

9534

I N A S S E M B L Y

March 12, 2012

Introduced by M. of A. MOYA, KAVANAGH -- read once and referred to the
Committee on Economic Development

AN ACT to amend the alcoholic beverage control law, in relation to
creating a liaison between the state liquor authority and local commu-
nity boards and providing a sixty day notification period for communi-
ty 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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. The alcoholic beverage control law is amended by adding a
2 new section 110-c to read as follows:
3 S 110-C. AUTHORITY COMMUNITY LIAISON. 1. THE AUTHORITY SHALL APPOINT A
4 COMMUNITY LIAISON FOR EACH COMMUNITY BOARD IN THE CITY OF NEW YORK.
5 2. THE COMMUNITY LIAISON IS REQUIRED TO ENSURE THAT THE COMMUNITY
6 BOARD RECEIVES ALL PROPER NOTIFICATIONS OF LICENSE ISSUANCE OR RENEWAL
7 THAT ARE REQUIRED UNDER THE PROVISIONS OF THIS CHAPTER.
8 3. THE COMMUNITY LIAISON IS RESPONSIBLE FOR:
9 (A) REGULARLY ATTENDING THE MEETINGS OF THE COMMUNITY BOARD FOR WHICH
10 HE OR SHE IS ACTING AS THE LIAISON;
11 (B) SUBMITTING REPORTS TO THE AUTHORITY WITH RESPECT TO ISSUES OF
12 CONCERN OF THE COMMUNITY BOARD FOR WHICH HE OR SHE IS THE LIAISON;
13 (C) SUBMITTING ANY COMMUNITY BOARD RECOMMENDATIONS TO THE AUTHORITY;
14 AND
15 (D) INFORMING THE COMMUNITY BOARD OF EVERY REGULARLY SCHEDULED MEETING
16 OF THE LIQUOR AUTHORITY AND PROVIDING AN AGENDA FOR SUCH MEETING AT
17 LEAST FIFTEEN DAYS PRIOR TO THE MEETING.
18 S 2. Section 110-b of the alcoholic beverage control law is amended by
19 adding a new subdivision 8 to read as follows:
20 8. IF THE PREMISES IS LOCATED WITHIN THE CITY OF NEW YORK, THE LIQUOR
21 AUTHORITY SHALL NOT GRANT SUCH AN APPLICATION UNTIL AT LEAST SIXTY DAYS
22 AFTER THE APPROPRIATE COMMUNITY BOARD HAS BEEN NOTIFIED.
23 S 3. Paragraph (f) of subdivision 7 of section 64 of the alcoholic
24 beverage control law, as amended by chapter 463 of the laws of 2009, is
25 amended to read as follows:

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

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1 (f) Notwithstanding the provisions of paragraph (b) of this subdivi-
2 sion, the authority may issue a license pursuant to this section for a
3 premises which shall be within five hundred feet of three or more exist-
4 ing premises licensed and operating pursuant to this section and
5 sections sixty-four-a, sixty-four-b, sixty-four-c, and/or sixty-four-d
6 of this article if, after consultation with the municipality or communi-
7 ty board, it determines that granting such license would be in the
8 public interest. Before it may issue any such license, the authority
9 shall conduct a hearing, upon notice to the applicant and the munici-
10 pality or community board, and shall state and file in its office its
11 reasons therefor. Notice to the municipality or community board shall
12 mean written notice mailed by the authority to such municipality or
13 community board at least fifteen days in advance of any hearing sched-
14 uled pursuant to this paragraph. Upon the request of the authority, any
15 municipality or community board may waive the fifteen day notice
16 requirement. No premises having been granted a license pursuant to this
17 section shall be denied a renewal of such license upon the grounds that
18 such premises are within five hundred feet of a building or buildings
19 wherein three or more premises are licensed and operating pursuant to
20 this section and sections sixty-four-a, sixty-four-b, sixty-four-c,
21 and/or sixty-four-d of this article. NO LICENSE SHALL BE ISSUED PURSU-
22 ANT TO THIS SECTION UNTIL AT LEAST SIXTY DAYS AFTER THE APPROPRIATE
23 COMMUNITY BOARD HAS BEEN NOTIFIED.

24 S 4. Paragraph (d) of subdivision 7 of section 64-a of the alcoholic
25 beverage control law, as amended by chapter 463 of the laws of 2009, is
26 amended to read as follows:

27 (d) Notwithstanding the provisions of subparagraph (ii) of paragraph
28 (a) of this subdivision, the authority may issue a license pursuant to
29 this section for a premises which shall be within five hundred feet of
30 three or more existing premises licensed and operating pursuant to this
31 section and sections sixty-four, sixty-four-b, sixty-four-c, and/or
32 sixty-four-d of this article if, after consultation with the munici-
33 pality or community board, it determines that granting such license
34 would be in the public interest. Before it may issue any such license,
35 the authority shall conduct a hearing, upon notice to the applicant and
36 the municipality or community board, and shall state and file in its
37 office its reasons therefor. Notice to the municipality or community
38 board shall mean written notice mailed by the authority to such munici-
39 pality or community board at least fifteen days in advance of any hear-
40 ing scheduled pursuant to this paragraph. Upon the request of the
41 authority, any municipality or community board may waive the fifteen day
42 notice requirement. No premises having been granted a license pursuant
43 to this section shall be denied a renewal of such license upon the
44 grounds that such premises are within five hundred feet of a building or
45 buildings wherein three or more premises are licensed and operating
46 pursuant to this section and sections sixty-four, sixty-four-b, sixty-
47 four-c, and/or sixty-four-d of this article. NO LICENSE SHALL BE ISSUED
48 PURSUANT TO THIS SECTION UNTIL AT LEAST SIXTY DAYS AFTER THE APPROPRIATE
49 COMMUNITY BOARD HAS BEEN NOTIFIED.

50 S 5. Paragraph (c) of subdivision 11 of section 64-c of the alcoholic
51 beverage control law, as amended by chapter 463 of the laws of 2009, is
52 amended to read as follows:

53 (c) Notwithstanding the provisions of subparagraph (ii) of paragraph
54 (a) of this subdivision, the authority may issue a license pursuant to
55 this section for a premises which shall be within five hundred feet of
56 three or more existing premises licensed and operating pursuant to this

1 section and sections sixty-four, sixty-four-a, sixty-four-b and/or
2 sixty-four-d of this article if, after consultation with the munici-
3 pality or community board, it determines that granting such license
4 would be in the public interest. Before it may issue any such license,
5 the authority shall conduct a hearing, upon notice to the applicant and
6 the municipality or community board, and shall state and file in its
7 office its reasons therefor. Notice to the municipality or community
8 board shall mean written notice mailed by the authority to such munici-
9 pality or community board at least fifteen days in advance of any hear-
10 ing scheduled pursuant to this paragraph. Upon the request of the
11 authority, any municipality or community board may waive the fifteen day
12 notice requirement. No premises having been granted a license pursuant
13 to this section shall be denied a renewal of such license upon the
14 grounds that such premises are within five hundred feet of a building or
15 buildings wherein three or more premises are operating and licensed
16 pursuant to this section or sections sixty-four, sixty-four-a, sixty-
17 four-b and/or sixty-four-d of this article. NO LICENSE SHALL BE ISSUED
18 PURSUANT TO THIS SECTION UNTIL AT LEAST SIXTY DAYS AFTER THE APPROPRIATE
19 COMMUNITY BOARD HAS BEEN NOTIFIED.

20 S 6. This act shall take effect immediately.