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

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:

Section 1. The alcoholic beverage control law is amended by adding a new section 110-c to read as follows:

S 110-C. 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. Section 110-b of the alcoholic beverage control law is amended by 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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8. IF THE PREMISES IS LOCATED WITHIN THE CITY OF NEW YORK, THE LIQUOR AUTHORITY SHALL NOT GRANT SUCH AN APPLICATION UNTIL AT LEAST SIXTY DAYS AFTER THE APPROPRIATE COMMUNITY BOARD HAS BEEN NOTIFIED.

S 3. Paragraph (f) of subdivision 7 of section 64 of the alcoholic beverage control law, as amended by chapter 185 of the laws of 2012, 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 existing 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. The hearing may be rescheduled, adjourned or continued, and the authority shall give notice to the applicant and the municipality or community board of any such rescheduled, adjourned or continued hearing. Before the authority issues any said license, the authority or one or more of the commissioners thereof may, in addition to the hearing required by this paragraph, also conduct a public meeting regarding said license, upon notice to the applicant and the municipality or community board. The public meeting may be rescheduled, adjourned or continued, and the authority shall give notice to the applicant and the municipality or community board of any such rescheduled, adjourned or continued public meeting. 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 4. Paragraph (d) of subdivision 7 of section 64-a of the alcoholic beverage control law, as amended by chapter 185 of the laws of 2012, 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. The hearing may be rescheduled, adjourned or continued, and the authority shall give notice to the applicant and the municipality or community board of any such rescheduled, adjourned or continued hearing. Before the authority issues any said license, the authority or one or more of the commissioners thereof may, in addition to the hearing required by this paragraph, also conduct a public meeting regarding said license, upon notice to the applicant and the municipality or community board. The public meeting may be rescheduled, adjourned or continued, and the authority shall give notice to the applicant and the municipality or community board of any such rescheduled, adjourned or continued public meeting. 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 5. Paragraph (c) of subdivision 11 of section 64-c of the alcoholic beverage control law, as amended by chapter 185 of the laws of 2012, 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. The hearing may be rescheduled, adjourned or continued, and the authority shall give notice to the applicant and the municipality or community board of any such rescheduled, adjourned or continued hearing. Before the authority issues any said license, the authority or one or more of the commissioners thereof may, in addition to the hearing required by this paragraph, also conduct a public meeting regarding said license, upon notice to the applicant and the municipality or community board. The public meeting may be rescheduled, adjourned or continued, and the authority shall give notice to the applicant and the municipality or community board of any such rescheduled, adjourned or continued public meeting. 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 6. This act shall take effect immediately.