



Updates as of **July 19th 2023**

- Newly added Questions 8 – 14, cover an updated process for CAURD submitting a location survey which place a timeline and limit on the number of potential locations over which a provisional CAURD licensee can maintain proximity protection. These questions should be read in their entirety and the new process will be effective immediately.
- Modified Question 19
- New Question 20 on locations of temporary delivery only locations.
- Updated language in Question 23 about the location assessment procedure.
- New Question 30 about the CAURD Capital Loan program which is under development and will be able to share more information soon.

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Frequently Asked Questions:

1. As a CAURD licensee, what are my retail dispensary location options?

A: CAURD licensees have three options available to them to move forward with a retail dispensary location. A CAURD licensee can either be matched with a location secured by the New York Social Equity Investment Fund (“Fund” location), propose a retail location for the Fund to consider, or bring their own retail dispensary location outside of Fund support. To move forward on any option, CAURD licensees must complete the NYS Office of Cannabis Management (Office) [CAURD Location Survey](#). On the survey, licensees will be able select the appropriate option and propose locations to the Office for review. The information below outlines a CAURD licensees’ options in more detail:

OPTION #1: CAURD licensees could be matched with a location secured by the Fund which is securing retail dispensary locations across New York State. These locations, known as ‘**Fund Locations**’ will be made available to CAURD licensees on a rolling basis. CAURD licensees will receive information about the locations from the Office as locations become available in their region.

OPTION #2: CAURD licensees may also identify an available retail dispensary location to propose to the Fund, known as a ‘**Licensee Identified Location,**’ for inclusion in the Fund’s program which includes access to the suite of services included in the program.

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The Fund will conduct a business/proximity analysis to determine whether the site meets the requirements for inclusion in the Fund program.

OPTION #3: CAURD licensees may also submit a retail dispensary location which they own or have obtained the right to use as a retail dispensary (*for example, a signed letter from the landlord of the property, stating that lease negotiations are ongoing, or will begin pending notification from the Office of location approval*), known as a ‘**Licensee Provided Location**’.

All proposed locations must be submitted to the Office for review via the [CAURD Location Survey](#). All locations will be reviewed for retail dispensary proximity limitations and restrictions as outlined in the Cannabis Law and any corresponding guidance.

In addition to the options above, all licensees who have not yet received final approval to begin sales out of a storefront retail dispensary location, are entitled to submit a location for a Temporary Delivery-Only location (TDO). TDOs are subject to many of the same distancing requirements as a storefront retail dispensary but are allowed to locate in a broader range of building structures, given that they are not serving in-person customers. TDOs are not eligible for Fund support. All proposed TDO locations must be submitted to the Office via the [CAURD Location Survey](#). For more information on CAURD delivery rules please refer to the [CAURD Delivery Guidance Document](#).

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2. What is a ‘Fund Location’?

A: A ‘Fund Location’ is a site that has been secured, vetted, built-out and leased by the Fund. Fund Locations are sub-leased to the CAURD licensee matched with that location, and all sub-leases are accompanied by a loan agreement, which gives the CAURD licensee a repayment schedule for the cost of the lease and buildout plus ancillary costs and interest. CAURD licensees who are presented with a Fund Location will receive more information on loan terms after being matched with an available location. The Fund provides licensees with locations that are ready-to-operate. Fund benefits include:

- Premium retail location to create a successful retail opportunity;
- Critical access to capital for upfront lease costs and construction to preserve licensee capital resources;
- Complete design, permitting and construction services;
- Banking and point of sale services;

For more information regarding Fund Locations and the services provided to Licensees under the program visit CAURD Social Equity Investment Fund Program Frequently Asked Questions or contact locations@sei-ventures.com. CAURD licensees who are

presented with a Fund Location will receive more information on loan terms after being matched with an available location.

