

COALITION NEWSLETTER

Volume 1 Issue 3 February 17, 2026



The January 2026 Proposed Bill Creating a "Dine and Dance" Liquor License Does Nothing to Eliminate Restrictions against Live Music or Dance, Despite Claims by NY Governor.

Coalition of Musicians and Dancers to Eliminate
Regulations Against Music and Dancing
<http://dance-music-regulation.com>

In January 2026 Governor Kathy Hochul proposed a new "Dine and Dance" Alcohol License asserting that the proposal was "eliminating outdated restrictions on dancing" as described in the Governor's "[State of the State](#)" of January 2026 at Page 101

That claim is completely false. The proposed bill eliminates zero restrictions on dancing.

Following is the misleading "State of the State" message From Governor Kathy Hochul January 2026, Page 101 (We applied numbering to the sentences for clarity as G-1 ... and discussed in detail below)

G-Title Eliminating Outdated Restrictions on Dancing

G-1. For decades, complexity and lack of transparency in tavern, bar, and restaurant licensing has generated public confusion about dancing, often creating friction in communities. G-2. Under current rules, dancing is allowed in bars and taverns, after bureaucratic processes at the State Liquor Authority (SLA) and community board level but is not always allowed in restaurants. G-3. Because of this, some applicants—especially those who want to operate as a restaurant at some times and a bar or tavern at other times— self-identify as restaurants but operate as nightclubs. G-4. This erodes community trust, leads to higher complaint volumes, and requires the SLA to enforce against dancing. G-5. To improve trust and transparency and cut red tape, Governor Hochul will charge SLA with allowing dancing by default in taverns and bars and creating

a new hybrid restaurant-tavern license. G-6. For bars and taverns, no processes or need for public hearings will change, and community boards will be able to maintain their role making further stipulations. G-7. There will be no change for restaurants, whose license types do not allow patron dancing. G-8. For applicants who want to operate as both a restaurant and bar or club at different times, the new hybrid license type will bring more transparency to the community, as the license will accurately reflect the character of the establishment. G-9. Qualifying license types will continue to require community disclosure and comment periods for dancing and performance dancing consistent with statutory obligations.

The bill adds a new class of eating establishment not named "restaurant: which do not need to maintain food service at all times.

In reality, the proposal's intention is to create a new class of license that circumvents the requirement for restaurants to comply with ABC Law § 3(27), which mandates a "kitchen... which shall at all times be in charge of a chef with the necessary help as she or he may require." The proposal simultaneously seeks to circumvent the requirement that bars and taverns, which are currently not required to employ a chef, face specific statutory limitations on "openings or means of entrance" to other rooms or businesses under ABC Law § 64-a (4). There are nearly 2000 businesses in this category in NYC.

Notwithstanding, we would without hesitation support changing the food service requirements for all "restaurants" reflecting antiquated 1934 era concepts. But we do not support the claims that this eliminates any restrictions against dancing and live music.

Dine and Dance Proposal Removes Requirement to maintain full food service as required in the definition of Restaurant.

The Governor's proposed Dine and Dance bill states:

5. Every dine and dance licensee shall keep food available for sale to its customers for consumption on the premises. **The availability of sandwiches, soups or comparable foods, whether fresh, processed, pre-cooked or frozen, during such hours of operation shall be deemed compliance with this requirement.** Nothing contained in this subdivision, however, shall be construed to require that any food be sold or purchased with any liquor (emphasis added).

ABC Law § 3(27)-" the kitchen of which must, at all times, be in charge of a chef with the necessary help,"

The Dine and Dance bill, by not naming the venue a "Restaurant", seeks to avoid ABC Law § 3(27) – Definition of "Restaurant"

§ 3(27). "Restaurant" shall mean a place which is regularly and in a bona fide manner used and kept open for the serving of meals to guests for compensation and which has suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods,

