Smoking Exemption:

a. A retail store that has its primary source of revenue, the sale of tobacco products and smoking accessories, provided that:

   i. No more than 25% of the revenue the store generates is from non-tobacco products; and

   ii. The store does not share space with any other establishment.

b. A tobacco bar; and

c. A medical treatment, research, or nonprofit institution where the activity of smoking is conducted for the purpose of medical research or is an integral part of a smoking cessation program.

3. If the application does not need a Certificate for Smoking Exemption, a Determination Letter of Denial will be issued explaining that a Certificate for Smoking Exemption is not needed to smoke at that place. If the application does need a Certificate for Smoking Exemption, proceed to Step 2.

Step 2. Determine if it is the Applicant's first time applying for a Certificate for Smoking Exemption.

1. If it is the Applicant's first application, proceed to Step 3—Conditional Certificate of Exemption.

2. If the Applicant is renewing their Certificate for Smoking Exemption, skip to Step 4—Renewal for Certificate for Smoking Exemption.

Step 3. Conditional Certificate of Exemption.

A Reviewer shall:

1. Verify that this is the Applicant's first time applying for an exemption under § 2105.3. If it is the Applicant's first time, the Applicant may receive a Conditional Certificate of Exemption that is valid for no longer than ninety (90) days, while its application for a Certificate of Smoking Exemption is pending. (20 DCMR 2105.3). The reviewer shall:

   a. Confirm that a complete application for a Conditional Certificate of Exemption was submitted. This includes:

      i. A Certificate for Smoking Exemption Application Form.

      ii. A "Notarized Declaration Form" that the information provided is accurate and true.

      iii. A "Notarized Statement from the Business Owner" that asserts that the Applicant:

1. Is engaged in an activity that qualifies it for an exemption; and

2. Will within 90 days of being granted a Conditional Exemption Certificate, supply all required financial documentation and respond to requests for additional information. (20 DCMR 2105.3(a)-(b))

iv. A current Certificate of Occupancy from DOB. The Certificate of Occupancy must identify all smoking areas within the business.

v. A current Basic Business License and valid licensure to sell tobacco products pursuant to D.C. Code § 47-2404.

vi. An Indoor Smoking Ventilation Chart that has been submitted and approved by DOB through ProjectDox.

b. Review each document as follows and contact the Applicant if the application is incomplete:

i. Confirm that all the information is filled out on the Certificate for Smoking Exemption Application Form.

ii. Confirm that the "Notarized Declaration Form" is signed by the business owner.

iii. Confirm that the Applicant has submitted a "Notarized Statement from the Business Owner.

iv. Confirm that the information on the Certificate of Occupancy matches the information provided in the application form. Confirm the Certificate of Occupancy identifies all smoking areas within the business. If smoking is not indicated in the Certificate of Occupancy, the Applicant will have to submit a Substantial Change Application and Complaint Plan Sheets to DOB.

v. Confirm that the Basic Business License is current and the applicant has valid licensure to sell tobacco products pursuant to D.C. Code § 47-2404.

vi. Confirm that the Indoor Smoking Ventilation Chart is available on ProjectDox and has been approved by DOB. If not, the reviewer shall inform the Applicant that they must resubmit their blueprints to DOB to identify the area in the establishment where the Applicant wants to include smoking.

2. Issue a Determination Letter and, if warranted, a Conditional Certificate of Exemption that is valid for 90 Days.

	a. Issue a Determination Letter: i. The Determination Letter shall state whether the Applicant is approved or denied a Conditional Certificate of Exemption. (20 DCMR 2105.4) ii. In a Determination Letter of Approval, the Applicant must be informed to submit within 90 days a "Notarized Statement from a Certified Public Accountant" and supporting financial documentation establishing that the Applicant's business meets the financial requirements for a Certificate for Smoking Exemption or is engaged in an activity that qualifies it for an exemption as follows: 1. A retail store is required to show that no more than 25% of the revenue the store generates is from non-tobacco products. (20 DCMR 2105.1(a), 2105.2) 2. A tobacco bar must show that it is a restaurant, tavern, brew pub, club, or nightclub that generates ten percent (10%) or more of its total annual revenue from the on-site sale of tobacco products, excluding sales from vending machines or the rental of on-site humidors. (20 DCMR 2105.1(a), 2105.2, 2199) 3. Revenue claimed shall be exclusive and distinct and shall not include other services, such as membership fees, or entry fees, or non-tobacco products, such as food items or alcoholic drinks. (20 DCMR 2105.4) b. If an application is approved for a Conditional Certificate of Exemption, the certificate shall: i. Display a "Conditional Watermark"; ii. Specify the expiration date; and iii. Be valid for no more than 90 days. 3. Before the Conditional Certificate of Exemption expires at the 90-day mark, the Reviewer shall contact the Applicant to a. Remind Applicant to comply with the terms of the Determination Letter they received and the regulations cited therein. b. If an Applicant's business meets the financial requirements for a Certificate for Smoking Exemption, but has not received a Determination Letter before 90 days has expired, the Conditional Certificate of Exemption can be extended for thirty (30)-day

increments until a final determination is made by the Director. (20 DCMR 2105.4)

