

5003

2015-2016 Regular Sessions

I N A S S E M B L Y

February 10, 2015

Introduced by M. of A. MOYA -- 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 commu-
nity boards and providing a sixty day notification period for communi-
ty 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 ASSEM-
BLY, 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:
21 Not less than thirty days before filing any of the following applica-
22 tions WITH THE STATE LIQUOR AUTHORITY IF A PREMISES IS LOCATED WITHIN A
23 MUNICIPALITY OR NOT LESS THAN SIXTY DAYS BEFORE FILING ANY OF THE
24 FOLLOWING APPLICATIONS WITH THE STATE LIQUOR AUTHORITY IF A PREMISES IS
25 LOCATED WITHIN THE CITY OF NEW YORK, an applicant shall notify the muni-

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

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1 cipality OR THE COMMUNITY BOARD in which the premises is located of such
2 applicant's intent to file such an application:

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

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

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

42 (d) Notwithstanding the provisions of subparagraph (ii) of paragraph
43 (a) of this subdivision, the authority may issue a license pursuant to
44 this section for a premises which shall be within five hundred feet of
45 three or more existing premises licensed and operating pursuant to this
46 section and sections sixty-four, sixty-four-b, sixty-four-c, and/or
47 sixty-four-d of this article if, after consultation with the munici-
48 pality or community board, it determines that granting such license
49 would be in the public interest. Before it may issue any such license,
50 the authority shall conduct a hearing, upon notice to the applicant and
51 the municipality or community board, and shall state and file in its
52 office its reasons therefor. Notice to the municipality or community
53 board shall mean written notice mailed by the authority to such munici-
54 pality [or community board] at least fifteen days in advance OR TO SUCH
55 COMMUNITY BOARD AT LEAST THIRTY DAYS IN ADVANCE of any hearing scheduled
56 pursuant to this paragraph. Upon the request of the authority, any muni-

1 cipality [or community board] may waive the fifteen day notice require-
2 ment OR ANY COMMUNITY BOARD MAY WAIVE THE THIRTY DAY NOTICE REQUIREMENT.
3 The hearing may be rescheduled, adjourned or continued, and the authori-
4 ty shall give notice to the applicant and the municipality or community
5 board of any such rescheduled, adjourned or continued hearing. Before
6 the authority issues any said license, the authority or one or more of
7 the commissioners thereof may, in addition to the hearing required by
8 this paragraph, also conduct a public meeting regarding said license,
9 upon notice to the applicant and the municipality or community board.
10 The public meeting may be rescheduled, adjourned or continued, and the
11 authority shall give notice to the applicant and the municipality or
12 community board of any such rescheduled, adjourned or continued public
13 meeting. No premises having been granted a license pursuant to this
14 section shall be denied a renewal of such license upon the grounds that
15 such premises are within five hundred feet of a building or buildings
16 wherein three or more premises are licensed and operating pursuant to
17 this section and sections sixty-four, sixty-four-b, sixty-four-c, and/or
18 sixty-four-d of this article.

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

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

55 S 6. This act shall take effect immediately.