

STATE OF NEW YORK

10995

IN ASSEMBLY

April 15, 2026

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

AN ACT to amend the alcoholic beverage control law, in relation to making the provisions governing the various on-premises liquor licenses consistent with respect to public interest factors that may be considered by the state liquor authority when evaluating the merits of a license application

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

1 Section 1. Subdivision 6-a of section 64 of the alcoholic beverage
2 control law, as added by chapter 670 of the laws of 1993, is amended to
3 read as follows:

4 6-a. The authority may consider [~~any—of~~] all of the following in
5 determining whether public convenience and advantage and the public
6 interest will be promoted by the granting of licenses and permits for
7 the sale of alcoholic beverages at a particular unlicensed location:

8 (a) [~~The~~] the number, classes and character of licenses in proximity
9 to the location and in the particular municipality or subdivision there-
10 of[~~-~~];

11 (b) [~~Evidence~~] evidence that all necessary licenses and permits have
12 been obtained from the state and all other governing bodies[~~-~~];

13 (c) [~~Effect~~] effect of the grant of the license on vehicular traffic
14 and parking in proximity to the location[~~-~~];

15 (d) [~~The~~] the existing noise level at the location and any increase in
16 noise level that would be generated by the proposed premises[~~-~~];

17 (e) [~~The~~] the history of liquor violations and reported criminal
18 activity at the proposed premises[~~-~~];

19 (f) history of building and fire violations at any businesses owned
20 and/or operated by the applicant;

21 (g) history of formal communication from the municipality or community
22 board made pursuant to this chapter for businesses owned and/or operated
23 by the applicant; and

24 (h) [~~Any~~] any other factors specified by law or regulation that are
25 relevant to determine the public convenience and advantage [~~and public~~

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

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1 ~~interest of the community~~] and necessary to find that the granting of
2 such license shall be in the public interest.

3 § 2. Section 64-a of the alcoholic beverage control law is amended by
4 adding a new subdivision 6-a to read as follows:

5 6-a. The authority may consider all of the following in determining
6 whether public convenience and advantage and the public interest will be
7 promoted by the granting of licenses and permits for the sale of alco-
8 holic beverages at a particular unlicensed location:

9 (a) the number, classes and character of licenses in proximity to the
10 location and in the particular municipality or subdivision thereof;

11 (b) evidence that applicants have secured all necessary licenses and
12 permits from the state and all other governing bodies;

13 (c) the effect that the granting of the license will have on vehicular
14 traffic and parking in the proximity of the location;

15 (d) the existing noise level at the location and any increase in noise
16 level that would be generated by the proposed premises;

17 (e) the history of liquor violations and reported criminal activity at
18 the proposed premises;

19 (f) history of building and fire violations at any businesses owned
20 and/or operated by the applicant;

21 (g) history of formal communication from the municipality or community
22 board made pursuant to this chapter for businesses owned and/or operated
23 by the applicant; and

24 (h) any other factors specified by law or regulation that are relevant
25 to determine the public convenience or advantage and necessary to find
26 that the granting of such license shall be in the public interest.

27 § 3. Section 64-b of the alcoholic beverage control law is amended by
28 adding a new subdivision 4-a to read as follows:

29 4-a. The authority may consider all of the following in determining
30 whether public convenience and advantage and the public interest will be
31 promoted by the granting of licenses and permits for the sale of alco-
32 holic beverages at a particular unlicensed location:

33 (a) the number, classes and character of licenses in proximity to the
34 location and in the particular municipality or subdivision thereof;

35 (b) evidence that applicants have secured all necessary licenses and
36 permits from the state and all other governing bodies;

37 (c) the effect that the granting of the license will have on vehicular
38 traffic and parking in the proximity of the location;

39 (d) the existing noise level at the location and any increase in noise
40 level that would be generated by the proposed premises;

41 (e) the history of liquor violations and reported criminal activity at
42 the proposed premises;

43 (f) history of building and fire violations at any businesses owned
44 and/or operated by the applicant;

45 (g) history of formal communication from the municipality or community
46 board made pursuant to this chapter for businesses owned and/or operated
47 by the applicant; and

48 (h) any other factors specified by law or regulation that are relevant
49 to determine the public convenience or advantage and necessary to find
50 that the granting of such license shall be in the public interest.