	<p>which may be required for ordinary meals, the kitchen of which must, at all times, be in charge of a chef with the necessary help, ...</p>
<p><i>SLA carefully applies requirement that food is available at all hours.</i></p>	<p>SLA this rule to be significant and repeatedly as stated in its forms and advisory documents, implementing the definition in ABC Law § 3(27):</p> <p>PLEASE NOTE THAT FOOD MUST BE AVAILABLE FOR SALE DURING ALL HOURS OF OPERATION. This does not include allowing patrons to order from other restaurants and having the food delivered to your premises. The food must be available at your place of business</p>
<p><i>In summary, the "Dine and Dance" license has nothing to do with eliminating outdated dancing</i></p>	<p>In summary, the propose "Dine and Dance" license has nothing to do with eliminating outdated dancing restrictions and everything to do with allowing restaurants to stay open late with minimal food service, reducing costs substantially. Note - many eating establishments are not attempting to be nightclubs but want the flexibility to provide live music and patron dancing even at earlier times or in event rooms.</p>
<p><i>The proposal perpetuates antiquated 1934 Law</i></p>	<p>Oddly, while the State of the State claims reform of outdated practices, the overall structure of the ABC Law remains rooted in the ABC Law adopted in 1934.</p>
<p><i>The Governor, rather than eliminate outdated restrictions, creates a new license evolved from the 1926 Cabaret Law and similar to a Cabaret License)</i></p>	<p>ABC Law § 3(27) was originally enacted in the 1934 ABC Law and Introduced the "Restaurant". This rule was meant to "clean up" post-Prohibition New York by ensuring venues were "bona fide" eateries, not rowdy saloons or speakeasies of the 1920s which NYC's Cabaret Law sought to control. In 1934 the State took control of liquor licenses , even adding the notorious state Cabaret Card.</p> <p>By requiring a "chef at all times," the state ensured that any venue with a liquor license had to maintain the high overhead of a restaurant, which served to suppress the "nightclub" atmosphere the feared in 1934.</p>
	<p>Conclusion – the Proposed Bill eliminates no "outdated restrictions" except to reduce labor costs of Restaurants who already are allowed to have dancing and live music. The Governor misleads the public.</p>

Analysis of each of the nine sentences of the Governor's State of the State message, sentences G-1 to G-9.

<p><i>G-Title "Eliminating Outdated Restrictions on Dancing"</i></p>	<p>Untrue. <u>Not one single restriction on dancing is eliminated by the bill.</u></p>
<p><i>G-1. "For decades, complexity and lack of transparency in tavern, bar, and restaurant licensing has generated public confusion about dancing, often creating friction in communities."</i></p>	<p>An underlying problem is that Community Boards may and often do arbitrarily refuse to approve live music, patron dancing, and amplified music.</p> <p>The SLA virtually automatically approves whatever the community boards say, essentially abrogating its responsibility.</p> <p>Another problem is the ABC Law 500-foot provision which places the burden of proof on a licensee to show that live music and patron dancing are in the public interest, and as well slowing down and making expensive the application process. For example, 897 hearings were held in 2025, increasing costs to the SLA and applicants.</p> <p>As to live music, the practices clearly violate the First Amendment.</p>
<p><i>G-2. "Under current rules, dancing is allowed in bars and taverns, after bureaucratic processes at the State Liquor Authority (SLA) and community board level but is not always allowed in restaurants."</i></p>	<p>Nonsense. Dancing and live music are allowed in restaurants under the exact same rules for restaurants as for bars and taverns.</p> <p>In fact, dancing is allowed as frequently in restaurants as in bars and taverns. An analysis of our recent FOIL-obtained databases shows <u>the reverse: in NYC, far more restaurants have patron dancing than bars and taverns.</u> So, the opposite is true.</p>
<p><i>G-3. Because of this, some applicants— especially those who want to operate as a restaurant at some times and a bar or tavern at other times— self-identify as restaurants but operate as nightclubs.</i></p>	<p>The predicate to this statement in G-2 is nonsense and wrong, so this sentence has no meaning.</p> <p>This seems to say that these are the only options. There are many operation options available to "Restaurants".</p> <p>Certainly, though venues would appreciate lowering costs by not calling a restaurant a "Restaurant".</p> <p>See below.</p>
<p><i>G-4. This erodes community trust, leads to</i></p>	<p>This is nonsense. The State of the State text erodes community trust by misleading the public.</p>

