

Offered by Councilor Pressley



CITY OF BOSTON IN CITY COUNCIL

HOME RULE PETITION TO RETURN AUTHORITY OF THE LIQUOR LICENSE PROCESS TO THE CITY OF BOSTON

WHEREAS, A 1933 law apportioned a limited number of liquor licenses to Massachusetts cities and towns requiring them to seek legislative approval to exceed those limits; and

WHEREAS, State control over liquor licenses was a result of Prohibition-era frenzy about alcohol and a power struggle between Yankee legislators and Irish-dominated local governments; and

WHEREAS, Those conditions no longer apply, yet these restrictions are still in effect in Boston; and

WHEREAS, The lack of flexibility for Boston to locally control the liquor license distribution process makes acquiring a liquor license lengthy, burdensome and costly for businesses; and

WHEREAS, The cap on the number of available liquor licenses in Boston drives up the price of licenses and the cost of doing business; and

WHEREAS, The unnecessarily high cost of doing business makes it difficult for entrepreneurs - particularly small/local-, minority-, and women-owned business enterprises - to bring innovation to the cultural, arts, and culinary arenas; and

WHEREAS, It unduly burdens entrepreneurs who wish to open small neighborhood establishments, who in some estimates rely on alcohol sales for up to a quarter of their revenue; and

WHEREAS, In certain communities in Boston, particularly in communities of color, the high cost of liquor licenses also makes it more difficult to develop the range of neighborhood entertainment and dining offerings necessary to attract and retain young professionals and families; and

WHEREAS, These outdated restrictions impede the ability of Boston to spur economic development and limits the City's ability to foster equity across neighborhoods,
THEREFORE 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 1 of Section 8 of Article II, as amended, of the Articles of Amendment to the Constitution of the Commonwealth of Massachusetts, to the end that legislation be adopted precisely as follows, except for clerical or editorial changes of form only:

PETITION FOR A SPECIAL LAW RE:

LIQUOR LICENSES IN THE CITY OF BOSTON

Section 1. Section 17 of Chapter 138 of the General Laws is hereby amended, as appearing in the 2012 Official Edition, by striking out the sixth and seventh paragraphs in their entirety, and inserting in place thereof the following paragraph: -

The licensing board for the city of Boston may set the total number of available licenses for the sale of alcoholic beverages under sections twelve and section fifteen. Said board may grant licenses in accordance with the provisions of Chapter 138 of the General Laws. The transfer of existing licenses shall be subject to a public hearing in the neighborhood in which the license is to be relocated, properly advertised and at an appropriate time to afford that neighborhood an opportunity to be present. A license issued under this paragraph prior to January 1, 2014, shall be transferable in accordance with the criteria set forth in this paragraph. Notwithstanding the above, the licensing board shall not approve the transfer of existing licenses granted in the areas designated by the Boston Redevelopment Authority as main street districts, urban renewal areas, empowerment zones or municipal harbor plan areas to a location outside of the designated area. Licenses issued on or after January 1, 2014, shall be returned physically at the expiration of the license, with all of the legal rights and privileges thereto, to the licensing board which may grant any such returned license to a new applicant consistent with the criteria set forth in this paragraph. A license issued under this paragraph, if revoked or no longer in use, shall be returned physically, with all of the legal rights and privileges thereto, to the licensing board which may grant any such returned license to a new applicant consistent with the criteria set forth in this paragraph. No license shall be re-issued to the same location within 3 months from the date the prior license terminated unless the applicant files either (A) a letter in writing from the department of revenue with the local licensing authority indicating the prior licensee's good standing with the department, or (B) a letter in writing demonstrating no financial relationship between the prior license holder and the current applicant at the same location.