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

6324--A

I N S E N A T E

(PREFILED)

January 6, 2016

Introduced by Sen. ESPAILLAT -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 2 of section 17 of the alcoholic beverage control law, as amended by chapter 118 of the laws of 2012, is amended to read as follows:

2. To limit in its discretion the number of licenses of each class to be issued within the state or any political subdivision thereof, and in connection therewith to prohibit the acceptance of applications for such class or classes of licenses which have been so limited. PROVIDED, HOWEVER, IN CITIES HAVING A POPULATION OF ONE MILLION OR MORE, (A) UPON RECEIPT OF (I) A REQUEST FROM THE STATE SENATOR OR STATE SENATORS AND ASSEMBLY MEMBER OR ASSEMBLY MEMBERS AND NEW YORK CITY COUNCIL MEMBER OR NEW YORK CITY COUNCIL MEMBERS REPRESENTING THE RESIDENTS OF A NEIGHBORHOOD WITHIN A CITY HAVING A POPULATION OF ONE MILLION OR MORE AND (II) A RESOLUTION ADOPTED BY A COMMUNITY BOARD OR BOARDS OR OTHER LOCAL BODY OR BODIES WHOSE JURISDICTION COVERS SUCH NEIGHBORHOOD REQUESTING A MORATORIUM WITHIN SUCH NEIGHBORHOOD ON THE ISSUANCE OF NEW LICENSES TO SELL LIQUOR AT RETAIL FOR CONSUMPTION ON THE PREMISES ISSUED PURSUANT TO SECTIONS SIXTY-FOUR, SIXTY-FOUR-A, SIXTY-FOUR-B, SIXTY-FOUR-C AND SIXTY-FOUR-D OF THIS CHAPTER AND (B) A FINDING BY THE AUTHORITY THAT THE NUMBER OF SUCH LICENSES ISSUED WITHIN SUCH NEIGHBORHOOD PURSUANT TO SECTIONS SIXTY-FOUR, SIXTY-FOUR-A, SIXTY-FOUR-B, SIXTY-FOUR-C AND SIXTY-FOUR-D OF THIS CHAPTER HAS DOUBLED OVER A THREE YEAR PERIOD, THE AUTHORITY SHALL ESTABLISH A ONE YEAR MORATORIUM WITHIN SUCH NEIGHBORHOOD ON THE ISSUANCE OF NEW LICENSES TO SELL LIQUOR AT RETAIL FOR CONSUMPTION

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

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ON THE PREMISES ISSUED PURSUANT TO SECTIONS SIXTY-FOUR, SIXTY-FOUR-A, SIXTY-FOUR-B, SIXTY-FOUR-C AND SIXTY-FOUR-D OF THIS CHAPTER AND THE ACCEPTANCE OF APPLICATIONS FOR SUCH LICENSES. NOTHING CONTAINED IN THIS SUBDIVISION SHALL PREVENT THE TRANSFER OF ANY LICENSE AT THE SAME PREMISES UNDER THIS CHAPTER. FOR PURPOSES OF THIS SUBDIVISION, "NEIGHBORHOOD" MEANS A GEOGRAPHIC AREA WITHIN A CITY HAVING A POPULATION OF ONE MILLION OR MORE THAT IS RECOGNIZED BY THE RESIDENTS THEREOF AS INCLUDING A UNIQUE COMMUNITY OF INTERESTS.

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

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

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