



KATHY HOCHUL
Governor

LILY M. FAN
Commissioner

VINCENT G. BRADLEY
Chairman

GREELEY FORD
Commissioner

ADVISORY #2022-24

Subject: Waiver of the restroom regulation

Section 48.4(d)(2) of the Rules of the Authority requires on-premises licensees “to provide separate sanitary facilities for both sexes.” The rule also provides that this requirement may be waived by the Authority “if there is a satisfactory showing that such facilities are in an area adjacent or proximate to the licensed premises and available to the patrons thereof.”

Waivers of this requirement may be granted, for good cause, by designated members of the Licensing Board regardless of the occupancy of the licensed premises. Such a request may be granted if the applicant demonstrates that: 1) there are sufficient restroom facilities in, adjacent to and within reasonable proximity to the licensed premises when considered in relation to the occupancy of the licensed premises; and 2) any such restroom facilities are available for use by patrons of the licensed premises.

In the discretion of the Licensing Board, a request for a waiver of this requirement may be referred to the Members of the Authority for determination.

This matter was heard and determined by the Members of the Authority at a Full Board meeting held on September 14, 2022 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 14, 2022.

Dated: 09/26/22

Donald Roper
Secretary to the Authority