

9907

I N A S S E M B L Y

April 26, 2016

Introduced by M. of A. SEPULVEDA -- read once and referred to the
Committee on Economic Development

AN ACT to amend the alcoholic beverage control law, in relation to
authorizing the state liquor authority to impose a one year moratorium
on the issuance of new licenses to sell liquor on premises in certain
instances

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivision 2 of section 17 of the alcoholic beverage
2 control law, as amended by chapter 118 of the laws of 2012, is amended
3 to read as follows:
4 2. To limit in its discretion the number of licenses of each class to
5 be issued within the state or any political subdivision thereof, and in
6 connection therewith to prohibit the acceptance of applications for such
7 class or classes of licenses which have been so limited. PROVIDED,
8 HOWEVER, IN CITIES HAVING A POPULATION OF ONE MILLION OR MORE, (A) UPON
9 RECEIPT OF (I) A REQUEST FROM THE STATE SENATOR OR STATE SENATORS AND
10 ASSEMBLY MEMBER OR ASSEMBLY MEMBERS AND NEW YORK CITY COUNCIL MEMBER OR
11 NEW YORK CITY COUNCIL MEMBERS REPRESENTING THE RESIDENTS OF A NEIGHBOR-
12 HOOD WITHIN A CITY HAVING A POPULATION OF ONE MILLION OR MORE AND (II) A
13 RESOLUTION ADOPTED BY A COMMUNITY BOARD OR BOARDS OR OTHER LOCAL BODY OR
14 BODIES WHOSE JURISDICTION COVERS SUCH NEIGHBORHOOD REQUESTING A MORATO-
15 RIUM WITHIN SUCH NEIGHBORHOOD ON THE ISSUANCE OF NEW LICENSES TO SELL
16 LIQUOR AT RETAIL FOR CONSUMPTION ON THE PREMISES ISSUED PURSUANT TO
17 SECTIONS SIXTY-FOUR, SIXTY-FOUR-A, SIXTY-FOUR-B, SIXTY-FOUR-C AND
18 SIXTY-FOUR-D OF THIS CHAPTER AND (B) A FINDING BY THE AUTHORITY THAT THE
19 NUMBER OF SUCH LICENSES ISSUED WITHIN SUCH NEIGHBORHOOD PURSUANT TO
20 SECTIONS SIXTY-FOUR, SIXTY-FOUR-A, SIXTY-FOUR-B, SIXTY-FOUR-C AND
21 SIXTY-FOUR-D OF THIS CHAPTER HAS DOUBLED OVER A THREE YEAR PERIOD, THE
22 AUTHORITY SHALL ESTABLISH A ONE YEAR MORATORIUM WITHIN SUCH NEIGHBORHOOD
23 ON THE ISSUANCE OF NEW LICENSES TO SELL LIQUOR AT RETAIL FOR CONSUMPTION
24 ON THE PREMISES ISSUED PURSUANT TO SECTIONS SIXTY-FOUR, SIXTY-FOUR-A,
25 SIXTY-FOUR-B, SIXTY-FOUR-C AND SIXTY-FOUR-D OF THIS CHAPTER AND THE
26 ACCEPTANCE OF APPLICATIONS FOR SUCH LICENSES. NOTHING CONTAINED IN THIS

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

LBD13108-07-6

1 SUBDIVISION SHALL PREVENT THE TRANSFER OF ANY LICENSE AT THE SAME PREM-
2 ISES UNDER THIS CHAPTER. FOR PURPOSES OF THIS SUBDIVISION, "NEIGHBOR-
3 HOOD" MEANS A GEOGRAPHIC AREA WITHIN A CITY HAVING A POPULATION OF ONE
4 MILLION OR MORE THAT IS RECOGNIZED BY THE RESIDENTS THEREOF AS INCLUDING
5 A UNIQUE COMMUNITY OF INTERESTS.

6 S 2. Subdivision 2 of section 17 of the alcoholic beverage control
7 law, as amended by chapter 83 of the laws of 1995, is amended to read as
8 follows:

9 2. To limit in its discretion the number of licenses of each class to
10 be issued within the state or any political subdivision thereof, and in
11 connection therewith to prohibit the acceptance of applications for such
12 class or classes of licenses which have been so limited. PROVIDED,
13 HOWEVER, IN CITIES HAVING A POPULATION OF ONE MILLION OR MORE, (A) UPON
14 RECEIPT OF (I) A REQUEST FROM THE STATE SENATOR OR STATE SENATORS AND
15 ASSEMBLY MEMBER OR ASSEMBLY MEMBERS AND NEW YORK CITY COUNCIL MEMBER OR
16 NEW YORK CITY COUNCIL MEMBERS REPRESENTING THE RESIDENTS OF A NEIGHBOR-
17 HOOD WITHIN A CITY HAVING A POPULATION OF ONE MILLION OR MORE AND (II) A
18 RESOLUTION ADOPTED BY A COMMUNITY BOARD OR BOARDS OR OTHER LOCAL BODY OR
19 BODIES WHOSE JURISDICTION COVERS SUCH NEIGHBORHOOD REQUESTING A MORATO-
20 RIUM WITHIN SUCH NEIGHBORHOOD ON THE ISSUANCE OF NEW LICENSES TO SELL
21 LIQUOR AT RETAIL FOR CONSUMPTION ON THE PREMISES ISSUED PURSUANT TO
22 SECTIONS SIXTY-FOUR, SIXTY-FOUR-A, SIXTY-FOUR-B, SIXTY-FOUR-C AND
23 SIXTY-FOUR-D OF THIS CHAPTER AND (B) A FINDING BY THE AUTHORITY THAT THE
24 NUMBER OF SUCH LICENSES ISSUED WITHIN SUCH NEIGHBORHOOD PURSUANT TO
25 SECTIONS SIXTY-FOUR, SIXTY-FOUR-A, SIXTY-FOUR-B, SIXTY-FOUR-C AND
26 SIXTY-FOUR-D OF THIS CHAPTER HAS DOUBLED OVER A THREE YEAR PERIOD, THE
27 AUTHORITY SHALL ESTABLISH A ONE YEAR MORATORIUM WITHIN SUCH NEIGHBORHOOD
28 ON THE ISSUANCE OF NEW LICENSES TO SELL LIQUOR AT RETAIL FOR CONSUMPTION
29 ON THE PREMISES ISSUED PURSUANT TO SECTIONS SIXTY-FOUR, SIXTY-FOUR-A,
30 SIXTY-FOUR-B, SIXTY-FOUR-C AND SIXTY-FOUR-D OF THIS CHAPTER AND THE
31 ACCEPTANCE OF APPLICATIONS FOR SUCH LICENSES. NOTHING CONTAINED IN THIS
32 SUBDIVISION SHALL PREVENT THE TRANSFER OF ANY LICENSE AT THE SAME PREM-
33 ISES UNDER THIS CHAPTER. FOR PURPOSES OF THIS SUBDIVISION, "NEIGHBOR-
34 HOOD" MEANS A GEOGRAPHIC AREA WITHIN A CITY HAVING A POPULATION OF ONE
35 MILLION OR MORE THAT IS RECOGNIZED BY THE RESIDENTS THEREOF AS INCLUDING
36 A UNIQUE COMMUNITY OF INTERESTS.

37 S 3. This act shall take effect immediately, provided that the amend-
38 ments to subdivision 2 of section 17 of the alcoholic beverage control
39 law made by section one of this act shall be subject to the expiration
40 and reversion of such subdivision pursuant to section 4 of chapter 118
41 of the laws of 2012, as amended, when upon such date the provisions of
42 section two of this act shall take effect.