4. If the Applicant submits a "Notarized Statement from a Certified Public Accountant" indicating that the Applicant meets the financial requirements, then a Certificate for Smoking Exemption will be issued in accordance with Step 5. If the Applicant does not submit the required notarized statement, a Determination Letter of Denial will be issued to the Applicant and the Conditional Certificate of Exemption will no longer be valid.

Step 4. Renewal for Certificate for Smoking Exemption.

A Reviewer shall:

1. Verify the Applicant is seeking renewal of their Certificate for Smoking Exemption.
    a. Confirm that a complete Application was submitted. This includes:
        i. A Certificate for Smoking Exemption Application Form.
        ii. A copy of the current Certificate for Smoking Exemption.
        iii. A "Notarized Declaration Form" that the information provided to the Department is accurate and true.
        iv. A current "Notarized Statement from a Certified Public Accountant" based on supporting financial documentation that an Applicant's revenue requirements qualify for a Certificate for Smoking Exemption or that the Applicant is engaged in an activity that qualifies the place for a Certificate for Smoking Exemption.
        v. A current Certificate of Occupancy from DOB. The Certificate of Occupancy must identify the location of smoking areas within the business.
        vi. A current Basic Business License and valid licensure to sell tobacco products pursuant to D.C. Code § 47-2404.
        vii. An indoor smoking ventilation chart that has been submitted and approved by DOB through ProjectDox.
    b. The Reviewer shall review each document and contact the Applicant if the application is incomplete. The reviewer shall:
        i. Confirm that all the information is filled out on the Certificate for Smoking Exemption Application Form.

ii. Confirm that the "Notarized Declaration Form" is signed by the business owner.

iii. Confirm that the Applicant has submitted a "Notarized Statement from a Certified Public Accountant" and supporting financial documentation. These documents must prove that the Applicant meets the financial requirements for a Certificate for Smoking Exemption or is engaged in an activity that qualifies it for an exemption as follows:

1. A retail store is required to show that no more than 25% of the revenue the store generates is from non-tobacco products. (20 DCMR 2105.1(a), 2105.2)

2. A tobacco bar must show that it is a restaurant, tavern, brew pub, club, or nightclub that generates ten percent (10%) or more of its total annual revenue from the on-site sale of tobacco products, excluding sales from vending machines or the rental of on-site humidors. (20 DCMR 2105.1(a), 2105.2, 2199)

3. Revenue claimed shall be exclusive and distinct and shall not include other services, such as membership fees, or entry fees, or non-tobacco products, such as food items or alcoholic drinks. (20 DCMR 2105.4)

iv. Confirm that the information on the Certificate of Occupancy matches the information provided in the application form. Ensure that smoking areas are identified in the establishment. If smoking is not indicated in the Certificate of Occupancy, the Applicant will have to submit a Substantial Change Application and Complaint Plan Sheets to DOB.

v. Confirm that the Basic Business License is current and the applicant has valid licensure to sell tobacco products pursuant to D.C. Code § 47-2404.

vi. Confirm the Indoor Smoking Ventilation Chart is available on ProjectDox and has been approved by DOB. If not, the reviewer shall inform the Applicant that they must resubmit their blueprints to DOB to identify the area in the establishment where the Applicant wants to include smoking.

Step 5. Issuing a Determination Letter and a Certificate of Smoking Exemption.

1. A Determination Letter will be sent to the Applicant stating whether the Application has been approved or denied.
    a. A Determination Letter of Approval shall state that annual audits of an establishment's financial records may be required of holders of a Certificate for Smoking Exemption. (20 DCMR 2105.6). The Determination Letter of Approval shall also state that a Certificate for Smoking Exemption may be revoked.
    b. A Determination Letter of Denial shall state why the establishment's application was denied. (20 DCMR 2105.6).
2. If an Applicant is approved, the Smoking Program shall issue a Certificate for Smoking Exemption. The Certificate shall state it is:
    a. Valid for three (3) years (20 DCMR 2105.5); and
    b. Not transferable to another location or another owner. (20 DCMR 2105.5).
3. A Determination Letter of Denial and Revocation of the Certificate for Smoking Exemption may be sent if it is determined that: (20 DCMR 2105.6)
    a. After an audit, the holder of a Certificate of Smoking Exemption no longer meets the requirements for an exemption; and
    b. If the tobacco bar or retail store fails to provide documentation to show that it continues to satisfy the revenue requirements for the exemption.

