

HOUSE No. 208

The Commonwealth of Massachusetts

PRESENTED BY:

Tackey Chan

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to large project based licenses.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Tackey Chan</i>	<i>2nd Norfolk</i>	<i>1/16/2019</i>

HOUSE No. 208

By Mr. Chan of Quincy, a petition (accompanied by bill, House, No. 208) of Tackey Chan relative to large project based alcoholic beverages licenses. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to large project based licenses.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 15 of Chapter 138 of the General Laws is hereby amended by
2 adding at the end thereof the following section: --

3 Section 15G. Notwithstanding any other provisions of Chapter 138, there is hereby
4 established the following: --

5 As used in this section, the following words shall have the following meanings:

6 “Shopping Center,” is defined as a group of retail and other commercial establishments
7 that is planned, developed, owned and managed as a single property, typically with on-site
8 parking provided.

9 “Mixed-Use Development,” is a real estate project with planned integration of some
10 combination of retail, office, residential, hotel, recreation or other functions. It is pedestrian-
11 oriented and contains elements of a live-work-play environment.

12 “Gross leasable area (GLA),” is the amount of floor space available to be rented in a
13 commercial property. Specifically, gross leasable area is the total floor area designed for tenant
14 occupancy and exclusive use, including any basements, mezzanines, or upper floors.

15 “Qualifying project for communities over 500,000 residents,” a real estate development
16 project consisting of a building or group of buildings under common or affiliated ownership with
17 a total combined gross floor area of at least 700,000 square feet and including at least 125,000
18 square feet of commercial space calculated as of the date of the project's receipt of Boston
19 Redevelopment Authority Board, doing business as the Boston Planning and Development
20 Agency, approval.

21 “Qualifying project for communities under 500,000 residents,” is a shopping center or
22 mixed-use development or redevelopment with a GLA (gross leasable area) of 150,000 square
23 feet.

24 “Restricted project-based licenses,” licenses for (i) the sale of all alcoholic beverages to
25 be drunk on the premises within a qualifying project; and (ii) the sale of wines and malt
26 beverages to be drunk on the premises within a qualifying project, and which are not subject to a
27 city or towns quota established under section 17 of chapter 138.

28 “Umbrella restricted project-based license” or “umbrella license,” a license granted to the
29 owner of a qualifying project under which additional restricted project-based licensees operating
30 within the qualifying project may be added, and which is not subject to the quota established
31 under section 17 of chapter 138.

32 SECTION 2. The licensing authority of a city or town may grant an umbrella license to
33 an owner of a qualifying project subject to the approval of the Alcoholic Beverages Control

34 Commission (ABCC). The licensing authority may grant restricted project-based licenses
35 pursuant to section 12 of chapter 138 to applicants operating within a qualifying project that is in
36 possession of an umbrella restricted project-based license, subject to the approval of the
37 alcoholic beverages control commission. The licensing board shall not approve the addition of
38 licensees operating outside of the qualifying project and shall not approve the transfer of such
39 umbrella license to a location outside of the qualifying project. An umbrella license or any of its
40 restricted project-based licenses shall be nontransferable to any person, corporation, or
41 organization operating outside of the qualifying project or alternate location within qualifying
42 project and shall be marked as such on its face. Notwithstanding this paragraph or any other
43 special or general law to the contrary, umbrella licenses or restricted project-based licenses shall
44 not be subject to or counted against the municipal quota set forth in section 17 of chapter 138.
45 An umbrella license or a restricted project-based license issued under this paragraph, if
46 cancelled, revoked, or no longer in use at the location of original issuance, shall be returned
47 physically, with all the legal rights, privileges and restrictions pertaining thereto, to the licensing
48 board.

49 A city or town that wishes to opt into this section may do so by adopting an ordinance or
50 by-law through the local legislative body.

51 The owner of a qualifying project shall pay a licensing fee of \$150,000 for the umbrella
52 license to be paid within 30 days after the award of the license.