

# 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:

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

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

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

20 (f) Notwithstanding the provisions of paragraph (b) of this subdivi-  
21 sion, in a county having a population between one million six hundred  
22 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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1 twenty census as conducted by the United States department of commerce,  
2 the authority may issue a license pursuant to this section for a prem-  
3 ises which shall be within five hundred feet of three or more existing  
4 premises licensed and operating pursuant to this section and sections  
5 sixty-four-a, sixty-four-b, sixty-four-c, and/or sixty-four-d of this  
6 article if, after consultation with the municipality or community board,  
7 it determines that granting such license would be in the public inter-  
8 est. Before it may issue any such license, the authority shall conduct a  
9 hearing, upon notice to the applicant and the municipality or community  
10 board, and shall state and file in its office its reasons therefor. The  
11 hearing may be rescheduled, adjourned or continued, and the authority  
12 shall give notice to the applicant and the municipality or community  
13 board of any such rescheduled, adjourned or continued hearing. Before  
14 the authority issues any said license, the authority or one or more of  
15 the commissioners thereof may, in addition to the hearing required by  
16 this paragraph, also conduct a public meeting regarding said license,  
17 upon notice to the applicant and the municipality or community board.  
18 The public meeting may be rescheduled, adjourned or continued, and the  
19 authority shall give notice to the applicant and the municipality or  
20 community board of any such rescheduled, adjourned or continued public  
21 meeting. Notice to the municipality or community board shall mean writ-  
22 ten notice mailed by the authority to such municipality or community  
23 board at least fifteen days in advance of any hearing scheduled pursuant  
24 to this paragraph. Upon the request of the authority, any municipality  
25 or community board may waive the fifteen day notice requirement. No  
26 premises having been granted a license pursuant to this section shall be  
27 denied a renewal of such license upon the grounds that such premises are  
28 within five hundred feet of a building or buildings wherein three or  
29 more premises are licensed and operating pursuant to this section and  
30 sections sixty-four-a, sixty-four-b, sixty-four-c, and/or sixty-four-d  
31 of this article.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 § 5. Paragraphs (a), (b) and (e) of subdivision 8 of section 64-d of  
27 the alcoholic beverage control law, paragraphs (a) and (b) as amended by  
28 chapter 463 of the laws of 2009 and paragraph (e) as amended by chapter  
29 185 of the laws of 2012, are amended to read as follows:

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

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

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

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

28 § 6. This act shall take effect immediately.