§ 1321-d. License applicant eligibility. 1. Gaming facility licenses shall only be issued to applicants who are qualified under the criteria set forth in this article, as determined by the commission.

2. Prior to official review by the board, each potential license applicant must:

(a) demonstrate to the board's satisfaction that the applicant has acquired public support and presented evidence of compliance and approval with all required state and local zoning requirements as required under subdivision three of this section and section thirteen hundred twenty-one-k of this title; and

(b) waive all rights they or any affiliated entity possess under section thirteen hundred eleven of this article to bring an action to recover a fee.

(c) pursuant to section thirteen hundred twenty-one-f of this title, an applicant shall pay to the commission an application fee of one million dollars to defray the costs associated with the processing of the application, commission expenses related to the community advisory committee, and investigation of the applicant; provided, however, that if the costs exceed the initial application fee, the applicant shall pay the additional amount to the commission within thirty days after notification of insufficient fees or the application shall be rejected and further provided that should the costs not exceed the fee remitted, any unexpended portion shall be returned to the applicant;

3. (a) For each applicant who proposes a gaming facility located in region two of zone one, there shall be established a community advisory committee. Each committee shall consist of six members, one to be appointed by the governor, one to be appointed by the senator representing the senate district where the proposed facility is to be located, one to be appointed by the assemblymember representing the assembly district where the proposed facility is to be located, one to be appointed by the borough president where the facility is proposed to be located, one to be appointed by the city councilmember representing the district where the facility is proposed to be located, and one to be appointed by the New York city mayor.

(b) For each applicant who proposes a gaming facility located in

regions one or three of zone one, or regions one, two or five of zone two there shall be established a community advisory committee. Each committee shall consist of five members, one to be appointed by the governor, one to be appointed by the senator representing the senate district where the proposed facility is to be located, one to be appointed by the assemblymember representing the assembly district where the proposed facility is to be located, one to be appointed by the county executive of the county where the facility is proposed to be located, and one to be appointed as follows:

(i) If the proposed facility is to be located in a city, one to be appointed by the mayor of such city;

(ii) If the proposed facility is to be located in a town, one to be appointed by the town supervisor of such town; or

(iii) If the proposed facility is to be located in a village, one representative to be appointed jointly by the village mayor and the town supervisor.

(c) The activities of the community advisory committees constituted pursuant to this subdivision shall be subject to the open meetings provisions contained in article seven of the public officers law.

(d) The commission may hire a consultant to serve as a community consultant to assist and manage the community advisory committee process. The commission or community consultant shall provide administrative support and technical assistance for the establishment and activities of committees constituted pursuant to this subdivision.

(e) Prior to a determination on any application by the board, the following community advisory committee process shall apply:

(i) Upon the majority of members of the board being appointed, a community consultant may be hired by the commission to manage the process and any other activities as determined by the commission;

(ii) the commission shall issue a request for applications no later than ninety days following the majority of members of the board being appointed;

(iii) interested entities may submit an application to the board who shall provide such application to the community consultant;

(iv) the community consultant shall notify the commission of all applications and notify the appropriate appointing authorities of their responsibility to submit appointments for each required community

advisory committee established pursuant to this section;

(v) the community consultant shall ensure the formation of each committee, as necessary;

(vi) upon notification, the appointing authority shall appoint their respective appointees;

(vii) upon a committee's first meeting the respective appointees shall elect by majority vote a committee chair;

(viii) the community consultant shall assign applications to each appropriate committee;

(ix) each committee shall review, solicit public comments and written submissions of such comments, and hold public hearings;

(x) upon a two-thirds vote, each committee shall issue a finding either establishing public support approving or disapproving the application.

(f) Following a two-thirds vote by the applicable community advisory committee, the following shall apply:

(i) Upon notification of a finding of support in approval of an application following a two-thirds vote by the appropriate committee, the community consultant shall notify the applicant, board, and commission;

(ii) following such notification, the applicant must comply and receive approval under the applicable state and local zoning requirements;

(iii) the board shall not issue a decision on the application until the applicant presents evidence of compliance and approval with all necessary state and local zoning requirements.

4. The expiration of the seven year restricted period from the date that an initial gaming facility license was awarded is February twenty-eighth, two thousand twenty-three for the three initial casino licenses and November twenty-second, two thousand twenty-three for the final casino license awarded. Should an applicant or applicants commence gaming activities prior to such dates, such applicant or applicants shall be jointly and severally liable for payment of the proportionate fee for the respective period remaining as required by section thirteen hundred eleven of this article.