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Governor

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Commissioner

VINCENT G. BRADLEY
Chairman

GREELEY FORD
Commissioner

ADVISORY #2020-21

To: All licensees

Subject: Date for filing renewal application

Section 40.3(a) of the Rules of the Authority states that application for renewal of licenses must be filed within the period prescribed by the Authority. Pursuant to that regulation, the Authority hereby prescribes that all renewal applications must be filed at least seven calendar days before the expiration date of the current license. This requirement shall become effective on November 1, 2020. This advisory replaces Advisory #2020-12.

SAPA

Pursuant to Section 401(2) of the State Administrative Procedure Act (“SAPA”), a licensee who files a timely and complete renewal application may continue operating under the privileges of the expired license until the Authority issues a decision on the renewal application. The purpose of the imposition of the seven-day deadline is to allow adequate time for review of renewal applications to determine whether the licensee has submitted a complete application and is entitled to continue operating after the expiration date until a decision is made on the application. The seven-day deadline does not apply to seasonal licenses when applying for renewal.

If a renewal application is filed at least seven days before the expiration date of the current license, the application will be reviewed to determine if it is complete and can be approved:

- If the application is complete and can be approved before the expiration of the current license, the Authority’s database will be updated to reflect the renewal of the license and a license certificate for the new license period will be issued.
- If the application is complete but no decision can be made on the application before the expiration of the current license, the Authority’s database will be updated to reflect that the licensee is “operating under SAPA.” The licensee may continue to operate under the expired license until a decision is made on the renewal application.

- If the application is complete and a decision is made to disapprove the renewal before the expiration of the current license, the Authority will provide the licensee with a written determination explaining the reasons for the disapproval.
- If the application is not complete, the Authority will continue review of the application and notify the licensee of any deficiencies. If no decision on the application is made before the expiration of the current license period, the licensee may not continue to operate under the expired license.

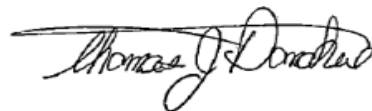
If a renewal application is not filed at least seven days before the expiration date of the current license, the licensee may not continue “operating under SAPA” once the current license expires. The licensee will not be able to resume licensed activities unless and until the renewal application is approved and a license certificate is issued for the new licensing period

On-premises retail licensees located within the City of New York

On-premises licensees located within the City of New York are reminded that Alcoholic Beverage Control Law §110-b requires that the licensee notify your Community Board of its intent to renew the license. That notice must be delivered to the Community Board at least 30 days before the renewal application is filed. Please be advised that a renewal application that is submitted without proof that the Community Board was properly notified is not considered a complete application, and the licensee will not be entitled to continue “operating under SAPA” once the current license expires.

This matter was heard and determined by the Members of the Authority at a Full Board meeting held on September 30, 2020 before Chairman Vincent Bradley, Commissioner Lily Fan, and Commissioner Greeley Ford. The above written advisory was approved by the Members of the Authority on September 30, 2020.

Dated: 10/1/20



Thomas J. Donohue
Secretary to the Authority