STATE OF NEW YORK

7486

2021-2022 Regular Sessions

IN ASSEMBLY

May 11, 2021

Introduced by M. of A. O'DONNELL -- read once and referred to the Committee on Economic Development

AN ACT to amend the alcoholic beverage control law, in relation to establishing that an applicant for a license or permit shall not be deemed to lack control of the premises under certain circumstances

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Paragraph (g) of subdivision 1 of section 110 of the alcoholic beverage control law, as amended by chapter 196 of the laws of 2011 and as relettered by chapter 188 of the laws of 2013, is amended to read as follows:

(g) A statement that the applicant has control of the premises to be licensed by ownership of a fee interest or via a leasehold, management agreement, or other agreement giving the applicant control over the food and beverage at the premises, with a term at least as long as the license for which the application is being made, or by a binding contract to acquire the same and a statement of identity under paragraph (a) of this subdivision for the lessor of any leasehold, manager of any management agreement, or other agreement giving the applicant control over the food and beverage at the premises, with a copy of the lease, contract, management agreement, or other agreement giving the applicant control over the food and beverage at the premises, or deed evidencing fee ownership of the premises. **Notwithstanding the foregoing, if a municipality has given an applicant exclusive control of a portion of the public sidewalk or roadway owned by such municipality, an applicant shall not be deemed to lack control of the premises if access to such portion of such public sidewalk or roadway is divided by a different portion of the public sidewalk reserved as a public right of way.**

§ 2. This act shall take effect immediately.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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