51 § 4. Section 64-c of the alcoholic beverage control law is amended by
52 adding a new subdivision 10-a to read as follows:

53 10-a. The authority may consider all of the following in determining
54 whether public convenience and advantage and the public interest will be
55 promoted by the granting of licenses and permits for the sale of alco-
56 holic beverages at a particular unlicensed location:

1 (a) the number, classes and character of licenses in proximity to the
2 location and in the particular municipality or subdivision thereof;

3 (b) evidence that applicants have secured all necessary licenses and
4 permits from the state and all other governing bodies;

5 (c) the effect that the granting of the license will have on vehicular
6 traffic and parking in the proximity of the location;

7 (d) the existing noise level at the location and any increase in noise
8 level that would be generated by the proposed premises;

9 (e) the history of liquor violations and reported criminal activity at
10 the proposed premises;

11 (f) history of building and fire violations at any businesses owned
12 and/or operated by the applicant;

13 (g) history of formal communication from the municipality or community
14 board made pursuant to this chapter for businesses owned and/or operated
15 by the applicant; and

16 (h) any other factors specified by law or regulation that are relevant
17 to determine the public convenience or advantage and necessary to find
18 that the granting of such license shall be in the public interest.

19 § 5. Paragraph (f) of subdivision 7 of section 64 of the alcoholic
20 beverage control law, as amended by chapter 185 of the laws of 2012, is
21 amended to read as follows:

22 (f) Notwithstanding the provisions of paragraph (b) of this subdivi-
23 sion, the authority may issue a license pursuant to this section for a
24 premises which shall be within five hundred feet of three or more exist-
25 ing premises licensed and operating pursuant to this section and
26 sections sixty-four-a, sixty-four-b, sixty-four-c, and/or sixty-four-d
27 of this article if, after consultation with the municipality or communi-
28 ty board, and due consideration of formal communication from the muni-
29 city or community board, it determines that granting such license
30 would be in the public interest. Before it may issue any such license,
31 the authority shall conduct a hearing, upon notice to the applicant and
32 the municipality or community board, and shall state and file in its
33 office its reasons therefor. The hearing may be rescheduled, adjourned
34 or continued, and the authority shall give notice to the applicant and
35 the municipality or community board of any such rescheduled, adjourned
36 or continued hearing. Before the authority issues any said license, the
37 authority or one or more of the commissioners thereof may, in addition
38 to the hearing required by this paragraph, also conduct a public meeting
39 regarding said license, upon notice to the applicant and the munici-
40 pality or community board. The public meeting may be rescheduled,
41 adjourned or continued, and the authority shall give notice to the
42 applicant and the municipality or community board of any such resched-
43 uled, adjourned or continued public meeting. Notice to the municipality
44 or community board shall mean written notice mailed by the authority to
45 such municipality or community board at least fifteen days in advance of
46 any hearing scheduled pursuant to this paragraph. Upon the request of
47 the authority, any municipality or community board may waive the fifteen
48 day notice requirement. No premises having been granted a license pursu-
49 ant to this section shall be denied a renewal of such license upon the
50 grounds that such premises are within five hundred feet of a building or
51 buildings wherein three or more premises are licensed and operating
52 pursuant to this section and sections sixty-four-a, sixty-four-b,
53 sixty-four-c, and/or sixty-four-d of this article.

54 § 6. Paragraph (d) of subdivision 7 of section 64-a of the alcoholic
55 beverage control law, as amended by chapter 185 of the laws of 2012, is
56 amended to read as follows:

1 (d) Notwithstanding the provisions of subparagraph (ii) of paragraph
2 (a) of this subdivision, the authority may issue a license pursuant to
3 this section for a premises which shall be within five hundred feet of
4 three or more existing premises licensed and operating pursuant to this
5 section and sections sixty-four, sixty-four-b, sixty-four-c, and/or
6 sixty-four-d of this article if, after consultation with the municipi-
7 pality or community board, and due consideration of formal communication
8 from the municipality or community board, it determines that granting
9 such license would be in the public interest. Before it may issue any
10 such license, the authority shall conduct a hearing, upon notice to the
11 applicant and the municipality or community board, and shall state and
12 file in its office its reasons therefor. Notice to the municipality or
13 community board shall mean written notice mailed by the authority to
14 such municipality or community board at least fifteen days in advance of
15 any hearing scheduled pursuant to this paragraph. Upon the request of
16 the authority, any municipality or community board may waive the fifteen
17 day notice requirement. The hearing may be rescheduled, adjourned or
18 continued, and the authority shall give notice to the applicant and the
19 municipality or community board of any such rescheduled, adjourned or
20 continued hearing. Before the authority issues any said license, the
21 authority or one or more of the commissioners thereof may, in addition
22 to the hearing required by this paragraph, also conduct a public meeting
23 regarding said license, upon notice to the applicant and the municipi-
24 pality or community board. The public meeting may be rescheduled,
25 adjourned or continued, and the authority shall give notice to the
26 applicant and the municipality or community board of any such resched-
27 uled, adjourned or continued public meeting. No premises having been
28 granted a license pursuant to this section shall be denied a renewal of
29 such license upon the grounds that such premises are within five hundred
30 feet of a building or buildings wherein three or more premises are
31 licensed and operating pursuant to this section and sections sixty-four,
32 sixty-four-b, sixty-four-c, and/or sixty-four-d of this article.