When a Fund Location becomes available, the Office will send an e-mail to the CAURD licensees in the region the Fund Location is located with details of the sublease. CAURD licensees will then have a set period of time to communicate with the Office expressing interest in the Fund Location. If more than one CAURD licensee expresses interest in the Fund Location, the location will be matched with the CAURD licensee who has the highest score on their application, who will then be able to begin negotiations with the Fund.

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3. How often do Fund Locations become available?

A: Because the availability of locations varies by region, the Office is not able to provide an estimated timeline for licensees to be matched with a Fund Location. Fund Locations are shared with licensees as they become available on a rolling basis. In the interim, or as an alternative approach, CAURD licensees are permitted to look for their own retail dispensary location or obtain a Temporary Delivery-Only location while also waiting for the potential of being matched with a Fund location in their region.

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4. What is a ‘Licensee Identified Location’?

A: A Licensee Identified Location is a retail dispensary location that a Licensee has found on their own but would like to submit to the Fund to review for potential Fund support. The first step for a CAURD licensee will be to submit the Licensee Identified Location via the [CAURD Location Survey](#). CAURD Location Survey for the Office to review the retail dispensary proximity limitations and restrictions as outlined in the Cannabis Law and any corresponding guidance. If approved, the Office will send the proposed location to the Fund for consideration. The Fund will review the location and reach out directly to the licensee on whether it is approved or rejected.

If the Fund approves of the site, they will begin negotiations with the landlord of that location to secure the lease. Assuming successful completion of those negotiations, and pending a potential site buildout, the Fund will sublease the Licensee Identified Location back to the CAURD licensee who will then operate the retail dispensary in an identical manner to any licensee in a Fund Location.

If the Fund declines to support the Licensee Identified Location, and it does not conflict with another retail dispensary location, the CAURD licensee may pursue negotiations with the landlord of that location on their own, outside of Fund program, as if it were a Licensee Provided Location.

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5. What is a ‘Licensee Provided Location’?

A: A Licensee Provided Location is a retail dispensary location that a licensee owns or has obtained the right to use as a retail dispensary (*for example, a Letter of Intent or signed letter from the landlord of the property, stating that lease negotiations are ongoing, or will begin pending notification from the Office of location approval*) that the licensee hopes to lease as their CAURD location.

A Licensee Provided Location is not eligible for Fund support. CAURD licensees providing their own location must be operationally and financially equipped to do these activities and licensees so situated may benefit from additional flexibility including opening on their own timeline and finding a location that best fits the CAURD licensee.

Licensee Provided Locations must be submitted to the Office via the [CAURD Location Survey](#) for the Office to review the retail dispensary proximity limitations and restrictions as outlined in the Cannabis Law and any corresponding guidance. If approved, the Office will send the CAURD Licensee a ‘Location Approval Letter’ outlining the next steps the CAURD licensee must complete to receive final license approval and begin operations.

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6. What is a ‘Temporary Delivery-Only Location’ or ‘TDO’?

A: TDOs are locations provided by CAURD licensees for the purposes of serving customers through delivery-only services. TDOs are authorized to fulfill delivery orders for up to one year after receiving approval from the Office. For the purposes of delivery transactions, licensees may only receive cannabis products from a duly licensed distributor, accept delivery orders online or by phone from customers who are twenty-one years of age and older, and deliver products to those customers from their approved location to the residential address location provided by the customer. More information about delivery authorizations is available at the Office’s delivery guidance: [Delivery Guidance](#).

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7. How do I submit my Licensee Identified Location to the Fund for consideration?

A: The first step for a CAURD licensee will be to submit the “Licensee Identified Location” via the [CAURD Location Survey](#) for the Office to review the retail dispensary proximity limitations and restrictions as outlined in the Cannabis Law and any corresponding guidance. If approved, the Office will send the

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proposed location over to the Fund for consideration. The Fund will then review and reach out directly to the CAURD licensee to discuss the proposed location.

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8. What are the different options for a CAURD on the Location Survey?

A: CAURD licensees have four options for securing a location:

Option 1: CAURD licensees could be matched with a location secured by the Fund.

