STATE OF NEW YORK

5387

2025-2026 Regular Sessions

IN ASSEMBLY

February 13, 2025

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

AN ACT to amend the alcoholic beverage control law, in relation to authorizing the liquor authority to issue licenses to new premises for the sale of liquor where such premises is within two hundred feet of a place of worship, or where three or more such premises already exist in counties of a certain population

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

Section 1. Paragraphs (a), (b) and (f) of subdivision 7 of section 64 of the alcoholic beverage control law, paragraphs (a) and (b) as amended by chapter 463 of the laws of 2009 and paragraph (f) as amended by chapter 185 of the laws of 2012, are amended to read as follows:

(a) on the same street or avenue and within two hundred feet of a building occupied exclusively as a school, church, synagogue or other place of worship**; provided, however, that the authority may issue a retail license for on-premises consumption for a premises that is within two hundred feet of a building occupied exclusively as a school, church, synagogue or other place of worship if the owner or administrator of such school, church, synagogue or other place of worship affirmatively states support for the issuance of such a license;** or

(b) in a [~~city, town or village having a population of twenty thousand or more~~] **county having a population between one million six hundred thousand and one million seven hundred thousand as of the two thousand twenty census as conducted by the United States department of commerce** within five hundred feet of three or more existing premises licensed and operating pursuant to this section and sections sixty-four-a, sixty-four-b, sixty-four-c, and/or sixty-four-d of this article;

(f) Notwithstanding the provisions of paragraph (b) of this subdivision, **in a county having a population between one million six hundred thousand and one million seven hundred thousand as of the two thousand**

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

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twenty census as conducted by the United States department of commerce, the authority may issue a license pursuant to this section for a premises which shall be within five hundred feet of three or more existing premises licensed and operating pursuant to this section and sections sixty-four-a, sixty-four-b, sixty-four-c, and/or sixty-four-d of this article if, after consultation with the municipality or community board, it determines that granting such license would be in the public interest. Before it may issue any such license, the authority shall conduct a hearing, upon notice to the applicant and the municipality or community board, and shall state and file in its office its reasons therefor. The hearing may be rescheduled, adjourned or continued, and the authority shall give notice to the applicant and the municipality or community board of any such rescheduled, adjourned or continued hearing. Before the authority issues any said license, the authority or one or more of the commissioners thereof may, in addition to the hearing required by this paragraph, also conduct a public meeting regarding said license, upon notice to the applicant and the municipality or community board. The public meeting may be rescheduled, adjourned or continued, and the authority shall give notice to the applicant and the municipality or community board of any such rescheduled, adjourned or continued public meeting. Notice to the municipality or community board shall mean written notice mailed by the authority to such municipality or community board at least fifteen days in advance of any hearing scheduled pursuant to this paragraph. Upon the request of the authority, any municipality or community board may waive the fifteen day notice requirement. No premises having been granted a license pursuant to this section shall be denied a renewal of such license upon the grounds that such premises are within five hundred feet of a building or buildings wherein three or more premises are licensed and operating pursuant to this section and sections sixty-four-a, sixty-four-b, sixty-four-c, and/or sixty-four-d of this article.

§ 2. Subparagraphs (i) and (ii) of paragraph (a) and paragraph (d) of subdivision 7 of section 64-a of the alcoholic beverage control law, subparagraphs (i) and (ii) of paragraph (a) as amended by chapter 463 of the laws of 2009 and paragraph (d) as amended by chapter 185 of the laws of 2012, are amended to read as follows:

(i) on the same street or avenue and within two hundred feet of a building occupied exclusively as a school, church, synagogue or other place of worship; provided, however, that the authority may issue a retail license for on-premises consumption for a premises that is within two hundred feet of a building occupied exclusively as a school, church, synagogue or other place of worship if the owner or administrator of such school, church, synagogue or other place of worship affirmatively states support for the issuance of such a license; or

(ii) in a [~~city, town or village having a population of twenty thousand or more~~] county having a population between one million six hundred thousand and one million seven hundred thousand as of the two thousand twenty census as conducted by the United States department of commerce within five hundred feet of three or more existing premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-b, sixty-four-c, and/or sixty-four-d of this article;

