

**STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF ALCOHOLIC BEVERAGE CONTROL**

IN THE MATTER OF RENEWAL)
OF THE COVID 19 EXPANSION OF)
PREMISES PERMIT)
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SR 2020-21
SPECIAL RULING AUTHORIZING
RENEWAL OF COVID-19 EXPANSION
OF PREMISES PERMIT

On June 3, 2020, the Division of Alcoholic Beverage Control (the “Division”) issued Special Ruling 2020-10 (“SR 2020-10”) establishing the COVID-19 Expansion of Premises Permit (“COVID-19 Expansion Permit”) to enable designated licensees and permittees to expand their licensed premises into outdoor areas, either contiguous or non-contiguous to their permanently licensed premises. This permit allowed licensees and permittees to sell alcoholic beverages in “outdoor areas,” as defined by Executive Order No. 150 (2020), and amended by Executive Order No. 163 (2020). Permits were available to the licensees and permittees set forth below as of June 15, 2020, and the term was set to expire on November 30, 2020. To date, the Division has issued over 2,300 COVID-19 Expansion Permits.

The Division continues to evaluate the effect of the COVID-19 pandemic on the alcoholic beverage industry. The Division has also received requests from many licensees seeking an extension of the expiration date of their COVID-19 Expansion Permits to enable them to sell alcoholic beverages in “outdoor areas” beyond November 30, 2020. In the Division’s view, as licensees continue to face indoor capacity limits and social distancing requirements due to the COVID-19 pandemic, it is appropriate and reasonable to allow licensees to apply to renew their COVID-19 Expansion Permits should they wish to continue selling and serving alcoholic beverages in “outdoor areas.” As such, the Division has created a renewal process for those licensees wishing to extend the term of the COVID-19 Expansion Permit. By way of this Special Ruling, the COVID-19 Permit may be extended to **March 31, 2021**. The Division is requiring a renewal application process with a nominal fee through its on-line licensing POSSE system (“POSSE”) in order to give the municipal issuing authorities an opportunity to endorse the application should it differ from the initial COVID-19 Expansion Permit.

Licensees must comply with all current COVID-19 safety measures as established by the Governor's Executive Orders and/or the New Jersey Department of Health ("NJDOH") directives, guidance and protocols regarding indoor and outdoor dining. Further, all seating areas subject to this permit must conform to all applicable State statutes and regulations and local zoning, building and fire codes.

If a licensee intends to modify the location of the permitted premises to an indoor area that is contiguous or non-contiguous to its licensed premises, it may complete the renewal process established herein and note in the application the proposed change in location. If the COVID-19 Expansion Permit is to apply to an indoor area, the licensee must have authorization from the property owner to use this space, the municipal issuing authority must approve the new location, and licensees must comply with all indoor capacity limits and other safety requirements established by Executive Orders and/or NJDOH.

I. Applicability.

The following licensees or permittees with COVID-19 Expansion Permits may apply for renewal:

1. Plenary Retail Consumption licensees ("33");
2. Plenary Retail Consumption licensees with the "broad package privilege" ("32") operating primarily as a bar/restaurant;
3. Seasonal Retail Consumption licensees ("34") which have one-day permits issued by the Director pursuant to N.J.S.A. 33:1-12(2)2;
4. Plenary Retail Consumption licensees operating under the Hotel/Motel exception ("36");
5. State Concessionaire permittees ("14");
6. Golf Facility permittees ("40");
7. Club licensees ("31");
8. Limited Brewery licensees ("11");
9. Restricted Brewery licensees ("08");
10. Plenary Winery licensees ("21");
11. Farm Winery licensees ("22");
12. Cidery and Meadery licensees ("02"); and
13. Craft Distillery licensees ("07").

II. Application Process and Review.

The application to extend the term for the COVID-19 Expansion Permit will be available exclusively through POSSE and will require the licensee/permittee to provide, at minimum, the following information:

1. Name, phone number, and e-mail address of the individual responsible for permit application;
2. Information pertaining to any proposed changes to the location or operating hours of the expanded premises, including any changes to the entity's security plan to address pass-offs, underage drinking, and over-consumption. A sketch or photograph of any new location and revised method of operation must be provided, if applicable;

3. Written approval or documentation from the public or private property owner authorizing the continued use of the expanded property by a licensee; and
4. Acknowledgement by licensee that it has reviewed all applicable State and local safety, fire, building and social distancing guidelines, including EO No. 150, EO No. 157, EO No. 163 and the COVID-19 Outdoor Dining Guidelines for Retail Food Establishment, and will operate the expanded premises in accordance with those guidelines or any that may be promulgated during the term of the permit.

An application to renew the COVID-19 Expansion Permit will require endorsement by the Chief Administrative Official where the license is located (municipal clerk, mayor, administrator, or other designated official) and the Chief Law Enforcement Officer with jurisdiction over the property where the license is located. An application received for property which is publicly-owned will require endorsement by the State agency or political sub-division thereof with authority over the property.

After submission by the licensee, the application will be available in the POSSE portal of the municipality. (A State agency or political sub-division with jurisdiction over the property on which the COVID-19 Expansion Permit is located will have to e-mail its endorsement to the Division.) The municipality or State agency or political sub-division will review the application and documents submitted, and endorse or deny the application. The same process must also be completed by the Chief Law Enforcement Officer with jurisdiction over the property where the permit will be sited.

A processing fee of \$10 is required in accordance with N.J.S.A. 33:1-74 and N.J.A.C. 13:2-5.5. Applications will be available on or about **October 30, 2020** and must be completed and submitted through POSSE by Monday, **November 23, 2020**. This submission date is intended to provide the municipality, State agency or political sub-division thereof ample time during a holiday week to review and endorse all applications prior to the expiration of the original permit. (November 30, 2020) If a permit holder fails to renew they must cease alcohol sales in the permitted area and apply for a new permit before resuming sales in that area.



JAMES B. GRAZIANO
ACTING DIRECTOR

Dated: October 19, 2020

Corrected day of week in last paragraph: 10/20/2020