Option 2: CAURD licensees may identify an available retail dispensary location to propose to the Fund, known as a ‘Licensee Identified Location’.

Option 3: CAURD Licensees may submit a retail dispensary location for which they have a landlord letter of intent, own, or have obtained the right to use as a retail dispensary without Fund support, known as a ‘Licensee Provided Location’.

Option 4: CAURD licensees may submit a temporary delivery only, or ‘TDO’ location, which they own or have obtained the right to use. If approved, CAURD licensees may operate on a 12-month temporary basis pursuant to the Office’s temporary delivery guidance. CAURD licensees are not authorized to pursue a TDO location once their storefront dispensary has been approved to open.

NEW. CAURD licensees can now enter a location, to conduct a location viability check. The purpose of the “Location Viability Check” option allows a CAURD to check if a proposed location meets the proximity rules outlined in the Cannabis Law and any corresponding guidance but does not grant the CAURD proximity protection from other licensees submitting dispensary locations to the Office. A landlord letter of intent, lease, deed, title, proof of mortgage or an equivalent document demonstrating some interest or discussion has occurred with the landlord of the property is still required for the Office to conduct a “Location Viability Check”. This option allows a CAURD to check a location before having the proposed location being designated as the CAURD priority location which receives proximity protection.

Provisional licensees may only have proximity protection over one Licensee Identified Location or Licensee Provided Location on record with the Office at a given time. Proximity protection grants either a 1,000- or 2,000-foot radius around a proposed retail dispensary location, based on the local municipality’s population. CAURD licensees may swap their proximity protection to a different location by submitting a new location survey. Please note, if a new location survey requesting proximity review is submitted to the Office to review and is approved, any previous priority location that is receiving proximity protection will automatically be removed.

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Provisional licensees will be required to demonstrate progress towards obtaining the right to use the proposed location as a retail dispensary to retain their proximity protection. If evidence of further negotiations cannot be produced after twenty (20) business days, the proximity protection is removed. Proximity protection can be renewed more than once.

Proximity protection for proposed locations will be granted on a first come, first serve basis, based on the timing of the submission of a survey. The Office anticipates a standard review time of 7-10 business days from survey submission.

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9. What information is required to submit on the CAURD Location Survey?

A: The location survey requires applicants to select their regional selection, provide address information, and upload proof of their right to occupy or lease the space or a letter of intent from the landlord of the proposed retail location. The same information is required for a “Location Viability Check” and when submitting a location as a licensee identified or licensee provided location.

Please find the location survey linked here: [CAURD Location Survey](#).

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10. Can I submit multiple CAURD location surveys and hold multiple locations at one time?

A: CAURD are permitted to submit multiple locations via the Location Survey, however, a CAURD may only have one priority location receiving proximity protection at a time. The “Location Viability Check” option allows a CAURD to check if a proposed location meets the proximity rules outlined in the Cannabis Law and any corresponding guidance but does not grant the CAURD proximity protection from other licensees submitting dispensary locations to the Office.

By selecting the Licensee Provided Location or Licensee Identified Location option on the Location Survey, a CAURD is submitting a location to receive proximity protection. A CAURD licensee may only have one location receiving proximity protection (1,000- or 2,000-foot distance from other dispensaries) at a time. The Office will consider the CAURD’s most recent survey submission as the location which will receive proximity protection.

This policy exists to help level the playing field for CAURD submitting proposed locations to the Office, preventing one CAURD from being able to “lock up” an area by receiving proximity protection for multiple locations. Proximity protection for proposed locations will be granted on a first come, first serve basis, based on the timing of the submission of a survey

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After the review of a location submitted for Priority Review, the Office will either send a preliminary location approval letter which indicates the location meets the proximity requirements for retail dispensaries or a denial letter which specifies the reasoning why a proposed location does not meet the proximity requirements. If the CAURD receives a location approval letter, the CAURD can proceed with [notifying their municipality](#) and starting the post-selection application process.

