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COMMUNITY BOARD No. 2, MANHATTAN

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9/25/25

To: Jessica García
Chair
NYS Cannabis Control Board

Felicia A. B. Reid
Executive Deputy Director
Interim Executive Director
NYS Office of Cannabis Management

Dear Chair Garcia, and Deputy/Acting Executive Director Reid,

Community Board 2 Manhattan adopted the following resolutions on 18 September 2025:

#1 Resolution to Ensure Municipal Compliance, Transparency and Fraud Prevention in Cannabis Licensing

Context

1. **Whereas**, under current [NYS Cannabis Control Board](https://cannabis.ny.gov/)¹ (CCB) and Office of Cannabis Management (OCM) guidelines there are a number of deficiencies in municipal notice that undermine transparency, burden municipalities and applicants, risk municipal and state complicity in fraud, and erode public trust in the licensing process; and

Legal Requirements

2. **Whereas**, improvements in the municipal notice process are necessary to enhance transparency, and ensure consistent, lawful, and verifiable engagement between cannabis

¹ <https://cannabis.ny.gov/>

license applicants, Community Boards/municipalities, and the CCB/OCM, ultimately protecting all stakeholders including the public; and

3. **Whereas**, per the [Marihuana Regulation and Taxation Act \(MRTA\)](#)², and pursuant to Section 76 of the Cannabis Law, applicants must notify the municipality in which a proposed premises is located not less than thirty days nor more than two hundred seventy days before filing an application for licensure; and
4. **Whereas**, in New York City, the Community Board (CB) established pursuant to Section 2800 of the New York City Charter is designated as the appropriate public body to receive such notice; and
5. **Whereas**, the law requires notification to be made by certified mail with return receipt, overnight delivery with proof of mailing, or personal service upon the CB or municipal clerk using the [standardized Notification to Municipality \(NTM\) form](#)³ available on the OCM website; and
6. **Whereas**, the OCM ***“does not consider an application for a retail dispensary or microbusiness (with retail authorization) filed with the Office until: 1) the applicant provides proof of control over the proposed retail location; 2) the applicant provides proof of notification to the municipality; and 3) the applicant receives a location determination from the Office as to whether the retail location meets the proximity requirements in the Cannabis Law and corresponding regulations”***⁴; and

Deficiencies

7. **Whereas**, the OCM's municipal overview guidance for provisional licensees permits notification to occur only once a location has been secured, which contradicts Cannabis Law §76 that defines notification as a declaration of intent that must precede state application filing; and
8. **Whereas**, applicants frequently omit critical details on Notification to Municipality (NTM) forms, including the principal licensee name, ownership stakeholders, license number, DBA, corporate entity, and OCM application number, leading to confusion and incomplete review; and
9. **Whereas**, Community Boards/ municipalities are increasingly seeing licensees/applicants attempt to circumvent municipal obligations by claiming to have submitted notice when they have not, by submitting false locations, sending empty envelopes via mail and presenting the return receipt to the OCM as proof of service, and by providing invalid email addresses and phone numbers to avoid communication with the municipality; and
10. **Whereas**, even when information is provided, license numbers and applicant names often do not match the licensed corporate entity, making verification difficult; and

² <https://cannabis.ny.gov/marihuana-regulation-and-taxation-act-mrta>

³ <https://cannabis.ny.gov/system/files/documents/2023/09/notice-to-municipalities-form.pdf>

⁴ <https://cannabis.ny.gov/system/files/documents/2023/11/au-municipalities.pdf>

11. **Whereas**, municipal staff may inadvertently accept or stamp incomplete forms, which applicants could later alter, creating risks of fraud; and
12. **Whereas**, notices have at times been submitted or presented by individuals unaffiliated with the applicant or licensee, and in some cases without the applicant's knowledge or consent; and
13. **Whereas**, some licensees and applicants claimed to have satisfied notice requirements, yet failed to do so, and were nevertheless licensed; and
14. **Whereas**, citywide, multiple licenses have been approved and activated without submitting municipal notice, including QUIA AMO LLC OCM-MICR-24-000061 / OCMMICR-2023-00052 in CB2 at 99 Vandam St. 10013; and
15. **Whereas**, the NTM form does not provide fields for changes in method of operation, relocations, transfers, corporate changes, endorsements, growers showcases, or temporary permits such as Cannabis Events/Growers showcases, all of which may require municipal notice; and
16. **Whereas**, NTM form fields are unclear creating confusion for licensee/applicants about what information is being requested and is required; and
17. **Whereas**, there is no email field for attorney or representative email information, further impeding verification and flow of information; and
18. **Whereas**, municipalities and CBs are often forced to perform due diligence with limited or inaccurate information, identifying fraudulent leases, suspected illicit affiliations, and prior license violations, yet such findings are inconsistently considered in licensing decisions; and
19. **Whereas**, the absence of a centralized, accessible database of licensees and applicants prevents municipalities from efficiently verifying applicant details, as compared to other regulatory databases such as the Citywide Event Coordination and Management's (CECM) Street Activity Permit Office system (SAPO).

