S T A T E O F N E W Y O R K

114

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sen. PERALTA -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the alcoholic beverage control law, in relation to creating a liaison between the state liquor authority and local community boards and providing a sixty day notification period for community boards before the issuance of a new license, renewal of a license or alteration of a license

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The alcoholic beverage control law is amended by adding a new section 110-c to read as follows:

S 110-C. AUTHORITY COMMUNITY LIAISON. 1. THE AUTHORITY SHALL APPOINT A COMMUNITY LIAISON FOR EACH COMMUNITY BOARD IN THE CITY OF NEW YORK.

2. THE COMMUNITY LIAISON IS REQUIRED TO ENSURE THAT THE COMMUNITY BOARD RECEIVES ALL PROPER NOTIFICATIONS OF LICENSE ISSUANCE, RENEWAL OR ALTERATIONS THAT ARE REQUIRED UNDER THE PROVISIONS OF THIS CHAPTER.

3. THE COMMUNITY LIAISON IS RESPONSIBLE FOR:

(A) ATTENDING THE MEETINGS OF THE COMMUNITY BOARD, UPON THE REQUEST OF SUCH COMMUNITY BOARD, FOR WHICH HE OR SHE IS ACTING AS THE LIAISON;

(B) SUBMITTING REPORTS TO THE AUTHORITY WITH RESPECT TO ISSUES OF CONCERN OF THE COMMUNITY BOARD FOR WHICH HE OR SHE IS THE LIAISON;

(C) SUBMITTING ANY COMMUNITY BOARD RECOMMENDATIONS TO THE AUTHORITY; AND

(D) INFORMING THE COMMUNITY BOARD OF EVERY REGULARLY SCHEDULED MEETING OF THE LIQUOR AUTHORITY AND PROVIDING AN AGENDA FOR SUCH MEETING AT LEAST FIFTEEN DAYS PRIOR TO THE MEETING.

S 2. The opening paragraph of subdivision 1 of section 110-b of the alcoholic beverage control law, as amended by chapter 560 of the laws of 2011, is amended to read as follows:

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

Not less than thirty days before filing any of the following applications WITH THE STATE LIQUOR AUTHORITY IF A PREMISE IS LOCATED WITHIN A MUNICIPALITY OR NOT LESS THAN SIXTY DAYS BEFORE FILING ANY OF THE FOLLOWING APPLICATIONS WITH THE STATE LIQUOR AUTHORITY IF A PREMISE IS LOCATED WITHIN THE CITY OF NEW YORK, an applicant shall notify the municipality OR THE COMMUNITY BOARD in which the premises is located of such applicant's intent to file such an application:

S 3. Paragraph (f) of subdivision 7 of section 64 of the alcoholic beverage control law, as amended by chapter 185 of the laws of 2012, is amended to read as follows:

(f) Notwithstanding the provisions of paragraph (b) of this subdivision, the authority may issue a license pursuant to this section for a premises which shall be within five hundred feet of three or more existing premises licensed and operating pursuant to this section and sections sixty-four-a, sixty-four-b, sixty-four-c, and/or sixty-four-d of this article if, after consultation with the municipality or community board, it determines that granting such license would be in the public interest. Before it may issue any such license, the authority shall conduct a hearing, upon notice to the applicant and the municipality or community board, and shall state and file in its office its reasons therefor. The hearing may be rescheduled, adjourned or continued, and the authority shall give notice to the applicant and the municipality or community board of any such rescheduled, adjourned or continued hearing. Before the authority issues any said license, the authority or one or more of the commissioners thereof may, in addition to the hearing required by this paragraph, also conduct a public meeting regarding said license, upon notice to the applicant and the municipality or community board. The public meeting may be rescheduled, adjourned or continued, and the authority shall give notice to the applicant and the municipality or community board of any such rescheduled, adjourned or continued public meeting. Notice to the municipality or community board shall mean written notice mailed by the authority to such municipality [or community board] at least fifteen days in advance OR TO SUCH COMMUNITY BOARD AT LEAST THIRTY DAYS IN ADVANCE of any hearing scheduled pursuant to this paragraph. Upon the request of the authority, any municipality [or community board] may waive the fifteen day notice requirement OR ANY COMMUNITY BOARD MAY WAIVE THE THIRTY DAY REQUIREMENT. No premises having been granted a license pursuant to this section shall be denied a renewal of such license upon the grounds that such premises are within five hundred feet of a building or buildings wherein three or more premises are licensed and operating pursuant to this section and sections sixty-four-a, sixty-four-b, sixty-four-c, and/or sixty-four-d of this article.

