

HOUSE No. 339

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>2/19/2021</i>

HOUSE No. 339

By Mr. Chan of Quincy, a petition (accompanied by bill, House, No. 339) 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-Second General Court
(2021-2022)**

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. Chapter 138 of the General Laws, as appearing in the 2018 Official Edition,
2 is hereby amended by inserting after Section 15F, the following section:-

3 Section 15G. (a) As used in this section, the following words shall have the following
4 meanings:

5 “Gross leasable area” or “GLA”, the total amount of floor space available to be rented in
6 a commercial property designed for tenant occupancy and exclusive use, including any
7 basements, mezzanines, or upper floors.

8 “Large community”, a city or town of 500,000 or more residents.

9 “Mixed-Use development”, a pedestrian-oriented real estate project with planned
10 integration of a combination of retail, office, residential, hotel, recreation or other functions.

11 “Qualifying project”, a real estate development project in a large community consisting
12 of a building or group of buildings under common or affiliated ownership with a total combined
13 gross floor area of at least 700,000 square feet and including at least 125,000 square feet of
14 commercial space calculated as of the date of the project's receipt of Boston Redevelopment
15 Authority Board, doing business as the Boston Planning and Development Agency, approval; or
16 a shopping center or mixed-use development or redevelopment with a GLA of 150,000 square
17 feet in a small community.

18 “Restricted project-based licenses,” licenses pursuant to section 12 within a qualifying
19 project for: (i) the sale of all alcoholic beverages to be drunk on the premises; or (ii) the sale of
20 wines and malt beverages to be drunk on the premises.

21 “Shopping center”, a group of retail and other commercial establishments that is planned,
22 developed, owned and managed as a single property, typically with on-site parking provided.

23 “Small community”, a city or town of less than 500,000 residents.

24 “Umbrella license”, a license granted to the owner of a qualifying project under which
25 additional restricted project-based licensees operating within the qualifying project may be
26 added.

27 (b) The licensing authority of a city or town may grant an umbrella license to an owner of
28 a qualifying project subject to the approval of the commission. The licensing authority may grant
29 restricted project-based licenses pursuant to section 12 of chapter 138 to applicants operating
30 within a qualifying project that is in possession of an umbrella license, subject to the approval of
31 the commission. The licensing authority shall not approve the addition of restricted project-based
32 licensees operating outside of the qualifying project’s umbrella license and shall not approve the

33 transfer of an umbrella license to a location outside of the initial qualifying project. An umbrella
34 license or any of its restricted project-based licenses shall be nontransferable to any person,
35 corporation, or organization operating outside of the qualifying project or alternate location
36 within the qualifying project and shall be marked as such on its face. Notwithstanding this
37 paragraph or any other special or general law to the contrary, umbrella licenses or restricted
38 project-based licenses shall not be subject to or counted against the municipal quota set forth in
39 section 17. An umbrella license or a restricted project-based license issued under this paragraph,
40 if cancelled, revoked, or no longer in use at the location of original issuance, shall be returned
41 physically, with all the legal rights, privileges and restrictions pertaining thereto, to the licensing
42 authority.

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

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