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February 2, 2026

via e-mail Jade.Kraft@sla.ny.gov.

Ms. Jade M. Kraft
Director of External Affairs and Media Relations
New York State Liquor Authority
80 S. Swan Street,
Suite 900
Albany, NY 12210

Subject: RSVP/Comments: Roundtables on 2026 Executive Budget Proposals
 (Parts N & Q)

Dear Ms. Kraft:

I write to RSVP and wish to attend the roundtables related to the 2026 Executive Budget proposals reflected in the proposed bills and to suggest issues which we hope the roundtable addresses.

As stated on your website:

The New York State Liquor Authority is hosting a series of webinars to provide an overview of Governor Kathy Hochul's 2026 State of the State and Executive Budget priorities, including proposals related to the SLA. The webinars will offer attendees an opportunity to hear directly from the SLA about key initiatives and policy proposals and to better understand what may be ahead for the alcoholic beverage industry. For more details or to RSVP, please email Jade.Kraft@sla.ny.gov.

I wish to receive further information and explanation regarding the stated purpose and intent of:

- Part N: Extend Authorization for Temporary Retail Permits
- Part Q: Eliminate Outdated Restrictions on Dancing

For convenience, I have posted these provisions at: dance-music-regulation.com/document/governor-2026-proposals-to-amend-abc-law/.

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I specifically request that the SLA define the “outdated restrictions” referenced in Part Q and explain how the proposed bill fundamentally alters current regulatory practices beyond a mere nomenclature shift.

Part N – Extend Authorization for Temporary Retail Permits

Part N extends temporary permit provisions under § 97-a (3), first enacted in 2022. The memorandum in support does not explain how perpetuating this section ameliorates outdated restrictions.

Regarding Part N, I the extension of these temporary permit provisions actually perpetuates outdated restrictions by normalizing—as an acceptable limitation—the prohibition of live music and dancing

Current law, ABC Law § 97-a(3) states:

...Provided however, any premises granted a temporary retail permit... in a city with a population of one million or more... shall only be allowed to operate... under the following conditions: ...no outdoor music; indoors shall have recorded background music only, with no live music, DJ's, karaoke, or similar forms of music; and no dancing....

There is adequate protection for the public regarding live music and patron dancing via existing noise local regulations. Should complaints arise, the SLA possesses the authority to respond on a case-by-case basis.

Consequently, I only support this extension if these unconstitutional blanket bans on the cultural expression of music and dancing are removed. Both a federal and New York State court declared similar SLA restrictions to violate the First Amendment in 2002. *Hund v. Cuomo* (2020) and *Sportsmen’s Tavern LLC v. New York State Liquor Authority* (2020).

Furthermore, Part N doubles down on the antiquated 500-foot law. Although the 500-foot law does not explicitly mention music or dance, it effectively shifts the burden of proof to the applicant to establish that such activities are in the public interest whenever a neighbor or Community Board objects.

The current 500-foot law dates to 1993, enacted_ in reaction to the execution-style murder of a police officer (the Padavan Law, enacted in 1993). It is a historical irony and perhaps not coincidental that this law followed the adoption in 1990 of NYC’s anti-dance zoning laws—the last vestiges of which were finally repealed in June 2024. The tragic incident that spurred the Padavan Law involved motorcycle gangs, not trumpet

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players or tango dancers; yet the law has had a disproportionately antiquated effect on musicians and dancers.

See this new YouTube video 10 Biker Gangs That Ruled New York Before Anyone Else <https://www.youtube.com/watch?v=Fe40ZqQRFCI>.

Part Q – Eliminate Outdated Restrictions on Dancing

The memorandum in support states:

This bill would amend the Alcoholic Beverage Control (ABC) Law to create a hybrid Dine and Dance on-premises liquor license. This license would specifically stipulate that licensees may allow dancing.

Since the provision still requires a "public interest" determination by the Board and allows for Community Board objections and forced stipulations, how is this substantively different from the current status quo outside of 500-foot zones?

To truly address the antiquated practices that stifle nightlife, the law and SLA regulations must be clarified to state that Live Music and Patron Dancing are presumed to be in the public interest.