S 4. Paragraph (d) of subdivision 7 of section 64-a of the alcoholic beverage control law, as amended by chapter 185 of the laws of 2012, is amended to read as follows:

(d) Notwithstanding the provisions of subparagraph (ii) of paragraph (a) of this subdivision, the authority may issue a license pursuant to this section for a premises which shall be within five hundred feet of three or more existing premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-b, sixty-four-c, and/or sixty-four-d of this article if, after consultation with the municipality or community board, it determines that granting such license would be in the public interest. Before it may issue any such license, the authority shall conduct a hearing, upon notice to the applicant and the municipality or community board, and shall state and file in its

office its reasons therefor. Notice to the municipality or community board shall mean written notice mailed by the authority to such municipality [or community board] at least fifteen days in advance OR TO SUCH COMMUNITY BOARD AT LEAST THIRTY DAYS IN ADVANCE of any hearing scheduled pursuant to this paragraph. Upon the request of the authority, any municipality [or community board] may waive the fifteen day notice requirement OR ANY COMMUNITY BOARD MAY WAIVE THE THIRTY DAY NOTICE REQUIREMENT. The hearing may be rescheduled, adjourned or continued, and the authority shall give notice to the applicant and the municipality or community board of any such rescheduled, adjourned or continued hearing. Before the authority issues any said license, the authority or one or more of the commissioners thereof may, in addition to the hearing required by this paragraph, also conduct a public meeting regarding said license, upon notice to the applicant and the municipality or community board. The public meeting may be rescheduled, adjourned or continued, and the authority shall give notice to the applicant and the municipality or community board of any such rescheduled, adjourned or continued public meeting. No premises having been granted a license pursuant to this section shall be denied a renewal of such license upon the grounds that such premises are within five hundred feet of a building or buildings wherein three or more premises are licensed and operating pursuant to this section and sections sixty-four, sixty-four-b, sixty-four-c, and/or sixty-four-d of this article.

S 5. Paragraph (c) of subdivision 11 of section 64-c of the alcoholic beverage control law, as amended by chapter 185 of the laws of 2012, is amended to read as follows:

(c) Notwithstanding the provisions of subparagraph (ii) of paragraph (a) of this subdivision, the authority may issue a license pursuant to this section for a premises which shall be within five hundred feet of three or more existing premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-b and/or sixty-four-d of this article if, after consultation with the municipality or community board, it determines that granting such license would be in the public interest. Before it may issue any such license, the authority shall conduct a hearing, upon notice to the applicant and the municipality or community board, and shall state and file in its office its reasons therefor. The hearing may be rescheduled, adjourned or continued, and the authority shall give notice to the applicant and the municipality or community board of any such rescheduled, adjourned or continued hearing. Before the authority issues any said license, the authority or one or more of the commissioners thereof may, in addition to the hearing required by this paragraph, also conduct a public meeting regarding said license, upon notice to the applicant and the municipality or community board. The public meeting may be rescheduled, adjourned or continued, and the authority shall give notice to the applicant and the municipality or community board of any such rescheduled, adjourned or continued public meeting. Notice to the municipality or community board shall mean written notice mailed by the authority to such municipality [or community board] at least fifteen days in advance OR TO SUCH COMMUNITY BOARD AT LEAST THIRTY DAYS IN ADVANCE of any hearing scheduled pursuant to this paragraph. Upon the request of the authority, any municipality [or community board] may waive the fifteen day notice requirement OR ANY COMMUNITY BOARD MAY WAIVE THE THIRTY DAY NOTICE REQUIREMENT. No premises having been granted a license pursuant to this section shall be denied a renewal of such license upon the grounds that such premises are within five hundred feet of a building or

buildings wherein three or more premises are operating and licensed pursuant to this section or sections sixty-four, sixty-four-a, sixty-four-b and/or sixty-four-d of this article.

S 6. This act shall take effect immediately; provided that if this act takes effect before the effective date of chapter 185 of the laws of 2012, then sections three, four and five of this act shall take effect on the same date and in the same manner as such chapter of the laws of 2012.