Please do not email the Office to request a change in the licensee's Priority Review Location. All changes should be submitted through the location survey.

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11. After I submit a Location for Proximity Protection, can I change my response?

A: CAURD may swap the location they are pursuing for proximity protection location that is receiving proximity protection by submitting a new location survey with a landlord letter of intent, lease, deed, title, or proof of mortgage for that premises. A provisional licensee may also terminate their negotiating location receiving proximity protection by emailing the Office at AUlicensing@ocm.ny.gov. In either instance, the location will be released for other provisional licensees to pursue.

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12. Do Temporary Delivery Only Locations receive proximity protection?

A: No. Temporary Delivery Only locations must meet the Cannabis Law distance requirements from Schools and places of worship but are not evaluated by distances to other dispensaries. To receive preliminary approval for a temporary delivery only location, select that option on the location survey.

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13. How long does my priority over a location last once granted?

A: Every 20 business days, provisional licensees must demonstrate to the Office progress towards obtaining the right to use their proposed location as a retail dispensary to retain priority over the location. If after twenty (20) business days, the provisional licensee cannot produce evidence of further negotiations through an updated letter of intent, communications, proposed or signed lease, proof of acquisition of the property, or proof they are proceeding with the municipal notification process, their proximity protection terminates.

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14. Is a Licensee Identified Location granted proximity protection from other proposed dispensaries?

A: Provisional licensees who submit a Licensee Identified Location retain proximity protection over the location while the Fund decides whether it will pursue the location. If the Fund declines to invest in the location, the provisional licensee may pursue the location as a Licensee Provided Location (without Fund support). In order to receive proximity protection for the location, the provisional licensee must submit the location survey under the Licensee Provided Location option.

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15. Can a CAURD licensee operate out of a Licensee Provided Location and then move into a new location if one is offered by the Fund at a later date?

A: No. If a CAURD Licensee receives final license approval to commence operations at a Licensee Provided Location, they are then unable to switch to a Fund location later. However, if a CAURD licensee submits a Licensee Provided Location for preliminary approval and has not yet received final approval to conduct adult-use cannabis operations, the CAURD licensee may select a Fund location if it is offered to them.

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16. If I open my own Temporary Delivery-Only location, can I still qualify for a Fund-location?

A: Yes. A Temporary Delivery-Only location does not impact your ability to qualify for a Fund location retail storefront.

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17. Can CAURD licensees open multiple retail dispensary locations?

A: While the Cannabis Law allows a person to hold up to three retail dispensary licenses, the Office is only permitting CAURD licensees to hold one retail dispensary storefront license at this time. Licensees should remain apprised of future regulations, guidance and application windows related to the issuance of additional retail dispensary licenses. Every retail dispensary location and TDO location must be licensed by the Office.

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18. I have a question for the Office about a proposed retail dispensary location. What is the best way to contact the Office?

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A: Questions about proposed retail dispensaries or any questions about your license or the CAURD program should be sent to AUlicensing@ocm.ny.gov. Please note, that emails may take two or three business days to respond to and that location survey submissions typically take one week to ten business days to receive a response from the Office.

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19. Can a provisionally approved CAURD licensee open a retail dispensary location in a geographic region other than the top preference region selected on the CAURD application?

A: A provisionally approved CAURD licensee may only open a retail dispensary storefront location in the geographic region for which they were awarded their license by the Cannabis Control Board.

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20. Can a provisionally approved CAURD licensee open a temporary delivery only location in a geographic region other than the top region selected on the CAURD application?

A: Provisional licensees may only open a TDO location in the geographic region for which they were awarded their license by the Cannabis Control Board, except CAURD licensees in New York City may open a TDO location in any region of New York City, and Long Island CAURD licensees may open a TDO location in Mid-Hudson, Queens, or The Bronx.

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21. Can a provisionally approved CAURD licensee open a retail dispensary in a municipality that has opted out?