PROCESSING APPLICATIONS FOR ECONOMIC HARDSHIP WAIVERS

An incomplete application shall be returned within 10 business days, and the Applicant shall be informed of the information necessary to complete the application. (20 DCMR 2106.2)

A Reviewer shall:

1. **Verify** the Applicant has submitted a complete Economic Hardship Waiver Application that includes the following:
    a. The Applicant's establishment:
        i. Was in existence on or before January 1, 2023, or two (2) years before filing this application; and (20 DCMR 2106.1(a))
        ii. Has not been found liable for two (2) or more smoking infractions for violations of the Acts or this Chapter during the previous one (1) year. (20 DCMR 2106.1(b))

b. The Applicant must demonstrate one (1) or more of the following undue financial hardships:

i. Showing a reduction in sales tax for food and beverages of fifteen percent (15%) or more for three (3) consecutive months after January 1, 2023, or two (2) years before filing this application, as compared to the same three (3) month period during the previous two (2) years before January 1, 2023, or two (2) years before filing this application. (20 DCMR 2106.1(c)(1))

ii. If the applicant has not operated for a period of two (2) years before January 1, 2023, or two (2) years before filing this application, by showing a reduction in sales tax for food and beverages of fifteen percent (15 %) or more for a period of three (3) consecutive months during which the applicant has operated smoke-free, as compared to the three (3) month period immediately before January 1, 2023, or two (2) years before filing this application. (20 DCMR 2106.1(c)(2))

c. The applicant must demonstrate one (1) or more of the following:

i. Sales revenues failed to reach reasonably expected or anticipated levels for three (3) consecutive months after January 1, 2023, or two (2) years before filing this application, as compared to the same three (3) month period during the previous two (2) years before January 1, 2023, or two (2) years before filing this application; or (20 DCMR 2106.1(d)(1))

ii. Staffing levels were significantly reduced for three (3) consecutive months after January 1, 2023, or two (2) years before filing this application, as compared to the same three (3) month period during the previous two (2) years before January 1, 2023, or two (2) years before filing this application; or (20 DCMR 2106.1(d)(2))

iii. Food and materials purchases were significantly reduced for three (3) consecutive months after January 1, 2023, or two (2) years before filing this application, as compared to the same three (3) month period during the previous two (2) years before January 1, 2023, or two (2) years before filing this application; or (20 DCMR 2106.1(d)(3))

d. Alcohol sales were significantly reduced for three (3) consecutive months after January 1, 2023, or two (2) years before filing this application, as compared to the same three (3) month period during the previous two (2) years before January 1, 2023, or two (2) years before filing this application. (20 DCMR 2106.1(d)(4))

2. **Verify** the application includes the following information:

a. A specific provision from which a place of employment or public place is seeking a waiver. (20 DCMR 2106.4(a))

b. A description of the efforts the place of employment or public place has made to operate profitably while smoke-free. (20 DCMR 2106.4(b))

c. Exact copies of District sales tax statements for each three (3) month period used to demonstrate a reduction in sales tax receipts. (20 DCMR 2106.4(c))

d. Evidence that demonstrates that the place of employment or public place incurred a reduction in revenue because of eliminating smoking instead of other factors including evidence that the place of employment or public place:

   i. Operated during the same number of hours? (20 DCMR 2106.4(d)(1))

   ii. Was open the same number of days? (20 DCMR 2106.4(d)(2))

   iii. Was open on the same high business days? (20 DCMR 2106.4(d)(3))

   iv. Sold food and beverages from a menu similar in selection and cost? (20 DCMR 2106.1(d)(4))

   v. Maintained the same management and staffing strategy? (20 DCMR 2106.4(d)(5))

   vi. Did not fail to respond to new competitors who entered the Market? (20 DCMR 2106.4(d)(6))

   vii. Maintained a similar or enhanced marketing strategy?; and (20 CMR 2106.4(d)(7))

e. A description of the actions the place of employment or public place plans to take to minimize the effects of smoking on non-smoking patrons or visitors as a result of a waiver. (20 DCMR 2106.4(e))