<p><i>higher complaint volumes, and requires the SLA to enforce against dancing.</i></p>	<p>The SLA "enforces" dancing restrictions in restaurants, bars, and taverns if there is patron dancing or live music and if the licensee does not have these activities in their Method of Operation.</p> <p>If a restaurant has a liquor license and does not maintain a chef and full service, then it may also be disciplined. Even with the Dance and Dine license, this remains true for any restaurant not obtaining this new license.</p>
<p>G-5."To improve trust and transparency and cut red tape, Governor Hochul will charge SLA with allowing dancing by default in taverns and bars and creating a new hybrid restaurant-tavern license."</p>	<p>The misrepresentations in selling this proposal and accompanying media campaign have eroded and decreased trust and transparency.</p> <p>Nothing in this bill will allow dancing by default in taverns and bars. Taverns and bars will still have to run the gauntlet of community boards, SLA practices, and deference to community boards.</p>
<p><i>G-6. For bars and taverns, no processes or need for public hearings will change, and community boards will be able to maintain their role making further stipulations.</i></p>	<p>Bars and taverns are licensed under ABC Law Section 64-a (Special On-Premises License). Unlike restaurant licenses, Section 64-a does not force the establishment into the "chef" requirement of § 3(27), as its "principal business" is the sale of food or beverages. Bars and taverns are allowed to have dancing and live music, but only if approved by the SLA and in practice, community boards.</p> <p>There is nothing in the ABC law that mentions either "stipulations" or "community boards." Under the NYC Charter, community boards are <u>advisory bodies with no power to enter into contracts</u>. The "stipulations" which boards require applicants to sign are effectively extra-legal agreements used as leverage for a positive recommendation.</p> <p>The community boards have no power to sue on a stipulation. As for NYC, nothing in the New York City Charter § 2800 allows community boards to act as zoning boards or to require stipulations.</p> <p>The SLA almost as a rule approves the "stipulations" as an approved method of operation. In doing so, the SLA does not discharge its independent authority and obligation to approve methods of operation. Under the ABC Law, applicants are not obligated to sign stipulations. The Governor here describes and endorses the antiquated processes which are the root of the problem.</p> <p>SLA do not "make" "stipulations"; "stipulations" are between a community board and an applicant. Rather, SLA approves methods of operation.</p>

	<p>By endorsing stipulations, Governor is essentially codifying a "broken" system while claiming to fix it.</p>
<p><i>G-7. There will be no change for restaurants, whose license types do not allow patron dancing.</i></p>	<p>The statement here perhaps may have meant to say, "whose license types <u>currently</u> do not allow patron dancing". Still, for a new license type, these "restaurants" under current practice still need to return for community board review. Is the statement trying to say that the proposed law will not modify licenses that currently do not allow patron dancing?</p> <p>There is no restaurant license type authorized by the ABC Law where patron dancing is not allowed if approved in the method of operation. The implication that certain restaurant license types do not allow patron dancing is patently untrue and a fundamental mischaracterization of the ABC Law. No license type carries a statutory ban on dancing.</p> <p>For a new license type, these "restaurants" still need to return for community board review. This is an example of the proposal doing absolutely nothing as to extending live music and dancing.</p> <p>Rather, the ability to host dancing is determined by the representations made in the application and the subsequent discretion of the SLA in approving the "method of operation."</p> <p>Whether dancing or live music is permitted is not dictated by the license category itself, but by the conditions placed on the license. Under ABC Law § 110(5), a licensee is bound by the specific representations made in their application, which is why a restaurant is restricted from dancing and live music only if the restaurant did not seek permission for it or if the SLA imposed a specific condition against it.</p>
<p><i>G-8. For applicants who want to operate as both a restaurant and bar or club at different times, the new hybrid license type will bring more transparency to the community, as the license will accurately reflect the character of the establishment.</i></p>	<p>The Governor apparently does not frequent all types of NYC nightlife. The practice in many establishments is to operate as pure eating places early in the evening and then have live music or dancing later in the evening, often pushing back the tables.</p> <p>Many restaurants have, or wish to have, cabaret type pianists, vocalists, and small groups throughout the evening. This is "live music" often prohibited by Methods of Operation. Many restaurants do not have acoustic pianos and thus cannot offer certain live music. These are not nightclubs.</p> <p>Often, restaurants use back rooms and event rooms for dancing alone such as Tango nights while the rest of the venue operates as a regular restaurant.</p> <p>Not all restaurants currently having live music and dancing privileges operate as nightclubs.</p> <p>The Governor has a simplistic view of nightlife.</p>

G-9. Qualifying license types will continue to require community disclosure and comment periods for dancing and performance dancing consistent with statutory obligations.

