

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:

1 Section 1. The alcoholic beverage control law is amended by adding a
2 new section 20 to read as follows:
3 S 20. 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. Subdivision 2-a of section 55 of the alcoholic beverage control
19 law, as amended by chapter 213 of the laws of 2010, is amended to read
20 as follows:

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

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1 2-a. Notwithstanding any other provision of this chapter, upon receipt
2 in the city of New York of an application for a license under this
3 section, an application for renewal under section one hundred nine of
4 this chapter, or an application for an alteration to a premises licensed
5 for consumption on the premises under section ninety-nine-d of this
6 chapter, the applicant shall notify the community board established
7 pursuant to section twenty-eight hundred of the New York city charter
8 with jurisdiction over the area in which such licensed premises is to be
9 located by certified mail return receipt requested, overnight delivery
10 service with proof of mailing, or personal service, wherein the prospec-
11 tive licensed premises is to be located or, in the case of an applica-
12 tion for A NEW LICENSE, A renewal OF A LICENSE, or alteration OF A
13 LICENSE where it is presently located [not less than thirty days prior
14 to the submission of its application for a license under this section or
15 for a renewal thereof pursuant to section one hundred nine of this chap-
16 ter]. Such community board may express an opinion for or against the
17 granting of such license. Any such opinion shall be deemed part of the
18 record upon which the liquor board makes its determination to grant or
19 deny such license. NO SUCH LICENSE SHALL BE ISSUED NEW, RENEWED OR
20 ALTERED UNTIL AT LEAST SIXTY DAYS AFTER THE APPROPRIATE COMMUNITY BOARD
21 HAS BEEN NOTIFIED.

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

25 2-a. Notwithstanding any other provision of this chapter, upon receipt
26 of an application for a license under this section, an application for
27 renewal under section one hundred nine of this chapter, or an applica-
28 tion for an alteration to a premises licensed for consumption on the
29 premises under section ninety-nine-d of this chapter, the applicant
30 shall notify the clerk of the village, town or city, as the case may be,
31 by certified mail return receipt requested, overnight delivery service
32 with proof of mailing, or personal service, wherein the prospective
33 licensed premises is to be located or, in the case of an application for
34 renewal, or alteration where it is presently located [not less than
35 thirty days prior to the submission of its application for a license
36 under this section or for a renewal thereof pursuant to section one
37 hundred nine of this chapter]. For the purposes of the preceding
38 sentence notification need only be given to the clerk of a village when
39 such premises is to be located within the boundaries of the village. In
40 the city of New York, the community board established pursuant to
41 section twenty-eight hundred of the New York city charter with jurisdic-
42 tion over the area in which such licensed premises is to be located
43 shall be considered the appropriate public body to which notification
44 shall be given. Such municipality or community board, as the case may
45 be, may express an opinion for or against the granting of such license.
46 Any such opinion shall be deemed part of the record upon which the
47 liquor board makes its determination to grant or deny such license. IN
48 THE CITY OF NEW YORK, NO SUCH LICENSE SHALL BE ISSUED NEW, RENEWED OR
49 ALTERED UNTIL AT LEAST SIXTY DAYS AFTER THE APPROPRIATE COMMUNITY BOARD
50 HAS BEEN NOTIFIED.

51 S 4. Paragraph (f) of subdivision 7 of section 64 of the alcoholic
52 beverage control law, as amended by chapter 463 of the laws of 2009, is
53 amended to read as follows:

54 (f) Notwithstanding the provisions of paragraph (b) of this subdivi-
55 sion, the authority may issue a license pursuant to this section for a
56 premises which shall be within five hundred feet of three or more exist-

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

21 S 5. Paragraph (d) of subdivision 7 of section 64-a of the alcoholic
22 beverage control law, as amended by chapter 463 of the laws of 2009, is
23 amended to read as follows:

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

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

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

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

15 S 7. Paragraph (c) of subdivision 11 of section 64-c of the alcoholic
16 beverage control law, as amended by chapter 463 of the laws of 2009, is
17 amended to read as follows:

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

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

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

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

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

12 1-a. Notwithstanding any other provision of this chapter, upon receipt
13 in the city of New York of an application for a license under this
14 section, an application for renewal under section one hundred nine of
15 this chapter, or an application for an alteration to a premises licensed
16 for consumption on the premises under section ninety-nine-d of this
17 chapter, the applicant shall notify the community board established
18 pursuant to section twenty-eight hundred of the New York city charter
19 with jurisdiction over the area in which such licensed premises is to be
20 located by certified mail return receipt requested, overnight delivery
21 service with proof of mailing, or personal service, wherein the prospec-
22 tive licensed premises is to be located or, in the case of an applica-
23 tion for renewal, or alteration where it is presently located [not less
24 than thirty days prior to the submission of its application for a
25 license under this section or for a renewal thereof pursuant to section
26 one hundred nine of this chapter]. Such community board may express an
27 opinion for or against the granting of such license. Any such opinion
28 shall be deemed part of the record upon which the liquor board makes its
29 determination to grant or deny such license. NO SUCH LICENSE SHALL BE
30 ISSUED NEW, RENEWED OR ALTERED UNTIL AT LEAST SIXTY DAYS AFTER THE
31 APPROPRIATE COMMUNITY BOARD HAS BEEN NOTIFIED.

32 S 10. This act shall take effect immediately.