

6324

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

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:

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 REPRESENTING THE RESIDENTS OF A
11 NEIGHBORHOOD WITHIN A CITY HAVING A POPULATION OF ONE MILLION OR MORE
12 AND (II) A RESOLUTION ADOPTED BY A COMMUNITY BOARD OR BOARDS OR OTHER
13 LOCAL BODY OR BODIES WHOSE JURISDICTION COVERS SUCH NEIGHBORHOOD
14 REQUESTING A MORATORIUM WITHIN SUCH NEIGHBORHOOD ON THE ISSUANCE OF NEW
15 LICENSES TO SELL LIQUOR AT RETAIL FOR CONSUMPTION ON THE PREMISES ISSUED
16 PURSUANT TO SECTIONS SIXTY-FOUR, SIXTY-FOUR-A, SIXTY-FOUR-B,
17 SIXTY-FOUR-C AND SIXTY-FOUR-D OF THIS CHAPTER AND (B) A FINDING BY THE
18 AUTHORITY THAT THE NUMBER OF SUCH LICENSES ISSUED WITHIN SUCH NEIGHBOR-
19 HOOD PURSUANT TO SECTIONS SIXTY-FOUR, SIXTY-FOUR-A, SIXTY-FOUR-B,
20 SIXTY-FOUR-C AND SIXTY-FOUR-D OF THIS CHAPTER HAS DOUBLED OVER A THREE
21 YEAR PERIOD, THE AUTHORITY SHALL ESTABLISH A ONE YEAR MORATORIUM WITHIN
22 SUCH NEIGHBORHOOD ON THE ISSUANCE OF NEW LICENSES TO SELL LIQUOR AT
23 RETAIL FOR CONSUMPTION ON THE PREMISES ISSUED PURSUANT TO SECTIONS
24 SIXTY-FOUR, SIXTY-FOUR-A, SIXTY-FOUR-B, SIXTY-FOUR-C AND SIXTY-FOUR-D OF

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

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1 THIS CHAPTER AND THE ACCEPTANCE OF APPLICATIONS FOR SUCH LICENSES.
2 NOTHING CONTAINED IN THIS SUBDIVISION SHALL PREVENT THE TRANSFER OF ANY
3 LICENSE AT THE SAME PREMISES UNDER THIS CHAPTER. FOR PURPOSES OF THIS
4 SUBDIVISION, "NEIGHBORHOOD" MEANS A GEOGRAPHIC AREA WITHIN A CITY HAVING
5 A POPULATION OF ONE MILLION OR MORE THAT IS RECOGNIZED BY THE RESIDENTS
6 THEREOF AS INCLUDING A UNIQUE COMMUNITY OF INTERESTS.

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

10 2. To limit in its discretion the number of licenses of each class to
11 be issued within the state or any political subdivision thereof, and in
12 connection therewith to prohibit the acceptance of applications for such
13 class or classes of licenses which have been so limited. PROVIDED,
14 HOWEVER, IN CITIES HAVING A POPULATION OF ONE MILLION OR MORE, (A) UPON
15 RECEIPT OF (I) A REQUEST FROM THE STATE SENATOR OR STATE SENATORS AND
16 ASSEMBLY MEMBER OR ASSEMBLY MEMBERS REPRESENTING THE RESIDENTS OF A
17 NEIGHBORHOOD WITHIN A CITY HAVING A POPULATION OF ONE MILLION OR MORE
18 AND (II) A RESOLUTION ADOPTED BY A COMMUNITY BOARD OR BOARDS OR OTHER
19 LOCAL BODY OR BODIES WHOSE JURISDICTION COVERS SUCH NEIGHBORHOOD
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23 SIXTY-FOUR-C AND SIXTY-FOUR-D OF THIS CHAPTER AND (B) A FINDING BY THE
24 AUTHORITY THAT THE NUMBER OF SUCH LICENSES ISSUED WITHIN SUCH NEIGHBOR-
25 HOOD PURSUANT TO SECTIONS SIXTY-FOUR, SIXTY-FOUR-A, SIXTY-FOUR-B,
26 SIXTY-FOUR-C AND SIXTY-FOUR-D OF THIS CHAPTER HAS DOUBLED OVER A THREE
27 YEAR PERIOD, THE AUTHORITY SHALL ESTABLISH A ONE YEAR MORATORIUM WITHIN
28 SUCH NEIGHBORHOOD ON THE ISSUANCE OF NEW LICENSES TO SELL LIQUOR AT
29 RETAIL FOR CONSUMPTION ON THE PREMISES ISSUED PURSUANT TO SECTIONS
30 SIXTY-FOUR, SIXTY-FOUR-A, SIXTY-FOUR-B, SIXTY-FOUR-C AND SIXTY-FOUR-D OF
31 THIS CHAPTER AND THE ACCEPTANCE OF APPLICATIONS FOR SUCH LICENSES.
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33 LICENSE AT THE SAME PREMISES UNDER THIS CHAPTER. FOR PURPOSES OF THIS
34 SUBDIVISION, "NEIGHBORHOOD" MEANS A GEOGRAPHIC AREA WITHIN A CITY HAVING
35 A POPULATION OF ONE MILLION OR MORE THAT IS RECOGNIZED BY THE RESIDENTS
36 THEREOF AS INCLUDING 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.