Well, that is the point - all the restrictive practices remain in effect. Merely applying for a dine and dance license does not mean the practices will not come into play.

The 500-Foot Law Conflict: Because the "Dine and Dance" category is a "new" license class, any restaurant currently operating with a wine or liquor license (§ 81) that tries to "upgrade" to Dine and Dance Liquor will trigger a 500-Foot Hearing (§ 64(7)(f)). This actually creates *more* red tape and gives the Community Board a second "bite at the apple" to block the license entirely.

This article does not address Part N of the Governor's Proposal, extending a more recent anti-music and anti-dance law relating to temporary licenses, directly contrary to the Governor's claim of eliminating restrictions on dancing. See Newsletter 1.

This article does not address the extensive provisions of ABC law and SLA practices which make it difficult to include live music and patron dancing in methods of operation. Nor does this article address the unconstitutional restrictions on live and amplified music that permeate ABC law and SLA practices. See Newsletter 2.

PRESS ARTICLES AND VIDEOS RELYING UPON "STATE OF THE STATE" MISREPRESENTATIONS. THE GOVERNOR'S OFFICE MUST ATTEMPT TO CORRECT THESE.

FOX 5 New York, "Hochul Pushes to Make Dining and Dancing Legal in NY: Explainer," YouTube (Jan. 21, 2026), <http://www.youtube.com/watch?v=foq4CwmSVAg>.

Kevin Underhill, "New York State May Allow 'Dancing by Default'," *Lowering the Bar* (Jan. 23, 2026), <https://www.lowering-the-bar.net/2026/01/new-york-state-may-allow-dancing-by-default.html>.

Laura Ratliff, "Did You Know That, Technically, New Yorkers Aren't Allowed to Dance in Restaurants? That Might Soon Change, Though," *Time Out New York* (Jan. 14, 2026), <https://www.timeout.com/newyork/news/did-you-know-that-technically-new-yorkers-arent-allowed-to-dance-in-restaurants-that-might-soon-change-though-011426>.

Carl Campanile, "Hochul's State of the State Reveals Plan to Undo Old New York Law That Blocks Dancing in Restaurants," *N.Y. Post* (Jan. 13, 2026), <https://nypost.com/2026/01/13/us-news/hochul-wants-to-undo-old-nys-law-that-blocks-dancing-in-restaurants/>.

Brianna Perry, "The Hardest Law To Believe In New York May Finally Be Ending — And It's All About Whether You Can Dance While You Eat," *Secret NYC* (Jan. 17, 2026), <https://secretnyc.co/hochul-plans-overhaul-state-liquor-rules-that-ban-dancing-at-many-ny-restaurants/>.

Regulations Against Music and Dancing

Exhibits to Newsletter 3 available for [download](#).

Governor's State of the State re Eliminating Outdated Restrictions on Dancing

Proposed Bill Part Q

Proposed Bill Part N

ABC Law § 64(6-a): The Public Interest Standards 500 Foot Law

ABC Law § 64(7)(f): The 500-Foot Hearing Requirement

References

[Newsletter 1](#)

[Newsletter 2](#)

[Newsletter 3](#)

Exhibits:

Governor's State of the State re Eliminating Outdated Restrictions on Dancing

State of the State From Governor Kathy Hochul January 2026 [Sentences Numbered – Page 101 <https://www.governor.ny.gov/sites/default/files/2026-01/2026StateoftheStateBook.pdf> }

G-Title Eliminating Outdated Restrictions on Dancing

G-1. For decades, complexity and lack of transparency in tavern, bar, and restaurant licensing has generated public confusion about dancing, often creating friction in communities. G-2. Under current rules, dancing is allowed in bars and taverns, after bureaucratic processes at the State Liquor Authority (SLA) and community board level but is not always allowed in restaurants. G-3. Because of this, some applicants— especially those who want to operate as a restaurant at some times and a bar or tavern at other times— self-identify as restaurants but operate as nightclubs. G-4. This erodes community trust, leads to higher complaint volumes, and requires the SLA to enforce against dancing. G-5. To improve trust and transparency and cut red tape, Governor Hochul will charge SLA with allowing dancing by default in taverns and bars and creating a new hybrid restaurant-tavern license. G-6. For bars and taverns, no processes or need for public hearings will change, and community boards will be able to maintain their role making further *stipulations*. G-7. There will be no change for restaurants, whose license types do not allow patron dancing. G-8. For applicants who want to operate as both a restaurant and bar or club at different times, the new hybrid license type will bring more transparency to the community, as the license will accurately reflect the character of the establishment. G-9. Qualifying license types will continue to require community disclosure and comment periods for dancing and performance dancing consistent with statutory obligations.