Therefore, Be It Resolved, that Community Board 2 Manhattan (CB2M) recommends that NYS Cannabis Control Board (CCB) and Office of Cannabis Management (OCM) :

1. **Immediately implement significant improvements to the municipal notice process to address recurring deficiencies**, reduce risks of fraud or misrepresentation, streamline the licensing process, reduce municipal burden, and strengthen public confidence in the legal cannabis market.
2. **Be It Further Resolved**, that CB2M specifically recommends that the CCB and OCM **revise Notification to Municipalities form OCM-06009** to require the inclusion of:
 - a. All Applications:

- i. OCM application number;
- ii. OCM license number (if applicable);
- iii. License type;
- iv. Application/License status;
- v. DBA;
- vi. Corporate entity name;
- vii. Principal licensee name;
- viii. Names of all True Parties of Interest (TPIs);
- ix. Proposed hours of Operation;
- x. Attorney or authorized representative contact information including email.

b. Types of Applications

- i. New establishments;
- ii. Transfers of existing licensed businesses;
- iii. Renewals;
- iv. Alterations to premises;
- v. Amendment to hours of operation;
- vi. Relocations;
- vii. Corporate changes of any kind including investors, branding, and management services agreements;
- viii. [Endorsements](#), including name changes (corporate/DBA);
- ix. Growers showcases;
- x. Cannabis Events.

5. Be It Further Resolved, that the CCB and OCM **establish a centralized, secure database accessible to relevant city agencies** including Community Boards/municipalities that includes for each licensee or applicant:

- | | |
|--|--------------------------------------|
| a. License and/or application number; | e. License status; |
| b. Contact information; | f. Date of licensing; |
| c. Names of all individuals on each license; | g. Date of expiration; |
| d. License type; | h. Date of location submission; |
| | i. OCM location verification report. |

6. Be It Further Resolved, that the CCB and OCM:

- a. **Implement verification mechanisms** to ensure that only authorized licensees or representatives may submit or present notice, and provide guidance to municipal staff to identify fraudulent or inaccurate submissions.
- b. **Enact and enforce penalties** against any applicant or representative who knowingly submits false, misleading, or incomplete information, including fraudulent leases, misrepresentation of affiliation, or failure to properly notify municipalities as required by law.
- c. **Provide standardized instructions** and training for applicants, community boards, and municipalities to ensure clear understanding of statutory obligations, benefits of municipal engagement, and consistent processes for notice review.

#2 Resolution urging the New York State Legislature to require municipal approval in the siting of adult-use cannabis licenses and applications within 500-feet of schools, and to use inclusive language