(d) Notwithstanding the provisions of subparagraph (ii) of paragraph (a) of this subdivision, in a county having a population between one million six hundred thousand and one million seven hundred thousand as of the two thousand twenty census as conducted by the United States department of commerce, the authority may issue a license pursuant to

this section for a premises which shall be within five hundred feet of three or more existing premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-b, sixty-four-c, and/or sixty-four-d of this article if, after consultation with the municipality or community board, it determines that granting such license would be in the public interest. Before it may issue any such license, the authority shall conduct a hearing, upon notice to the applicant and the municipality or community board, and shall state and file in its office its reasons therefor. Notice to the municipality or community board shall mean written notice mailed by the authority to such municipality or community board at least fifteen days in advance of any hearing scheduled pursuant to this paragraph. Upon the request of the authority, any municipality or community board may waive the fifteen day notice requirement. The hearing may be rescheduled, adjourned or continued, and the authority shall give notice to the applicant and the municipality or community board of any such rescheduled, adjourned or continued hearing. Before the authority issues any said license, the authority or one or more of the commissioners thereof may, in addition to the hearing required by this paragraph, also conduct a public meeting regarding said license, upon notice to the applicant and the municipality or community board. The public meeting may be rescheduled, adjourned or continued, and the authority shall give notice to the applicant and the municipality or community board of any such rescheduled, adjourned or continued public meeting. No premises having been granted a license pursuant to this section shall be denied a renewal of such license upon the grounds that such premises are within five hundred feet of a building or buildings wherein three or more premises are licensed and operating pursuant to this section and sections sixty-four, sixty-four-b, sixty-four-c, and/or sixty-four-d of this article.

§ 3. Subparagraphs (i) and (ii) of paragraph (a) and paragraph (c) of subdivision 5 of section 64-b of the alcoholic beverage control law, subparagraphs (i) and (ii) of paragraph (a) as amended by chapter 463 of the laws of 2009 and paragraph (c) as amended by chapter 185 of the laws of 2012, are amended to read as follows:

(i) on the same street or avenue and within two hundred feet of a building occupied exclusively as a school, church, synagogue or other place of worship; **provided, however, that the authority may issue a retail license for on-premises consumption for a premises that is within two hundred feet of a building occupied exclusively as a school, church, synagogue or other place of worship if the owner or administrator of such school, church, synagogue or other place of worship affirmatively states support for the issuance of such a license;** or

(ii) in a [~~city, town or village having a population of twenty thousand or more~~] **county having a population between one million six hundred thousand and one million seven hundred thousand as of the two thousand twenty census as conducted by the United States department of commerce** within five hundred feet of three or more existing premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-c, and/or sixty-four-d of this article;

(c) Notwithstanding the provisions of subparagraph (ii) of paragraph (a) of this subdivision, **in a county having a population between one million six hundred thousand and one million seven hundred thousand as of the two thousand twenty census as conducted by the United States department of commerce,** the authority may issue a license pursuant to this section for a premises which shall be within five hundred feet of three or more existing premises licensed and operating pursuant to this

section and sections sixty-four, sixty-four-a, sixty-four-c, and/or sixty-four-d of this article if, after consultation with the municipality or community board, it determines that granting such license would be in the public interest. Before it may issue any such license, the authority shall conduct a hearing, upon notice to the applicant and the municipality or community board, and shall state and file in its office its reasons therefor. The hearing may be rescheduled, adjourned or continued, and the authority shall give notice to the applicant and the municipality or community board of any such rescheduled, adjourned or continued hearing. Before the authority issues any said license, the authority or one or more of the commissioners thereof may, in addition to the hearing required by this paragraph, also conduct a public meeting regarding said license, upon notice to the applicant and the municipality or community board. The public meeting may be rescheduled, adjourned or continued, and the authority shall give notice to the applicant and the municipality or community board of any such rescheduled, adjourned or continued public meeting. Notice to the municipality or community board shall mean written notice mailed by the authority to such municipality or community board at least fifteen days in advance of any hearing scheduled pursuant to this paragraph. Upon the request of the authority, any municipality or community board may waive the fifteen day notice requirement. No premises having been granted a license pursuant to this section shall be denied a renewal of such license upon the grounds that such premises are within five hundred feet of a building or buildings wherein three or more premises are licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-c, and/or sixty-four-d of this article.

§ 4. Subparagraphs (i) and (ii) of paragraph (a) and paragraph (c) of subdivision 11 of section 64-c of the alcoholic beverage control law, subparagraphs (i) and (ii) of paragraph (a) as amended by chapter 463 of the laws of 2009 and paragraph (c) as amended by chapter 185 of the laws of 2012, are amended to read as follows:

(i) on the same street or avenue and within two hundred feet of a building occupied exclusively as a school, church, synagogue or other place of worship; **provided, however, that the authority may issue a retail license for on-premises consumption for a premises that is within two hundred feet of a building occupied exclusively as a school, church, synagogue or other place of worship if the owner or administrator of such school, church, synagogue or other place of worship affirmatively states support for the issuance of such a license;** or

