

Offered by Councilor Ayanna Pressley



CITY OF BOSTON

IN THE YEAR TWO THOUSAND SEVENTEEN

HOME RULE PETITION

BE IT ORDERED: That a petition to the General Court, accompanied by a bill for a special law relating to the City of Boston to be filed with an attested copy of this Order be, and hereby is, approved under Clause One (1) of Section Eight (8) of Article Two (2), as amended, of the Amendments to the Constitution of the Commonwealth of Massachusetts, provided, that the General Court may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of this petition:

PETITION FOR A SPECIAL LAW RE: AN ACT AUTHORIZING ADDITIONAL LICENSES FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES IN BOSTON.

SECTION 1. Section 17 of Chapter 138 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by adding the following new sections:

Notwithstanding anything else in this section, the licensing board of the city of Boston may grant up to 152 non-transferable liquor licenses for the sale of alcoholic beverages to be drunk on the premises pursuant to section 12 of said chapter 138. A license granted pursuant to this act shall be nontransferable to any other person, corporation or organization and shall be clearly marked "nontransferable." For purposes of this section, "nontransferable" means that licenses shall revert back to the City between owners and cannot be sold on the open market. A license issued under this section, if cancelled, revoked or no longer in use at the location of original issuance, shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing board which may then grant that license to a new applicant under the same conditions as specified in this section if the applicant files with the licensing board.

The licenses authorized under this the preceding paragraph shall be phased in over a three-year period commencing in 2017 and ending in 2019. The licenses under this act shall be distributed as follows: 7 city-wide all-alcohol licenses per year and 3 city-wide wine and malt licenses per year for a total of 30, provided that the neighborhoods of Back Bay, Beacon Hill, and the North End shall not be granted more than 3 of the city-wide licenses each per year; 3 all-alcohol licenses per year and 2 wine and malt licenses per year for each of the following neighborhood zoning districts: Dorchester, East Boston, Hyde Park, Jamaica Plain, Mattapan, Mission Hill, and Roxbury, for a total of 105; 3 all-alcohol licenses per year and 2 malt and wine licenses per year for areas designated as Main Streets Districts by the Boston Redevelopment Authority doing business as the Boston Planning and Development Agency, for a total of 15; 1 all-alcohol license for the Lawn on D at the Boston Convention and Exhibition Center; and 1 all-alcohol license for the Boston Center for the Arts.

As used the following paragraph, the following words shall have the following meanings:

“Qualifying project,” a real estate development project consisting of a building or group of buildings under common ownership with a total combined gross floor area of at least 500,000 square feet calculated as of the date of the project’s receipt of Boston Redevelopment Authority Board, doing business as the Boston Planning and Development Agency, approval.

“Restricted project based licenses,” licenses for (i) the sale of all alcoholic beverages to be drunk on the premises within a qualifying project; and (ii) the sale of wines and malt beverages to be drunk on the premises within a qualifying project.

“Umbrella restricted project based license” or “umbrella license,” a restricted project based license granted to the owner of a qualifying project and under which additional licensees operating within the qualifying project may be added.

The licensing board of the city of Boston may grant an umbrella license to the owner of a qualifying project. The licensing board for the city of Boston may grant restricted project based licenses to common victuallers duly licensed under chapter 140 and operating within a qualifying project that is in possession of an umbrella restricted project based license, subject to the approval of the alcoholic beverages control commission. The licensing board shall not approve the addition of licensees operating outside of the qualifying project and shall not approve the transfer of such umbrella license to a location outside of the qualifying project. An umbrella license or any of its restricted project based licenses shall be nontransferable to any person, corporation, or organization operating outside of the qualifying project or alternate location within qualifying project and shall be marked as such on its face. Notwithstanding this paragraph or any other special or general law to the contrary, umbrella licenses or restricted project based licenses shall not be subject to or counted against the municipal quota set forth in this section. An umbrella license or a restricted project based license issued under this paragraph,

if cancelled, revoked, or no longer in use at the location of original issuance, shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing board which may then grant that license to a new applicant under the same conditions as specified in this paragraph if the applicant files with the licensing board.

SECTION 3. This act shall take effect on September 1, 2017.

Filed in Council: March 6, 2017