While I recognize that the First Amendment protection for social dancing has been a subject of debate—notably in the *Festa* and *Muchmore* cases—the protection for Live Music is absolute. Currently, the SLA unconstitutionally discriminates against the medium of expression by permitting recorded music while banning live performance.

Finally, we must address the "implicit prohibition" doctrine. Currently, under SLA practice, if a Method of Operation is silent regarding music or dance, the SLA deems them prohibited.

Data from our recent FOIL request reveals the scale of this regulatory overreach: this data is understated because the data file provided by SLA is substantially incomplete, only providing data as to 57% of the relevant licenses in NYC. Out of 7,295 licenses reviewed in NYC, Live Music is explicitly or implicitly prohibited in the vast majority. 5,201 licenses allow recorded music but unconstitutionally prohibit live performance. Patron Dancing is restricted in 6,935 of those 7,295 venues. Part Q, as written, does nothing to remedy these systemic restrictions.

We ask that you forward this letter to the Governor's Office, since these are described as the proposals of that office. We hope that a member of the Office participates in this roundtable.

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Sincerely,



Alan D. Sugarman

Coalition of Musicians and Dancers
to Eliminate Regulations Against
Music and Dancing

cc:

James Katz

Deputy Secretary for Economic Development & Workforce
NY Governor's Office
State Capitol Albany, NY
(Contact via Nicole Migliore)
Email: nicole.migliore@exec.ny.gov

Full Legal Citations:

Hund v. Cuomo, 501 F. Supp. 3d 185 (W.D.N.Y. 2020), remanded sub nom. *Hund v. Bradley*, No. 20-3908-cv, (2d Cir. Apr. 26, 2021). <http://dance-music-regulation.com/document/hund-v-cuomo-sla-usdc-2021>

Sportsmen's Tavern LLC v. New York State Liquor Authority, Index No. 809297/2020 (Sup. Ct., Erie County, Sept. 30, 2020), appeal dismissed as moot and judgment vacated, *Matter of Sportsmen's Tavern LLC v. New York State Liquor Authority*, 195 A.D.3d 1557, 1559 (App. Div. 4th Dept. 2021) (mootness; vacatur). See <http://dance-music-regulation.com/document/sportsmens-tavern-v-new-york-state-liquor-authority/>

Chiasson v. New York City Department of Consumer Affairs, 132 Misc. 2d 640 (N.Y. Sup. Ct. 1986). <http://dance-music-regulation.com/document/chiasson-i-1986>

Chiasson v. NYC Dept. of Consumer Affairs, 138 Misc. 2d 394, 524 N.Y.S.2d 649 (Sup. Ct. N.Y. Co. 1988). <http://dance-music-regulation.com/document/chiasson-ii>

Muchmore's Cafe, LLC v. City of New York, No. 14-CV-5668 (RRM) (RER) (E.D.N.Y. July 19, 2018). (acknowledging First Amendment protection for live music).

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Petition

The Cabaret Law was repealed, and zoning has been amended.
Left untouched: the Liquor Authority's regulation of music and dancing.

We New Yorkers who enjoy dancing and live music petition the Governor, the Liquor Authority, and other State and City officials to:

- Stop the Liquor Authority from enforcing restrictions on live music and dance when allowed by NYC zoning and noise regulations.
- Adopt legislation eliminating the power of the Liquor Authority to impose dancing and music restrictions when allowed by NYC zoning and noise regulations.
- Repeal the so-called "500-foot rule," which enables community boards to pressure license applicants.
- Have the City Council limit community boards from blocking live music and dancing.
- Require the Liquor Authority to remove references to dancing and live music from license applications, so it's clear these are not criteria for approval.

Live music and dancing are prohibited under the SLA's Method of Operation rules in over 9,000 restaurant licenses across NYC. Unless legalized, these establishments cannot hire musicians, advertise shows, allow any dancing, allow cabaret singers, or charge cover fees.

Join New Yorkers and the Coalition of Musicians and Dancers to Eliminate Regulations Against Music and Dancing

I support the Petition

<http://dance-music-regulation.com/petition-2/>

<http://dance-music-regulation.com/petition/> With Fact Sheet