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

3122

2011-2012 Regular Sessions

I N S E N A T E

February 9, 2011

Introduced by Sen. ESPAILLAT -- 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 20 to read as follows:

S 20. 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 OR RENEWAL THAT ARE REQUIRED UNDER THE PROVISIONS OF THIS CHAPTER.

3. THE COMMUNITY LIAISON IS RESPONSIBLE FOR:

A. REGULARLY ATTENDING THE MEETINGS OF THE 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. Subdivision 2-a of section 55 of the alcoholic beverage control law, as amended by chapter 213 of the laws of 2010, is 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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2-a. Notwithstanding any other provision of this chapter, upon receipt in the city of New York of an application for a license under this section, an application for renewal under section one hundred nine of this chapter, or an application for an alteration to a premises licensed for consumption on the premises under section ninety-nine-d of this chapter, the applicant shall notify the community board established pursuant to section twenty-eight hundred of the New York city charter with jurisdiction over the area in which such licensed premises is to be located by certified mail return receipt requested, overnight delivery service with proof of mailing, or personal service, wherein the prospective licensed premises is to be located or, in the case of an application for A NEW LICENSE, A renewal OF A LICENSE, or alteration OF A LICENSE where it is presently located [not less than thirty days prior to the submission of its application for a license under this section or for a renewal thereof pursuant to section one hundred nine of this chapter]. Such community board may express an opinion for or against the granting of such license. Any such opinion shall be deemed part of the record upon which the liquor board makes its determination to grant or deny such license. NO SUCH LICENSE SHALL BE ISSUED NEW, RENEWED OR ALTERED UNTIL AT LEAST SIXTY DAYS AFTER THE APPROPRIATE COMMUNITY BOARD HAS BEEN NOTIFIED.

S 3. Subdivision 2-a of section 64 of the alcoholic beverage control law, as amended by chapter 213 of the laws of 2010, is amended to read as follows:

2-a. Notwithstanding any other provision of this chapter, upon receipt of an application for a license under this section, an application for renewal under section one hundred nine of this chapter, or an application for an alteration to a premises licensed for consumption on the premises under section ninety-nine-d of this chapter, the applicant shall notify the clerk of the village, town or city, as the case may be, by certified mail return receipt requested, overnight delivery service with proof of mailing, or personal service, wherein the prospective licensed premises is to be located or, in the case of an application for renewal, or alteration where it is presently located [not less than thirty days prior to the submission of its application for a license under this section or for a renewal thereof pursuant to section one hundred nine of this chapter]. For the purposes of the preceding sentence notification need only be given to the clerk of a village when such premises is to be located within the boundaries of the village. In the city of New York, the community board established pursuant to section twenty-eight hundred of the New York city charter with jurisdiction over the area in which such licensed premises is to be located shall be considered the appropriate public body to which notification shall be given. Such municipality or community board, as the case may be, may express an opinion for or against the granting of such license. Any such opinion shall be deemed part of the record upon which the liquor board makes its determination to grant or deny such license. IN THE CITY OF NEW YORK, NO SUCH LICENSE SHALL BE ISSUED NEW, RENEWED OR ALTERED UNTIL AT LEAST SIXTY DAYS AFTER THE APPROPRIATE COMMUNITY BOARD HAS BEEN NOTIFIED.

S 4. Paragraph (f) of subdivision 7 of section 64 of the alcoholic beverage control law, as amended by chapter 463 of the laws of 2009, 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 exist-

ing 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. 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 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. 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. NO LICENSE SHALL BE ISSUED PURSUANT TO THIS SECTION UNTIL AT LEAST SIXTY DAYS AFTER THE APPROPRIATE COMMUNITY BOARD HAS BEEN NOTIFIED.

S 5. Paragraph (d) of subdivision 7 of section 64-a of the alcoholic beverage control law, as amended by chapter 463 of the laws of 2009, 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 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. 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. NO LICENSE SHALL BE ISSUED PURSUANT TO THIS SECTION UNTIL AT LEAST SIXTY DAYS AFTER THE APPROPRIATE COMMUNITY BOARD HAS BEEN NOTIFIED.