33 § 7. Paragraph (c) of subdivision 5 of section 64-b of the alcoholic
34 beverage control law, as amended by chapter 185 of the laws of 2012, is
35 amended to read as follows:

36 (c) Notwithstanding the provisions of subparagraph (ii) of paragraph
37 (a) of this subdivision, the authority may issue a license pursuant to
38 this section for a premises which shall be within five hundred feet of
39 three or more existing premises licensed and operating pursuant to this
40 section and sections sixty-four, sixty-four-a, sixty-four-c, and/or
41 sixty-four-d of this article if, after consultation with the municipi-
42 pality or community board, and due consideration of formal communication
43 from the municipality or community board, it determines that granting
44 such license would be in the public interest. Before it may issue any
45 such license, the authority shall conduct a hearing, upon notice to the
46 applicant and the municipality or community board, and shall state and
47 file in its office its reasons therefor. The hearing may be rescheduled,
48 adjourned or continued, and the authority shall give notice to the
49 applicant and the municipality or community board of any such resched-
50 uled, adjourned or continued hearing. Before the authority issues any
51 said license, the authority or one or more of the commissioners thereof
52 may, in addition to the hearing required by this paragraph, also conduct
53 a public meeting regarding said license, upon notice to the applicant
54 and the municipality or community board. The public meeting may be
55 rescheduled, adjourned or continued, and the authority shall give notice
56 to the applicant and the municipality or community board of any such

1 rescheduled, adjourned or continued public meeting. Notice to the muni-
2 cipality or community board shall mean written notice mailed by the
3 authority to such municipality or community board at least fifteen days
4 in advance of any hearing scheduled pursuant to this paragraph. Upon the
5 request of the authority, any municipality or community board may waive
6 the fifteen day notice requirement. No premises having been granted a
7 license pursuant to this section shall be denied a renewal of such
8 license upon the grounds that such premises are within five hundred feet
9 of a building or buildings wherein three or more premises are licensed
10 and operating pursuant to this section and sections sixty-four, sixty-
11 four-a, sixty-four-c, and/or sixty-four-d of this article.

12 § 8. Paragraph (c) of subdivision 11 of section 64-c of the alcoholic
13 beverage control law, as amended by chapter 185 of the laws of 2012, is
14 amended to read as follows:

15 (c) Notwithstanding the provisions of subparagraph (ii) of paragraph
16 (a) of this subdivision, the authority may issue a license pursuant to
17 this section for a premises which shall be within five hundred feet of
18 three or more existing premises licensed and operating pursuant to this
19 section and sections sixty-four, sixty-four-a, sixty-four-b and/or
20 sixty-four-d of this article if, after consultation with the munici-
21 pality or community board, and due consideration of formal communication
22 from the municipality or community board, it determines that granting
23 such license would be in the public interest. Before it may issue any
24 such license, the authority shall conduct a hearing, upon notice to the
25 applicant and the municipality or community board, and shall state and
26 file in its office its reasons therefor. The hearing may be rescheduled,
27 adjourned or continued, and the authority shall give notice to the
28 applicant and the municipality or community board of any such resched-
29 uled, adjourned or continued hearing. Before the authority issues any
30 said license, the authority or one or more of the commissioners thereof
31 may, in addition to the hearing required by this paragraph, also conduct
32 a public meeting regarding said license, upon notice to the applicant
33 and the municipality or community board. The public meeting may be
34 rescheduled, adjourned or continued, and the authority shall give notice
35 to the applicant and the municipality or community board of any such
36 rescheduled, adjourned or continued public meeting. Notice to the muni-
37 cipality or community board shall mean written notice mailed by the
38 authority to such municipality or community board at least fifteen days
39 in advance of any hearing scheduled pursuant to this paragraph. Upon the
40 request of the authority, any municipality or community board may waive
41 the fifteen day notice requirement. No premises having been granted a
42 license pursuant to this section shall be denied a renewal of such
43 license upon the grounds that such premises are within five hundred feet
44 of a building or buildings wherein three or more premises are operating
45 and licensed pursuant to this section or sections sixty-four, sixty-
46 four-a, sixty-four-b and/or sixty-four-d of this article.

47 § 9. This act shall take effect immediately.