



KATHY HOCHUL
Governor

VINCENT G. BRADLEY
Chairman

LILY M. FAN
Commissioner

ADVISORY #2023-1

Subject: Abandoned Premises

Except in certain situations, such as multiple manufacturing licenses sharing the same premises, the Authority cannot issue a license to a premises that is already licensed. This includes any location that has an active license, even if that license has been placed in safekeeping.

The Authority will allow a new license to be issued for such a premises upon satisfactory proof that the premises has been abandoned by the current licensee. The burden is on the applicant to demonstrate that the premises has been abandoned.

An applicant claiming that a premises has been abandoned must submit an affidavit from the property owner/landlord stating that: 1) the current licensee is no longer in physical or legal possession of the premises; and 2) there are no legal proceedings pending regarding the current licensee's right to possession of the premises. Additional documentation, such as eviction orders, written statements from the current licensee surrendering the premises, etc., should be submitted if available.


Upon receipt of sufficient documentation from the applicant that the current licensee may have abandoned the premises, the Authority will contact the current licensee by letter, sent by certified mail and/or email, to determine whether it disputes the applicant's claim. The current licensee will have 21 calendar days from the date of the letter to respond to the Authority.

If the current licensee responds and disputes that it no longer has legal possession of the premises, the Authority will not consider the premises to be abandoned. The applicant's application will be denied. If the current licensee responds and acknowledges that it has surrendered the premises and no longer has legal possession, the Authority will deem the premises abandoned by the current licensee and proceed with the review of the applicant's application. If the current licensee fails to timely respond, the Authority will deem the premises abandoned by the current licensee and proceed with the review of the applicant's application.

The Authority will not issue a temporary permit to the applicant to operate at the premises unless and until the premises has been deemed abandoned. The Authority will not become involved in any dispute between the parties as to the current licensee's right to legal possession of the premises.

This matter was heard and determined by the Members of the Authority at a Full Board meeting held on January 4, 2023 before Chairman Vincent Bradley and Commissioner Lily Fan. The above written advisory was approved by the Members of the Authority on January 4, 2023.

Dated: 01/06/23


Donald Roper
Secretary to the Authority