1. **Whereas**, the legalization of adult-use cannabis in New York was enacted with the stated goals of advancing equity, restorative justice, and economic opportunity for historically harmed communities; and
2. **Whereas**, deficiencies in the Cannabis Law and its regulations have plagued the legal industry since the end of prohibition, resulting in lawsuits, injunctions, confusion, uncertainty, distress, and financial hardship for applicants and licensees; and
3. **Whereas**, [Senate Bill S8469](#)⁵, introduced by Senator Sepúlveda, seeks to preserve the eligibility of dispensaries approved under prior Office of Cannabis Management (OCM) guidance, even if those locations are within 500 feet of schools; and
4. **Whereas**, the bill fails to account for the role of municipalities in the licensing process, raising serious questions:
 - a. Did local governments approve or oppose any of these dispensaries?
 - b. Were concerns about proximity to schools considered?
 - c. Why is municipal opinion not the foremost consideration in determining whether exceptions or variances should be allowed?; and
5. **Whereas**, meaningful municipal input is essential, as local governments and Community Boards are best positioned to weigh public health, safety, and welfare considerations in their districts, particularly where dispensaries may be sited near sensitive locations such as schools; and
6. **Whereas**, the language of the Sponsor's Memo to S8469 includes the term "grandfathers," a word that originates from "grandfather clauses" used during the Jim Crow era to disenfranchise Black voters;
 - a. "SUMMARY OF PROVISIONS: Section 1: Amends Cannabis Law Section 72 by adding new subdivision 7, which **grandfathers** in any licenses that were approved in error by the Office of Cannabis Management prior to July 28, 2025." :and
7. **Whereas**, continued use of this term is both harmful and contradictory to the equity and justice values the cannabis legalization framework was designed to advance, especially for Black and brown communities disproportionately harmed by past prohibition; and
8. **Whereas**, In 2020, the CB2 Equity, Race and Justice Working Group pledged to stop using, and discourage the use of the term due to its racist origins, replacing it with

⁵ <https://legislation.nysenate.gov/pdf/bills/2025/s8469>

“Pre-existing Non-Conforming Use; one month later, the [Massachusetts Appeals Court announced it would no longer use the term](#)⁶ for the same reason; and

9. **Whereas**, “Pre-existing Non-Conforming Use,” “Pre-exempted,” “Legacy,” “Irregular Status,” “Continued Eligibility,” or “Maintained Under Former Non-Conforming Status,” that would uphold equity while avoiding language rooted in racist exclusion.

Therefore, Be It Resolved, that Community Board 2 Manhattan urges the New York State Legislature to amend the Cannabis Law, and particularly Senate Bill S8469, to **require municipal approval before permitting any dispensary to operate within 500 feet of a school**; and

Be It Further Resolved, that the NYS Legislature be urged to replace the terms “grandfather”, “grandfathers”, “grandfathered” and “grandfathering” with an inclusive and equitable alternative consistent with the principles of restorative justice upon which NYS Cannabis Law is built.

#3 FY27 CLC District Needs Statement and FY27 Budget Priorities

Allocate funding to establish the Office of Cannabis Business Services as proposed by City Council [Int 0285-2022](#), and urge full funding and implementation of the city agency. Community Board 2 Manhattan emphasizes that the Office of Cannabis Business Services should actively work with and support community boards, licensees, applicants, elected officials, and city agencies to ensure equitable participation in the cannabis industry, promote social and economic equity for communities disproportionately impacted by cannabis prohibition, provide legal, technical, and financial assistance, and monitor and evaluate the implementation of cannabis regulations across the City.

VOTE: Yea-30, abstentions-3

Adopted 9/18/25

Respectfully submitted,



Valerie De La Rosa, Chair
Community Board 2, Manhattan



Mar Fitzgerald, Chair
Cannabis Licensing Committee (CLC)
Community Board 2, Manhattan

VDL/fa
cc:

Hon. Kathy Hochul, Governor of the State of New York
Hon. Daniel Goldman, Congressman
Hon. Brad Hoylman-Sigal, NYS Senator
Hon. Brian Kavanaugh, NYS Senator
Hon. Luis R. Sepúlveda, NYS Senator

⁶ <https://www.nytimes.com/2020/08/03/us/racism-massachusetts-grandfathering.html>

Hon. Robert Jackson, NYS Senator
Hon. Patricia Fahy, NYS Senator
Hon. Liz Krueger, NYS Senator
Hon. Crystal Peoples-Stokes, NYS Senator
Hon. Grace Lee, Assembly Member
Hon. Deborah Glick, Assembly Member
Hon. Harvey Epstein, Assembly Member
Hon. Eric Adams, Mayor of the City of New York
Hon. Jumaane Williams, NYC Public Advocate
Hon. Brad Lander, NYC Comptroller
Hon. Mark Levine, Manhattan Borough President
Hon. Erik Bottcher, Council Member
Hon. Christopher Marte, Council Member
James Rogers, Director Trade Practices Bureau/Deputy General Counsel, NYS OCM
Pascale Bernard, Deputy Director of Intergovernmental Affairs, NYS OCM
Philip Rumsey, Manager of Intergovernmental Outreach, NYS OCM
Tahlil McGough, Deputy Director of Legislative Affairs , NYS OCM