

STATE OF NEW YORK

2777

2017-2018 Regular Sessions

IN ASSEMBLY

January 23, 2017

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 the assembly member or assembly members and the New York city council
11 member or New York city council members representing the residents of a
12 neighborhood within a city having a population of one million or more
13 and (ii) a resolution adopted by a community board or boards or other
14 local body or bodies whose jurisdiction covers such neighborhood
15 requesting a moratorium within such neighborhood on the issuance of new
16 licenses to sell liquor at retail for consumption on the premises issued
17 pursuant to sections sixty-four, sixty-four-a, sixty-four-b,
18 sixty-four-c and sixty-four-d of this chapter; and (b) upon a finding by
19 the authority that the number of such licenses issued within such neigh-
20 borhood pursuant to sections sixty-four, sixty-four-a, sixty-four-b,
21 sixty-four-c and sixty-four-d of this chapter has doubled over a three
22 year period, the authority shall establish a one year moratorium within
23 such neighborhood on the issuance of new licenses to sell liquor at

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

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1 retail for consumption on the premises issued pursuant to sections
2 sixty-four, sixty-four-a, sixty-four-b, sixty-four-c and sixty-four-d of
3 this chapter and the acceptance of applications for such licenses.
4 Nothing contained in this subdivision shall prevent the transfer of any
5 license at the same premises under this chapter. For purposes of this
6 subdivision, "neighborhood" means a geographic area within a city having
7 a population of one million or more that is recognized by the residents
8 thereof as including a unique community of interests.

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

12 2. To limit in its discretion the number of licenses of each class to
13 be issued within the state or any political subdivision thereof, and in
14 connection therewith to prohibit the acceptance of applications for such
15 class or classes of licenses which have been so limited. Provided,
16 however, in cities having a population of one million or more, (a) upon
17 receipt of (i) a request from the state senator or state senators and
18 the assembly member or assembly members and the New York city council
19 member or New York city council members representing the residents of a
20 neighborhood within a city having a population of one million or more
21 and (ii) a resolution adopted by a community board or boards or other
22 local body or bodies whose jurisdiction covers such neighborhood
23 requesting a moratorium within such neighborhood on the issuance of new
24 licenses to sell liquor at retail for consumption on the premises issued
25 pursuant to sections sixty-four, sixty-four-a, sixty-four-b,
26 sixty-four-c and sixty-four-d of this chapter; and (b) upon a finding by
27 the authority that the number of such licenses issued within such neigh-
28 borhood pursuant to sections sixty-four, sixty-four-a, sixty-four-b,
29 sixty-four-c and sixty-four-d of this chapter has doubled over a three
30 year period, the authority shall establish a one year moratorium within
31 such neighborhood on the issuance of new licenses to sell liquor at
32 retail for consumption on the premises issued pursuant to sections
33 sixty-four, sixty-four-a, sixty-four-b, sixty-four-c and sixty-four-d of
34 this chapter and the acceptance of applications for such licenses.
35 Nothing contained in this subdivision shall prevent the transfer of any
36 license at the same premises under this chapter. For purposes of this
37 subdivision, "neighborhood" means a geographic area within a city having
38 a population of one million or more that is recognized by the residents
39 thereof as including a unique community of interests.

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