

STATE OF NEW YORK  
LIQUOR AUTHORITY

TO: ZONE OFFICES AND LOCAL BOARDS

SUBJECT: Living Quarters Letters  
1. Licensing  
2. Disciplinary Proceedings

1. Licensing. An approved applicant is sent a "living quarters letter" when the applicant's living quarters are directly connected with the premises proper for which the license is sought. Under existing procedures, the living quarters are deemed part of the licensed premises, with the licensee to be held responsible for any violations of law which occur in the living quarters. Moreover, the licensee is advised that no alcoholic beverages are permitted to be kept in the living quarters, even for personal consumption.

Effective immediately, the living quarters are not to be considered part of the licensed premises. Where an application or license investigation discloses living quarters directly connected to the premises to be licensed, the applicant shall be required, if he has not already done so, to limit specifically the licensed premises, by written description or diagram, so as to distinguish the living quarters from the licensed premises. An approved applicant should then be issued a revised living quarters letter in the form attached.

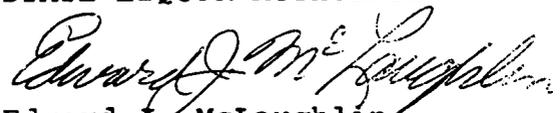
The revised letter places no restrictions on the alcoholic beverages which may be kept in the living quarters for personal consumption. However, the letter does state that the licensee cannot store any alcoholic beverages in the living quarters which have been purchased for use in the licensed premises, and that the living quarters should not be used to circumvent the provisions and intent of the Alcoholic Beverage Control Law.

Previously issued living quarters letters are hereby rescinded, although the licensees need not in each case be notified.

2. Disciplinary Proceedings. No disciplinary proceedings should be instituted merely for the possession of alcoholic beverages in the living quarters for personal consumption. Under no circumstances should the Authority attempt to assert the right to inspect any living quarters as a matter of right under Section 106(15) of the A.B.C. Law.

Until further notice, any disciplinary proceedings for activities taking place in, or relating to living quarters, should first be referred by the Enforcement Bureau to the Retail Disciplinary Appraisal Board.

STATE LIQUOR AUTHORITY

  
Edward J. McLaughlin  
Chairman



STATE OF NEW YORK  
EXECUTIVE DEPARTMENT  
DIVISION OF ALCOHOLIC BEVERAGE CONTROL

TWIN TOWERS SUITE 1806  
99 Washington Avenue  
Albany, New York 12210

250 BROADWAY  
NEW YORK, N. Y. 10007

125 MAIN STREET  
Buffalo, New York 14203

STATE LIQUOR AUTHORITY

IN REPLYING REFER TO

LIVING QUARTERS LETTER

To the Applicant:

The retail license you have applied for is enclosed herewith.

The Authority notes that your house or apartment is directly connected with the premises for which the license has been issued. Please note that your living quarters are not part of the licensed premises. The only alcoholic beverages which you are permitted to keep in your living quarters are those intended for personal consumption. You should not store any alcoholic beverages in your living quarters which have been purchased for use in the operation of the licensed premises. You are also prohibited from making any sales of alcoholic beverages from your living quarters or from using your living quarters for the conduct of your licensed business or to circumvent the provisions and intent of the Alcoholic Beverage Control Law.

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