A: No, a retail dispensary or temporary delivery location may not be located in a municipality (towns, cities, and villages) that has opted out of allowing adult-use retail dispensaries before December 31, 2021. A list of municipalities that have opted out is available on the Office's [website](#). More information about proximity requirements for retail dispensaries can be found in the [Retail Dispensary Guidance](#).

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22. How will I be notified of Fund locations that become available in my geographic region?

A: You will receive an email from the Office when there is a Fund location available in your region.

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23. How does the Office assess a CAURD licensee’s retail dispensary location submission?

- A:** Upon submission of a location through the location survey, the Office assesses:
- The opt-out status of the municipality in which the proposed dispensary is located;
 - A full list can be found on the [local government page](#) of the Office website.
 - The distance from an existing medical dispensary;
 - A full list can be found on the [dispensing facilities page](#) of the Office website.
 - The distance from any existing or proposed adult-use dispensaries;
 - A full list of existing adult-use dispensaries can be found on the [dispensary verification page](#) of the Office’s website.
 - The Office retains information on proposed dispensaries that have received proximity protection. This information changes as new locations are identified. The Office will check your proposed location for distance requirements with proposed dispensaries receiving proximity protection.
 - The distance from a proposed Fund location;
 - Whether there is a house of worship on the same road and within 200-feet; and
 - Whether there is a school or school grounds on the same road and within 500-feet.

If a location complies with each of these provisions the Office will notify the licensee of next steps to continue with their CAURD post selection application.

Provisional licensees are encouraged to research the viability of locations based on the criteria listed above before submitting through the location survey for Office approval. This tool analyzes distance from known retail dispensary locations in the database.

Additional zoning information can be found on the Retail Dispensary Guidance: [Retail Dispensary Guidance](#). Publicly available tools to check proximity are [Google Maps](#) and the New York State Liquor Authority LAMP system: <https://lamp.sla.ny.gov/>.

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24. Is the Office looking for a particular length of a lease for a Licensee Provided Location?

A: No, if a CAURD licensee is bringing their own location there is no Office requirements for the term of the lease for a Licensee Provided Location. However, leases held by the Fund are anticipated to have ten (10) year terms.

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25. Are CAURD provisional licensees required to complete the 30-day notice to the community board and municipalities process?

A: Yes, the 30-day notice to the municipality is a requirement for those seeking to open a CAURD retail dispensary location. This is a requirement pursuant to Section 76 of the Marihuana Regulation & Taxation Act (MRTA). The Office’s Notification to Municipality form can be found at the following link: [Notification to Municipalities. It is recommended that the municipal notification process begin after receiving location approval from the Office.](#)

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26. I have obtained a retail dispensary location. When should I submit my Notification to Municipalities form?

A: Provisional licensees seeking to bring their own locations (Licensee Provided Location) are encouraged to start the municipal notification process upon receiving approval of their proposed location by the Office. The Office encourages licensees to familiarize themselves with their local zoning rules before submitting locations for the Office’s preliminary approval, as such approval does not constitute recognition of compliance with local ordinances.

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27. I have been matched with a Fund location. What are the next steps?

A: Once matched to a Fund location, the Fund will contact matched licensees to begin the design and construction process and execute necessary agreements. More detailed instructions are provided in the email the Office sends when notifying the licensee of the match. All CAURD licensees matched with Fund locations will need to complete the CAURD Post-Selection application to receive final approval to begin adult-use cannabis operations.

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28. What is the process for submitting a Temporary Delivery-Only location?

A: The process is the same as for the submission of a retail storefront location. Please submit the proposed location survey linked: [CAURD Location Survey.](#)

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29. I am trying to get a response from the Office but have not received one. What is the best way to receive a response?

A: Email aulicensing@ocm.ny.gov following up with your question or the details of your message. If you have not received a response from the Office within 1-2 weeks, you should follow-up and request clarification whether the original message was received.

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30. Where is there more information about the capital expenses loan program for Licensee Provided Locations?

A: More information about the CAURD capital expenses loan program will be made available shortly by the Office.

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