

# STATE OF NEW YORK

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7486

2021-2022 Regular Sessions

## IN ASSEMBLY

May 11, 2021

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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 Assem-  
bly, do enact as follows:

1 Section 1. Paragraph (g) of subdivision 1 of section 110 of the alco-  
2 holic beverage control law, as amended by chapter 196 of the laws of  
3 2011 and as relettered by chapter 188 of the laws of 2013, is amended to  
4 read as follows:

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

22 § 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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