TESTIMONY OF ALAN D. SUGARMAN

On behalf of the Coalition of Musicians and Dancers

Joint Legislative Public Hearing: 2026-2027 Executive Budget (Local/General Government)

February 11, 2026

Good morning, Chairwoman Krueger, Chairman Pretlow, and distinguished members of the Senate Finance and Assembly Ways and Means Committees.

My name is Alan D. Sugarman, representing the Coalition of Musicians and Dancers to Eliminate Regulations Against Music and Dancing. I am here to **express sharp opposition to Parts N and Q** of the proposed bill.

I do not question the motives of the Governor, but believe that further study is needed to as to really solve problems, and not create more problem.

Opposition to Part N Bill Text Part N – Extend Authorization for Temporary Retail Permits

The Memorandum in Support for Part N is fundamentally misleading. While the Governor's State of the State message promised to "eliminate outdated restrictions on dancing" (referenced in Part Q), Part N quietly does the opposite. It ensures that the status quo of Section 97-a(3) of the Alcoholic Beverage Control Law remains in force for the 2026-27 fiscal year. This technical "administrative renewal" effectively extends the prohibition of Live Music and Patron Dancing for another year, directly contradicting the administration's public reform agenda.

A Barrier to Business: In New York City

Especially in 500-foot locations—the temporary-permit regime functions as a business-stopping barrier for venues whose core purpose is live music and social dancing, including jazz clubs. Moreover, it sanctions using Live Music and Social Dancing as a separate category to deny permits that would otherwise be granted.

Not In Public Interest

Section 97-a(3) works against the public interest when cultural venues like jazz clubs seek to open but cannot obtain a temporary permit, meaning the venue sits empty and cannot offer live music. This is discussed in the attached Newsletter of a real-world case study.

Constitutional Violation

The explicit and implicit prohibition of live music violates the First Amendment. As detailed in our second newsletter, the SLA routinely allows recorded music while prohibiting live music or just prohibiting live music—practices that directly contravenes established case law, including the Chiasson cases, Hund v. Cuomo, and Sportsmen's Tavern LLC v. NYSLA. These cases confirm that music is

protected expression and that banning advertised live performance is an unconstitutional content-based restriction.

Opposition to Part Q – Eliminate Outdated Restrictions on Dancing:

I further express adamant opposition to Part Q. While titled "Eliminate Outdated Restrictions on Dancing," this provision serves no practical purpose and will only complicate existing regulatory frameworks:

No Identification Of Outdated Restrictions

Today I had discussions the State Liquor Authority (SLA), except for one item, the authority was unable to define any "outdated restrictions" included in Part Q that are not already permitted under current law. The only issue this restrictions may affect is that current law seems to require establishment to continue to sell food in order to have dancing and music. If that is the only outdated restriction enable with Part Q, then it would be simple to remove that restriction, or modify it so that the venue may shut down is complete food service. in after-hours, and still have live music and dancing.

•*Redundancy*

It improperly assumes that current law does not already provide the relief it seeks to create. Where relief is already available, additional overlapping language will produce administrative confusion and unnecessary legal disputes.

•*Omission of Live Music in Governor's Statement*

Part Q follows the Governor's PR narrative by ignoring Live Music, which has a far more significant impact on the income of musicians and the cultural life of New York than dancing alone. Fortunately, the actual law does apply to to constitutionally protected music.

Inaccuracy of Memoranda and Statements in Support of Part Q

Finally, I must address the profound inaccuracies in the Governor's State of the State message, which claims dancing "is not always allowed in restaurants." This is a false statement. Under current law, dancing is not prohibited; it is only restricted by the SLA's unauthorized administrative hurdles. There are restaurants licensed by the SLA which have both live music and patron dancing, though not in over 9000 restaurants.

The Governor's proposal for a new "hybrid" license is a solution in search of a problem—one that ignores the reality that many restaurants simply want to offer live music or spontaneous dancing without being mislabeled as a "nightclub." This policy was clearly drafted by those who may not understand how SLA in reality operates and serves only to reinforce the SLA"s unconstitutional control

over New York's culture. The Governor's exaggerated statements are reminiscent of the public exaggerations which surrounded the repeal of the Cabaret Law and the NYC rezoning, neither of which meant much because of the regulation by the SLA.

The Gaslighting in Describing the Proposed Bill

The Governor's proposal and the SLA"s supporting narrative are built on a foundation of administrative misunderstandings.

The "By Default" Illusion

The message claims it will "allow dancing by default" in taverns and bars. This is already technically true, absent silent restrictions by SLA. The reality is that venues are blocked not by a lack of "default" permission, but by Community Board objections and forced signings of so-called stipulation agreements. This bill does nothing to curb those gatekeepers.

The 500-Foot Law Preservation:

The Governor's message confirms that "qualifying license types" will still require community disclosure and comment periods "consistent with statutory obligations" and the SLA"s 500-foot law hearings, with 897 hearing in 2025. This means the 200/500-foot laws—the most destructive barriers to jazz clubs and restaurants—are preserved. This is not reform; it is a renewal of the status quo.

The SLA"s Inability to Define the Law

In direct discussions I have had with the State Liquor Authority, their leadership was unable to define a single "outdated restriction" that is allegedly being eliminated by Part Q. It is a humiliation for a state agency to lobby for "reform" when they cannot even articulate the current regulations they claim to be changing. If the regulator is this unknowledgeable about its own rules, it has no business drafting new ones.

The Ultra Vires Stipulation Trap

The State of the State message claims that Community Boards "will be able to maintain their role making further stipulations." This statement is questionable and sanctions the continuation of practices today that create a situation where thousands of venues are unable to offer music and dancing. Under the New York City Charter, Community Boards possess only advisory powers. They have zero statutory authority to enter into contracts to to impose "stipulations" that function as binding law.

Validating Ultra Vires Acts of Community Boards.

By treating these advisory comments as mandatory conditions for a license, the SLA is validating this ultra vires behavior—with no authority under the ABC Law. There is no reference to "stipulations" in the ABC Law. For the Governor to suggest "maintaining" this role is to suggest the state should continue codifying lawless, extra-judicial practices that have no basis in the New York City Charter or State law.

The Nightclub Fallacy

This proposal was clearly drafted by someone who views New York's culture through a narrow, uninformed lens. A restaurant that moves a few tables to allow patrons to dance to a live jazz trio is not a "nightclub." By forcing businesses into this false binary, the State is attempting to regulate spontaneous human expression as if it were a public nuisance rather than a protected constitutional right.

A Proactive Path Forward: Six Proposed Bills

To address these systemic failures, I am submitting for your consideration a package of six legislative bills (attached to this testimony). These bills provide the clear, non-redundant reforms New York actually needs to protect its cultural and hospitality sectors.

Action Required

We urge this Committee to strike or amend Part N to remove the terms "patron dancing" and "live music" and to reject the redundant language of Part Q.

We ask that you instead review our proposed legislative package to provide real relief for New York's musicians, dancers, and small businesses.

LIST OF PROPOSED BILLS

Bill 1: Methods of Operation May Not Prohibit Music and Dancing

Bill 2: Live Music And Patron Dancing Presumed To Be In The Public Interest

Bill 3: No Implicit Restrictions Against Live Music Or Patron Dancing Act

Bill 4: The Temporary Permit Expansion Act

Bill 5: The Independent And Exclusive Power Of The State Liquor Authority To Determine Methods Of Operation

•Bill 6: End The 500 Foot Law Act

Sincerely,

Alan D. Sugarman

ATTACHMENTS

- Newsletter 1
- Newsletter 2
- Proposed Legislative Package