Proposed Bill Part Q

Entire Proposed Bill - PART Q For Reference

Section 1. The alcoholic beverage control law is amended by adding a new section 64-g to read as follows:

§ 64-g. Dine and dance license.

1. Any person may make an application to the state liquor authority for a license to sell liquor at retail to be consumed on the premises of a dine and dance licensee. Such licenses shall be issued except for good cause shown and shall in form and in substance be a license to the person specifically licensed to sell liquors at retail, to be consumed upon the premises. Such license shall also be deemed to include a license

to sell wine, beer, cider, mead and/or braggot at retail to be consumed under the same terms and conditions, without the payment of any additional fee. All of the provisions of this chapter relative to licenses to sell liquor, wine, beer, cider, mead and/or braggot at retail for consumption on the premises shall apply so far as applicable to such application.

2. Such application shall be in such form and shall contain such information as shall be required by the liquor authority and shall be accompanied by a check or draft in the amount required by this chapter for such licenses.
3. Section fifty-four of this chapter shall control, so far as applicable, the procedure in connection with such application.
4. Under this section, permissible **methods of operation** include live and/or recorded and/or DJ music and shall also specifically provide for patron and/or employee dancing, provided that such dancing shall not include exotic dancing. The liquor authority may promulgate such rules and regulations as deemed necessary to carry out the provisions of this section.
5. Every dine and dance licensee shall keep food available for sale to its customers for consumption on the premises. The availability of sandwiches, soups or comparable foods, whether fresh, processed, pre-cooked or frozen, during such hours of operation shall be deemed compliance with this requirement. Nothing contained in this subdivision, however, shall be construed to require that any food be sold or purchased with any liquor.
6. The authority may consider any or all of the following in determining whether public convenience and advantage and the public interest will be promoted by the granting of licenses under this section:
 - (a) the number, classes and character of licenses in proximity to the location and in the particular municipality or subdivision thereof;
 - (b) evidence that applicants have secured all necessary licenses and permits from the state and all other governing bodies;
 - (c) the effect that the granting of the license will have on vehicular traffic and parking in the proximity of the location;
 - (d) the existing noise level at the location and any increase in noise level that would be generated by the proposed premises;
 - (e) the history of liquor violations and reported criminal activity at the proposed premises; and
 - (f) any other factors specified by law or regulation that are relevant to determine the public convenience or advantage and necessary to find that the granting of such license shall be in the public interest.
7. No restaurant dine and dance license shall be granted for any premises which shall be:
 - (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; or
 - (b) in a city, town or village having a population of twenty thousand or more 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, sixty-four-c, sixty-four-d, and/or sixty-four-f of this article;
 - (c) the measurements in paragraphs (a) and (b) of this subdivision are to be taken in straight lines from the center of the nearest entrance of the premises sought to be licensed to the center of the nearest entrance of such school, church, synagogue or other place of worship or to the center of the nearest entrance of each such premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a,

sixty-four-b, sixty-four-c, sixty-four-d, and/or sixty-four-f of this article; except, however, that no renewal license shall be denied because of such restriction to any premises so located which were maintained as a bona fide hotel, restaurant, catering establishment or club on or prior to December fifth, nineteen hundred thirty-three; and, except that no license shall be denied to any premises at which a license under this chapter has been in existence continuously from a date prior to the date when a building on the same street or avenue and within two hundred feet of said premises has been occupied exclusively as a school, church, synagogue or other place of worship; and except that no license shall be denied to any premises, which is 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, sixty-four-c, sixty-four-d, and/or sixty-four-f of this article, at which a license under this chapter has been in existence continuously on or prior to November first, nineteen hundred ninety-three. The liquor authority, in its discretion, may authorize the removal of any such licensed premises to a different location on the same street or avenue, within two hundred feet of said school, church, synagogue or other place of worship, provided that such new location is not within a closer distance to such school, church, synagogue or other place of worship.