(ii) in a [~~city, town or village having a population of twenty thousand or more~~] **county having a population between one million six hundred thousand and one million seven hundred thousand as of the two thousand twenty census as conducted by the United States department of commerce** within five hundred feet of three or more existing premises licensed and operating pursuant to the provisions of this section or sections sixty-four, sixty-four-a, sixty-four-b and/or sixty-four-d of this article; or

(c) Notwithstanding the provisions of subparagraph (ii) of paragraph (a) of this subdivision, **in a county having a population between one million six hundred thousand and one million seven hundred thousand as of the two thousand twenty census as conducted by the United States department of commerce,** the authority may issue a license pursuant to this section for a premises which shall be within five hundred feet of three or more existing premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-b and/or sixty-four-d of this article if, after consultation with the munici-

pality or community board, it determines that granting such license would be in the public interest. Before it may issue any such license, the authority shall conduct a hearing, upon notice to the applicant and the municipality or community board, and shall state and file in its office its reasons therefor. The hearing may be rescheduled, adjourned or continued, and the authority shall give notice to the applicant and the municipality or community board of any such rescheduled, adjourned or continued hearing. Before the authority issues any said license, the authority or one or more of the commissioners thereof may, in addition to the hearing required by this paragraph, also conduct a public meeting regarding said license, upon notice to the applicant and the municipality or community board. The public meeting may be rescheduled, adjourned or continued, and the authority shall give notice to the applicant and the municipality or community board of any such rescheduled, adjourned or continued public meeting. Notice to the municipality or community board shall mean written notice mailed by the authority to such municipality or community board at least fifteen days in advance of any hearing scheduled pursuant to this paragraph. Upon the request of the authority, any municipality or community board may waive the fifteen day notice requirement. No premises having been granted a license pursuant to this section shall be denied a renewal of such license upon the grounds that such premises are within five hundred feet of a building or buildings wherein three or more premises are operating and licensed pursuant to this section or sections sixty-four, sixty-four-a, sixty-four-b and/or sixty-four-d of this article.

§ 5. Paragraphs (a), (b) and (e) of subdivision 8 of section 64-d of the alcoholic beverage control law, paragraphs (a) and (b) as amended by chapter 463 of the laws of 2009 and paragraph (e) as amended by chapter 185 of the laws of 2012, are amended to read as follows:

(a) on the same street or avenue and within two hundred feet of a building occupied exclusively as a school, church, synagogue or other place of worship**; provided, however, that the authority may issue a retail license for on-premises consumption for a premises that is within two hundred feet of a building occupied exclusively as a school, church, synagogue or other place of worship if the owner or administrator of such school, church, synagogue or other place of worship affirmatively states support for the issuance of such a license;** or

(b) in a [~~city, town or village having a population of twenty thousand or more~~] **county having a population between one million six hundred thousand and one million seven hundred thousand as of the two thousand twenty census as conducted by the United States department of commerce** within five hundred feet of an existing premises licensed and operating pursuant to the provisions of this section, or within five hundred feet of three or more existing premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-b, and/or sixty-four-c of this article.

(e) notwithstanding the provisions of paragraph (b) of this subdivision, **in a county having a population between one million six hundred thousand and one million seven hundred thousand as of the two thousand twenty census as conducted by the United States department of commerce,** the authority may issue a license pursuant to this section for a premises which shall be within five hundred feet of an existing premises licensed and operating pursuant to the provisions of this section or within five hundred feet of three or more existing premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-b, and/or sixty-four-c of this article if,

after consultation with the municipality or community board, it determines that granting such license would be in the public interest. Before it may issue any such license, the authority shall conduct a hearing, upon notice to the applicant and the municipality or community board, and shall state and file in its office its reasons therefor. The hearing may be rescheduled, adjourned or continued, and the authority shall give notice to the applicant and the municipality or community board of any such rescheduled, adjourned or continued hearing. Before the authority issues any said license, the authority or one or more of the commissioners thereof may, in addition to the hearing required by this paragraph, also conduct a public meeting regarding said license, upon notice to the applicant and the municipality or community board. The public meeting may be rescheduled, adjourned or continued, and the authority shall give notice to the applicant and the municipality or community board of any such rescheduled, adjourned or continued public meeting. Notice to the municipality or community board shall mean written notice mailed by the authority to such municipality or community board at least fifteen days in advance of any hearing scheduled pursuant to this paragraph. Upon the request of the authority, any municipality or community board may waive the fifteen day notice requirement. No premises having been granted a license pursuant to this section shall be denied a renewal of such license upon the grounds that such premises are within five hundred feet of an existing premises licensed and operating pursuant to the provisions of this section or within five hundred feet of a building or buildings wherein three or more premises are licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-b, and/or sixty-four-c of this article.

§ 6. This act shall take effect immediately.