

5362

2013-2014 Regular Sessions

I N A S S E M B L Y

February 25, 2013

Introduced by M. of A. MOYA, KAVANAGH, BOYLAND, BRENNAN, CASTRO, COLTON, CRESPO, GIBSON, GLICK, MARKEY, ROBINSON, RODRIGUEZ, ROSENTHAL, SCARBOROUGH, SIMANOWITZ, STEVENSON, TITUS, WRIGHT -- 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 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 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:

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

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1 8. IF THE PREMISES IS LOCATED WITHIN THE CITY OF NEW YORK, THE LIQUOR
2 AUTHORITY SHALL NOT GRANT SUCH AN APPLICATION UNTIL AT LEAST SIXTY DAYS
3 AFTER THE APPROPRIATE COMMUNITY BOARD HAS BEEN NOTIFIED.

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

7 (f) Notwithstanding the provisions of paragraph (b) of this subdivi-
8 sion, the authority may issue a license pursuant to this section for a
9 premises which shall be within five hundred feet of three or more exist-
10 ing premises licensed and operating pursuant to this section and
11 sections sixty-four-a, sixty-four-b, sixty-four-c, and/or sixty-four-d
12 of this article if, after consultation with the municipality or communi-
13 ty board, it determines that granting such license would be in the
14 public interest. Before it may issue any such license, the authority
15 shall conduct a hearing, upon notice to the applicant and the munici-
16 pality or community board, and shall state and file in its office its
17 reasons therefor. The hearing may be rescheduled, adjourned or contin-
18 ued, and the authority shall give notice to the applicant and the muni-
19 cipality or community board of any such rescheduled, adjourned or
20 continued hearing. Before the authority issues any said license, the
21 authority or one or more of the commissioners thereof may, in addition
22 to the hearing required by this paragraph, also conduct a public meeting
23 regarding said license, upon notice to the applicant and the munici-
24 pality or community board. The public meeting may be rescheduled,
25 adjourned or continued, and the authority shall give notice to the
26 applicant and the municipality or community board of any such resched-
27 uled, adjourned or continued public meeting. Notice to the municipality
28 or community board shall mean written notice mailed by the authority to
29 such municipality or community board at least fifteen days in advance of
30 any hearing scheduled pursuant to this paragraph. Upon the request of
31 the authority, any municipality or community board may waive the fifteen
32 day notice requirement. No premises having been granted a license pursu-
33 ant to this section shall be denied a renewal of such license upon the
34 grounds that such premises are within five hundred feet of a building or
35 buildings wherein three or more premises are licensed and operating
36 pursuant to this section and sections sixty-four-a, sixty-four-b,
37 sixty-four-c, and/or sixty-four-d of this article. NO LICENSE SHALL BE
38 ISSUED PURSUANT TO THIS SECTION UNTIL AT LEAST SIXTY DAYS AFTER THE
39 APPROPRIATE COMMUNITY BOARD HAS BEEN NOTIFIED.

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

43 (d) Notwithstanding the provisions of subparagraph (ii) of paragraph
44 (a) of this subdivision, the authority may issue a license pursuant to
45 this section for a premises which shall be within five hundred feet of
46 three or more existing premises licensed and operating pursuant to this
47 section and sections sixty-four, sixty-four-b, sixty-four-c, and/or
48 sixty-four-d of this article if, after consultation with the munici-
49 pality or community board, it determines that granting such license
50 would be in the public interest. Before it may issue any such license,
51 the authority shall conduct a hearing, upon notice to the applicant and
52 the municipality or community board, and shall state and file in its
53 office its reasons therefor. Notice to the municipality or community
54 board shall mean written notice mailed by the authority to such munici-
55 pality or community board at least fifteen days in advance of any hear-
56 ing scheduled pursuant to this paragraph. Upon the request of the

1 authority, any municipality or community board may waive the fifteen day
2 notice requirement. The hearing may be rescheduled, adjourned or contin-
3 ued, and the authority shall give notice to the applicant and the muni-
4 cipality or community board of any such rescheduled, adjourned or
5 continued hearing. Before the authority issues any said license, the
6 authority or one or more of the commissioners thereof may, in addition
7 to the hearing required by this paragraph, also conduct a public meeting
8 regarding said license, upon notice to the applicant and the munici-
9 pality or community board. The public meeting may be rescheduled,
10 adjourned or continued, and the authority shall give notice to the
11 applicant and the municipality or community board of any such resched-
12 uled, adjourned or continued public meeting. No premises having been
13 granted a license pursuant to this section shall be denied a renewal of
14 such license upon the grounds that such premises are within five hundred
15 feet of a building or buildings wherein three or more premises are
16 licensed and operating pursuant to this section and sections sixty-four,
17 sixty-four-b, sixty-four-c, and/or sixty-four-d of this article. NO
18 LICENSE SHALL BE ISSUED PURSUANT TO THIS SECTION UNTIL AT LEAST SIXTY
19 DAYS AFTER THE APPROPRIATE COMMUNITY BOARD HAS BEEN NOTIFIED.

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

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

56 S 6. This act shall take effect immediately.