

1842

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sens. ESPAILLAT, KRUEGER, PERKINS -- 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. Paragraph (f) of subdivision 7 of section 64 of the alcoholic
19 beverage control law, as amended by chapter 185 of the laws of 2012, is
20 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. The hearing may be rescheduled, adjourned or contin-
12 ued, and the authority shall give notice to the applicant and the muni-
13 cipality or community board of any such rescheduled, adjourned or
14 continued hearing. Before the authority issues any said license, the
15 authority or one or more of the commissioners thereof may, in addition
16 to the hearing required by this paragraph, also conduct a public meeting
17 regarding said license, upon notice to the applicant and the munici-
18 pality or community board. The public meeting may be rescheduled,
19 adjourned or continued, and the authority shall give notice to the
20 applicant and the municipality or community board of any such resched-
21 uled, adjourned or continued public meeting. Notice to the municipality
22 or community board shall mean written notice mailed by the authority to
23 such municipality or community board at least fifteen days in advance of
24 any hearing scheduled pursuant to this paragraph. Upon the request of
25 the authority, any municipality or community board may waive the fifteen
26 day notice requirement. No premises having been granted a license pursu-
27 ant to this section shall be denied a renewal of such license upon the
28 grounds that such premises are within five hundred feet of a building or
29 buildings wherein three or more premises are licensed and operating
30 pursuant to this section and sections sixty-four-a, sixty-four-b,
31 sixty-four-c, and/or sixty-four-d of this article. NO LICENSE SHALL BE
32 ISSUED PURSUANT TO THIS SECTION UNTIL AT LEAST SIXTY DAYS AFTER THE
33 APPROPRIATE COMMUNITY BOARD HAS BEEN NOTIFIED.

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

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

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

14 S 4. Paragraph (c) of subdivision 11 of section 64-c of the alcoholic
15 beverage control law, as amended by chapter 185 of the laws of 2012, is
16 amended to read as follows:

17 (c) Notwithstanding the provisions of subparagraph (ii) of paragraph
18 (a) of this subdivision, the authority may issue a license pursuant to
19 this section for a premises which shall be within five hundred feet of
20 three or more existing premises licensed and operating pursuant to this
21 section and sections sixty-four, sixty-four-a, sixty-four-b and/or
22 sixty-four-d of this article if, after consultation with the municipi-
23 pality or community board, it determines that granting such license
24 would be in the public interest. Before it may issue any such license,
25 the authority shall conduct a hearing, upon notice to the applicant and
26 the municipality or community board, and shall state and file in its
27 office its reasons therefor. The hearing may be rescheduled, adjourned
28 or continued, and the authority shall give notice to the applicant and
29 the municipality or community board of any such rescheduled, adjourned
30 or continued hearing. Before the authority issues any said license, the
31 authority or one or more of the commissioners thereof may, in addition
32 to the hearing required by this paragraph, also conduct a public meeting
33 regarding said license, upon notice to the applicant and the municipi-
34 pality or community board. The public meeting may be rescheduled,
35 adjourned or continued, and the authority shall give notice to the
36 applicant and the municipality or community board of any such resched-
37 uled, adjourned or continued public meeting. Notice to the municipality
38 or community board shall mean written notice mailed by the authority to
39 such municipality or community board at least fifteen days in advance of
40 any hearing scheduled pursuant to this paragraph. Upon the request of
41 the authority, any municipality or community board may waive the fifteen
42 day notice requirement. No premises having been granted a license pursu-
43 ant 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 operating and licensed
46 pursuant to this section or sections sixty-four, sixty-four-a, sixty-
47 four-b 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. This act shall take effect on the same date and in the same
51 manner as chapter 185 of the laws of 2012, takes effect.