

114

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sen. PERALTA -- 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 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, RENEWAL OR
7 ALTERATIONS THAT ARE REQUIRED UNDER THE PROVISIONS OF THIS CHAPTER.
8 3. THE COMMUNITY LIAISON IS RESPONSIBLE FOR:
9 (A) ATTENDING THE MEETINGS OF THE COMMUNITY BOARD, UPON THE REQUEST OF
10 SUCH COMMUNITY BOARD, FOR WHICH 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. The opening paragraph of subdivision 1 of section 110-b of the
19 alcoholic beverage control law, as amended by chapter 560 of the laws of
20 2011, is amended to read as follows:

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

LBD00320-01-3

1 Not less than thirty days before filing any of the following applica-
2 tions WITH THE STATE LIQUOR AUTHORITY IF A PREMISE IS LOCATED WITHIN A
3 MUNICIPALITY OR NOT LESS THAN SIXTY DAYS BEFORE FILING ANY OF THE
4 FOLLOWING APPLICATIONS WITH THE STATE LIQUOR AUTHORITY IF A PREMISE IS
5 LOCATED WITHIN THE CITY OF NEW YORK, an applicant shall notify the muni-
6 cipality OR THE COMMUNITY BOARD in which the premises is located of such
7 applicant's intent to file such an application:

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

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

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

47 (d) Notwithstanding the provisions of subparagraph (ii) of paragraph
48 (a) of this subdivision, the authority may issue a license pursuant to
49 this section for a premises which shall be within five hundred feet of
50 three or more existing premises licensed and operating pursuant to this
51 section and sections sixty-four, sixty-four-b, sixty-four-c, and/or
52 sixty-four-d of this article if, after consultation with the munici-
53 pality or community board, it determines that granting such license
54 would be in the public interest. Before it may issue any such license,
55 the authority shall conduct a hearing, upon notice to the applicant and
56 the municipality or community board, and shall state and file in its

1 office its reasons therefor. Notice to the municipality or community
2 board shall mean written notice mailed by the authority to such munici-
3 pality [or community board] at least fifteen days in advance OR TO SUCH
4 COMMUNITY BOARD AT LEAST THIRTY DAYS IN ADVANCE of any hearing scheduled
5 pursuant to this paragraph. Upon the request of the authority, any muni-
6 cipality [or community board] may waive the fifteen day notice require-
7 ment OR ANY COMMUNITY BOARD MAY WAIVE THE THIRTY DAY NOTICE REQUIREMENT.
8 The hearing may be rescheduled, adjourned or continued, and the authori-
9 ty shall give notice to the applicant and the municipality or community
10 board of any such rescheduled, adjourned or continued hearing. Before
11 the authority issues any said license, the authority or one or more of
12 the commissioners thereof may, in addition to the hearing required by
13 this paragraph, also conduct a public meeting regarding said license,
14 upon notice to the applicant and the municipality or community board.
15 The public meeting may be rescheduled, adjourned or continued, and the
16 authority shall give notice to the applicant and the municipality or
17 community board of any such rescheduled, adjourned or continued public
18 meeting. No premises having been granted a license pursuant to this
19 section shall be denied a renewal of such license upon the grounds that
20 such premises are within five hundred feet of a building or buildings
21 wherein three or more premises are licensed and operating pursuant to
22 this section and sections sixty-four, sixty-four-b, sixty-four-c, and/or
23 sixty-four-d of this article.

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

27 (c) Notwithstanding the provisions of subparagraph (ii) of paragraph
28 (a) of this subdivision, the authority may issue a license pursuant to
29 this section for a premises which shall be within five hundred feet of
30 three or more existing premises licensed and operating pursuant to this
31 section and sections sixty-four, sixty-four-a, sixty-four-b and/or
32 sixty-four-d of this article if, after consultation with the munici-
33 pality or community board, it determines that granting such license
34 would be in the public interest. Before it may issue any such license,
35 the authority shall conduct a hearing, upon notice to the applicant and
36 the municipality or community board, and shall state and file in its
37 office its reasons therefor. The hearing may be rescheduled, adjourned
38 or continued, and the authority shall give notice to the applicant and
39 the municipality or community board of any such rescheduled, adjourned
40 or continued hearing. Before the authority issues any said license, the
41 authority or one or more of the commissioners thereof may, in addition
42 to the hearing required by this paragraph, also conduct a public meeting
43 regarding said license, upon notice to the applicant and the munici-
44 pality or community board. The public meeting may be rescheduled,
45 adjourned or continued, and the authority shall give notice to the
46 applicant and the municipality or community board of any such resched-
47 uled, adjourned or continued public meeting. Notice to the municipality
48 or community board shall mean written notice mailed by the authority to
49 such municipality [or community board] at least fifteen days in advance
50 OR TO SUCH COMMUNITY BOARD AT LEAST THIRTY DAYS IN ADVANCE of any hear-
51 ing scheduled pursuant to this paragraph. Upon the request of the
52 authority, any municipality [or community board] may waive the fifteen
53 day notice requirement OR ANY COMMUNITY BOARD MAY WAIVE THE THIRTY DAY
54 NOTICE REQUIREMENT. No premises having been granted a license pursuant
55 to this section shall be denied a renewal of such license upon the
56 grounds that such premises are within five hundred feet of a building or

1 buildings wherein three or more premises are operating and licensed
2 pursuant to this section or sections sixty-four, sixty-four-a, sixty-
3 four-b and/or sixty-four-d of this article.
4 S 6. This act shall take effect immediately; provided that if this act
5 takes effect before the effective date of chapter 185 of the laws of
6 2012, then sections three, four and five of this act shall take effect
7 on the same date and in the same manner as such chapter of the laws of
8 2012.