S 6. Subdivision 3 of section 64-c of the alcoholic beverage control law, as amended by chapter 213 of the laws of 2010, is amended to read as follows:

3. Upon receipt of an original or a renewal application for a license under this section, the applicant shall notify the clerk of the village, town or city, as the case may be, by certified mail return receipt requested, overnight delivery service with proof of mailing, or personal service, wherein the prospective licensed premises is to be located or, in the case of an application for renewal, where it is presently located [not less than thirty days prior to the submission of its application

for a license under this section or for a renewal thereof]. For the purposes of the preceding sentence notification need only be given to the clerk of a village when such premises is to be located within the boundaries of the village. In the city of New York, the community board established pursuant to section twenty-eight hundred of the New York city charter with jurisdiction over the area in which such licensed premises is to be located shall be considered the appropriate public body to which notification shall be given. Such municipality or community board, as the case may be, may express an opinion for or against the granting of such license. Any such opinion shall be deemed part of the record upon which the liquor authority makes its determination to grant or deny such license. IN THE CITY OF NEW YORK, NO SUCH LICENSE SHALL BE ISSUED NEW, RENEWED OR ALTERED UNTIL AT LEAST SIXTY DAYS AFTER THE APPROPRIATE COMMUNITY BOARD HAS BEEN NOTIFIED.

S 7. Paragraph (c) of subdivision 11 of section 64-c of the alcoholic beverage control law, as amended by chapter 463 of the laws of 2009, 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. 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 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. 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. NO LICENSE SHALL BE ISSUED PURSUANT TO THIS SECTION UNTIL AT LEAST SIXTY DAYS AFTER THE APPROPRIATE COMMUNITY BOARD HAS BEEN NOTIFIED.

S 8. Subdivision 3 of section 64-d of the alcoholic beverage control law, as amended by chapter 213 of the laws of 2010, is amended to read as follows:

3. Upon receipt of an original or a renewal application for a license under this section, the applicant shall notify the clerk of the village, town or city, as the case may be, by certified mail return receipt requested, overnight delivery service with proof of mailing, or personal service, wherein the prospective licensed premises is to be located or, in the case of an application for renewal, where it is presently located[, not less than thirty days prior to the submission of its application for a license under this section or for a renewal thereof]. For the purposes of the preceding sentence notification need only be given to the clerk of a village when such premises is to be located within the boundaries of the village. In the city of New York, the community board established pursuant to section twenty-eight hundred of the New York city charter with jurisdiction over the area in which such

licensed premises is to be located shall be considered the appropriate public body to which notification shall be given. Such municipality or community board, as the case may be, may express an opinion for or against the granting of such license. Any such opinion shall be deemed part of the record upon which the liquor authority makes its determination to grant or deny such license. NO SUCH LICENSE SHALL BE ISSUED NEW, RENEWED OR ALTERED UNTIL AT LEAST SIXTY DAYS AFTER THE APPROPRIATE COMMUNITY BOARD HAS BEEN NOTIFIED.

S 9. Subdivision 1-a of section 81 of the alcoholic beverage control law, as amended by chapter 213 of the laws of 2010, is amended to read as follows:

1-a. Notwithstanding any other provision of this chapter, upon receipt in the city of New York of an application for a license under this section, an application for renewal under section one hundred nine of this chapter, or an application for an alteration to a premises licensed for consumption on the premises under section ninety-nine-d of this chapter, the applicant shall notify the community board established pursuant to section twenty-eight hundred of the New York city charter with jurisdiction over the area in which such licensed premises is to be located by certified mail return receipt requested, overnight delivery service with proof of mailing, or personal service, wherein the prospective licensed premises is to be located or, in the case of an application for renewal, or alteration where it is presently located [not less than thirty days prior to the submission of its application for a license under this section or for a renewal thereof pursuant to section one hundred nine of this chapter]. Such community board may express an opinion for or against the granting of such license. Any such opinion shall be deemed part of the record upon which the liquor board makes its determination to grant or deny such license. NO SUCH LICENSE SHALL BE ISSUED NEW, RENEWED OR ALTERED UNTIL AT LEAST SIXTY DAYS AFTER THE APPROPRIATE COMMUNITY BOARD HAS BEEN NOTIFIED.

S 10. This act shall take effect immediately.