(d) within the context of this subdivision, the word "entrance" shall mean a door of a school, of a house of worship, or of premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-b, sixty-four-c, sixty-four-d, and/or sixty-four-f of this article or of the premises sought to be licensed, regularly used to give ingress to students of the school, to the general public attending the place of worship, and to patrons or guests of the premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-b, sixty-four-c, sixty-four-d and/or sixty-four-f of this article or of the premises sought to be licensed, except that where a school or house of worship or premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-b, sixty-four-c, sixty-four-d, and/or sixty-four-f of this article or the premises sought to be licensed is set back from a public thoroughfare, the walkway or stairs leading to any such door shall be deemed an entrance; and the measurement shall be taken to the center of the walkway or stairs at the point where it meets the building line or public thoroughfare. A door which has no exterior hardware, or which is used solely as an emergency or fire exit, or for maintenance purposes, or which leads directly to a part of a building not regularly used by the general public or patrons, is not deemed an "entrance".

(d-1) within the context of this subdivision, a building occupied as a place of worship does not cease to be "exclusively" occupied as a place of worship by incidental uses that are not of a nature to detract from the predominant character of the building as a place of worship, such uses which include, but which are not limited to: the conduct of legally authorized games of bingo or other games of chance held as a means of raising funds for the not-for-profit religious organization which conducts services at the place of worship or for other not-for-profit organizations or groups; use of the building for fund-raising performances by or for the benefit of such organizations; the use of the building by other religious organizations or groups for religious services or other purposes; the use of the building for educational or social purposes; or other similar uses.

Section 2. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are

Proposed Bill Part N

Proposed Part N

PART Q

Section 1. The alcoholic beverage control law is amended by adding a new section 64-g to read as follows:

§ 64-g. Dine and dance license.

Any person may make an application to the state liquor authority for a license to sell liquor at retail to be consumed on the premises of a dine and dance licensee. Such licenses shall be issued except for good cause shown and shall in form and in substance be a license to the person specifically licensed to sell liquors at retail, to be consumed upon the premises. Such license shall also be deemed to include a license to sell wine, beer, cider, mead and/or braggot at retail to be consumed under the same terms and conditions, without the payment of any additional fee. All of the provisions of this chapter relative to licenses to sell liquor, wine, beer, cider, mead and/or braggot at retail for consumption on the premises shall apply so far as applicable to such application.

Such application shall be in such form and shall contain such information as shall be required by the liquor authority and shall be accompanied by a check or draft in the amount required by this chapter for such licenses.

Section fifty-four of this chapter shall control, so far as applicable, the procedure in connection with such application.

Under this section, permissible methods of operation include live and/or recorded and/or DJ music and shall also specifically provide for patron and/or employee dancing, provided that such dancing shall not include exotic dancing. The liquor authority may promulgate such rules and regulations as deemed necessary to carry out the provisions of this section.

Every dine and dance licensee shall keep food available for sale to its customers for consumption on the premises. The availability of sandwiches, soups or comparable foods, whether fresh, processed, pre-cooked or frozen, during such hours of operation shall be deemed compliance with this requirement. Nothing contained in this subdivision, however, shall be construed to require that any food be sold or purchased with any liquor.

The authority may consider any or all of the following in determining whether public convenience and advantage and the public interest will be promoted by the granting of licenses under this section:

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

- (b) evidence that applicants have secured all necessary licenses and permits from the state and all other governing bodies;
- (c) the effect that the granting of the license will have on vehicular traffic and parking in the proximity of the location;
- (d) the existing noise level at the location and any increase in noise level that would be generated by the proposed premises;
- (e) the history of liquor violations and reported criminal activity at the proposed premises; and
- (f) any other factors specified by law or regulation that are relevant to determine the public convenience or advantage and necessary to find that the granting of such license shall be in the public interest.