3. Verify the following information:

a. <u>If the Applicant's place of employment or public place is a restaurant:</u> (20 DCMR 2106.5)

   i. The area where smoking is permitted shall not exceed 25% of the total area.

   ii. To minimize the adverse effects of smoking, additional conditions or restrictions may be required, including the following:

1. Prohibiting smoking near restrooms or commonly used pathways and entrances; (20 DCMR 2106.5(a))
2. Requiring physical barriers or ventilation systems, or both, between smoking and non-smoking areas; (20 DCMR 2106.5(b))
3. Requiring additional or different sized signs to designate smoking and non-smoking areas; and (20 DCMR 2106.5(c))
4. Taking additional measures to minimize employee exposure to secondhand smoke. (20 DCMR 2106.5(d))

4. **Make A Final Determination** in writing, not later than sixty (60) days after receiving an application. The Determination Letter shall state the reasons for granting or denying the application. (20 DCMR 2106.3)
   a. In the Determination Letter, the Applicant should be made aware of the conditions of an Economic Hardship Waiver approval as indicated in Number 6 below.
5. **Issue a Waiver after review and approval** of a properly completed application for an Economic Hardship Waiver. (20 DCMR 2106.6)
   a. The Economic Hardship Waiver shall state it is:
      i. Valid for three (3) years;
      ii. For a specific location and not transferable;
      iii. For a specific applicant and not transferable to a new owner; and
      iv. Not renewable.
6. **CONDITIONS AFTER AN ECONOMIC HARDSHIP WAIVER IS APPROVED**

A Reviewer shall:

a. **Acknowledge** receipt of an Applicant's submission of financial documents every twelve (12) months that it continues to satisfy the minimum revenue requirements to maintain the waiver. (20 DCMR 2106.7)

b. **Conduct periodic inspections** to ensure the Holder of an Economic Hardship Waiver complies with the requirements in 20 DCMR 2106 or any conditions or restrictions contained in the waiver. (20 DCMR 2106.8)

c. **Issue a Determination Letter of Denial Revoking a Hardship Waiver Certificate** if it is determined: The tobacco bar or retail store fails to

	provide documentation to show it continues to satisfy the revenue requirements for the waiver; or (20 DCMR 2106.7) **d. Issue a Determination Letter of Denial Revoking or Suspending a Hardship Waiver Certificate** if it is determined: i. Upon a finding that the Holder of an Economic Hardship Waiver has: (20 DCMR 2106.9) 1. Violated a condition or restriction; or 2. Failed to comply with the requirements of the Smoking Regulations in Chapter 21, Title 20 of the DCMR or the statutory authorities identified above. **PROCESSING HOTEL REQUESTS FOR SPECIAL EVENT EXEMPTION WAIVERS** **A Reviewer shall:** **1. Acknowledge** receipt of the Hotel's Request within 48 business hours **2. Process** the Hotel's written or email request to host a special event which permits cigar smoking. (D.C. Official Code § 7-741.03(b)) **3. Verify**: a. The Hotel's request states its employees are permitted to opt out of working the special event with no penalty; and (D.C. Official Code § 7-741.03(b)(3) and D.C. Official Code § 7-741.06(a)-(c)) b. The Hotel has paid the required fee of $2,500.00. (D.C. Official Code § 7-741.03(b)(2)) **4. Issue a Determination Letter** to the Hotel stating its Special Event Exemption. a. The Determination Letter of Approval shall state it is: i. Valid for only one (1) day, once a year; and ii. Not transferable to another location or another owner.
VII. Contacts	Program Manager Associate Director Assistant General Counsel

VIII. Related Documents, Forms and Tools	• Certificates for Smoking Exemptions: 1) Notarized Declaration Form 2) Notarized Statement from a Certified Public Accountant 3) Certificate for Smoking Exemption Application Form 4) DLCP Basic Business License and valid licensure to sell tobacco products pursuant to D.C. Code § 47-2404. 5) DOB Certificate of Occupancy with Smoking Identified 6) DOB Indoor Smoking Ventilation Chart (ProjectDox) • Conditional Certificate of Exemption: 1) Notarized Declaration Form 2) Notarized Statement from the Business Owner 3) Certificate for Smoking Exemption Application Form • Certificates for Economic Hardship Waivers: 1) Application for an Economic Hardship Waiver 2) Applicant's Statements of Financial Hardship 3) Copies of Applicant's District Sales Tax Statements • Determination Letters Hotel Requests for Special Event Exemptions: 1) Hotel's Written Request for Special Event 2) Hotel's Statements Acknowledging Employee's Right to Opt-Out