

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.