No restaurant dine and dance license shall be granted for any premises which shall be:

- (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; or
- (b) in a city, town or village having a population of twenty thousand or more 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, sixty-four-c, sixty-four-d, and/or sixty-four-f of this article;
- (c) the measurements in paragraphs (a) and (b) of this subdivision are to be taken in straight lines from the center of the nearest entrance of the premises sought to be licensed to the center of the nearest entrance of such school, church, synagogue or other place of worship or to the center of the nearest entrance of each such premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-b, sixty-four-c, sixty-four-d, and/or sixty-four-f of this article; except, however, that no renewal license shall be denied because of such restriction to any premises so located which were maintained as a bona fide hotel, restaurant, catering establishment or club on or prior to December fifth, nineteen hundred thirty-three; and, except that no license shall be denied to any premises at which a license under this chapter has been in existence continuously from a date prior to the date when a building on the same street or avenue and within two hundred feet of said premises has been occupied exclusively as a school, church, synagogue or other place of worship; and except that no license shall be denied to any premises, which is 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, sixty-four-c, sixty-four-d, and/or sixty-four-f of this article, at which a license under this chapter has been in existence continuously on or prior to November first, nineteen hundred ninety-three. The liquor authority, in its discretion, may authorize the removal of any such licensed premises to a different location on the same street or avenue, within two hundred feet of said school, church, synagogue or other place of worship, provided that such new location is not within a closer distance to such school, church, synagogue or other place of worship.
- (d) within the context of this subdivision, the word "entrance" shall mean a door of a school, of a house of worship, or of premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-b, sixty-four-c, sixty-four-d, and/or sixty-four-f of this article or of the premises sought to be licensed, regularly used to give ingress to students of the school, to the general public attending the place of worship, and to patrons or guests of the premises licensed and operating pursuant to this section and sections sixty-four, sixty-

four-a, sixty-four-b, sixty-four-c, sixty-four-d and/or sixty-four-f of this article or of the premises sought to be licensed, except that where a school or house of worship or premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-b, sixty-four-c, sixty-four-d, and/or sixty-four-f of this article or the premises sought to be licensed is set back from a public thoroughfare, the walkway or stairs leading to any such door shall be deemed an entrance; and the measurement shall be taken to the center of the walkway or stairs at the point where it meets the building line or public thoroughfare. A door which has no exterior hardware, or which is used solely as an emergency or fire exit, or for maintenance purposes, or which leads directly to a part of a building not regularly used by the general public or patrons, is not deemed an "entrance".

(d-1) within the context of this subdivision, a building occupied as a place of worship does not cease to be "exclusively" occupied as a place of worship by incidental uses that are not of a nature to detract from the predominant character of the building as a place of worship, such uses which include, but which are not limited to: the conduct of legally authorized games of bingo or other games of chance held as a means of raising funds for the not-for-profit religious organization which conducts services at the place of worship or for other not-for-profit organizations or groups; use of the building for fund-raising performances by or for the benefit of such organizations; the use of the building by other religious organizations or groups for religious services or other purposes; the use of the building for educational or social purposes; or other similar uses.

Section 2. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are

ABC Law § 64(6-a): The Public Interest Standards 500 Foot Law

ABC Law § 64(6-a): The Public Interest Standards

The text below is the verbatim list of factors the SLA is authorized to consider.

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

- (a) The number, classes and character of licenses in proximity to the location and in the particular municipality or subdivision thereof.
- (b) Evidence that all necessary licenses and permits have been obtained from the state and all other governing bodies.
- (c) Effect of the grant of the license on vehicular traffic and parking in proximity to the location.

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

(e) The history of liquor violations and reported criminal activity at the proposed premises.

(f) Any other factors specified by law or regulation that are relevant to determine the public convenience and advantage and public interest of the community."

ABC Law § 64(7)(f): The 500-Foot Hearing Requirement

ABC Law § 64(7)(f): The 500-Foot Hearing Requirement

"(f) Notwithstanding the provisions of paragraph (b) of this subdivision, 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; provided, however, that with respect to such premises, the authority shall further determine after public hearing, in consultation with the municipality or community board, that the granting of 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."

Citations to cases concerning constitutionality.

1. [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).

2. [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,

3. [Chiasson v. New York City Department of Consumer Affairs](#), 132 Misc. 2d 640 (N.Y. Sup. Ct. 1986). (Chiasson I).

4. [Chiasson v. NYC Dept. of Consumer Affairs](#), 138 Misc. 2d 394, 524 N.Y.S.2d 649 (Sup. Ct. N.Y. Co. 1988). (Chiasson II).

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