

ASSEMBLY, No. 1955

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblywoman SERENA DIMASO

District 13 (Monmouth)

SYNOPSIS

Allows certain qualifying projects to sell alcoholic beverages.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning alcoholic beverage licenses and supplementing
2 Title 33 of the Revised Statutes.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

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7 1. a. As used in this act:

8 “Architecturally significant structure” means a building that is
9 notable for its style of architecture.

10 “Historic building” means a building that is included in the New
11 Jersey Register of Historic Places established pursuant to P.L.1970,
12 c.268 (C.13:1B-15.128 et seq.).

13 “Qualifying project” means a historic building that is: located
14 within a redevelopment area; at least 1,500,000 gross square feet; a
15 multi-use or mixed use development project; and an architecturally
16 significant structure.

17 “Redevelopment area” means an area determined to be in need of
18 redevelopment pursuant to sections 5 and 6 of P.L.1992, c.79
19 (C.40A:12A-5 and 40A:12A-6);

20 b. A municipality may issue two special permits which shall be
21 used in connection with a qualifying project for which an agreement
22 has been entered into between a developer and a municipality
23 pursuant to the “Long Term Tax Exemption Law,” P.L.1991, c.431
24 (C.40A:20-1 et seq.). The special permit shall entitle the permit
25 holder to sell any alcoholic beverage for consumption by the glass
26 or other receptacle in or upon the premises of a qualifying project.

27 c. The application for the permit shall be submitted on an
28 annual basis to the governing body of the issuing municipality. The
29 fee for the permit shall be \$25,000 for the first year of the permit’s
30 issuance and \$15,000 for each year thereafter.

31 d. For 15 years immediately following the initial issuance of
32 the permit the fee shall be distributed in the following manner:

33 (1) Twenty percent shall be paid to the eligible municipality
34 wherein the redevelopment plan is adopted; and

35 (2) Eighty percent shall be divided equally among and paid to
36 the active plenary retail consumption licensees in the eligible
37 municipality or municipalities in which the premises will be
38 located, excluding plenary consumption licensees located or
39 affiliated with a shopping mall as defined in this bill.

40 e. On the first day of the 181st month following the initial
41 issuance of the permit, the annual fee shall be paid to the eligible
42 municipality wherein the redevelopment plan is adopted.

43 f. The holder of a permit who, following the effective date of
44 this act, obtains an interest in a plenary retail consumption license
45 within the eligible municipality shall not receive a fee pursuant to
46 subsection d. of this section.

47 g. Except in the case of a revoked permit, the municipal issuing
48 authority, for good cause and after a hearing, may authorize the

1 person to whom the permit is issued to maintain the permit in an
2 inactive status for more than six months upon demonstration that
3 the person is making a good faith effort to actively use, or resume
4 active use of, the permit.

5 h. A person who would fail to qualify as a holder of a plenary
6 retail consumption license under Title 33 of the Revised Statutes
7 shall not be authorized to hold an interest in a permit issued
8 pursuant to the provisions of this section.

9 i. The holder of this permit shall not sell or transfer the permit
10 for use in connection with a premises that is not a qualifying project
11 as defined by subsection a. of this section.

12 j. The restriction in section 2 of P.L.1947, c.94 (C.33:1-12.14)
13 concerning the number of retail consumption licenses that may be
14 issued in a municipality shall not be applicable to a permit issued
15 pursuant to this section.

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17 2. This act shall take effect immediately.

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20 STATEMENT

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22 This bill allows a municipality to issue two special permits to
23 sell alcoholic beverages for consumption on the premises of a
24 “qualifying development project.” The bill defines a “qualifying
25 development project” as a historic building that is located within a
26 redevelopment area; at least 1,500,000 gross square feet; a multi-
27 use or mixed use development project; and an architecturally
28 significant structure.

29 The bill also requires that the special permit be used in
30 connection with a qualifying project for which an agreement has
31 been entered into between a developer and a municipality pursuant
32 to the “Long Term Tax Exemption Law,” P.L.1991, c.431
33 (C.40A:20-1 et seq.).

34 The application for the permit is to be submitted on an annual
35 basis to the governing body of the issuing municipality. The annual
36 fee for the permit is to be \$25,000 for the first year of the permit’s
37 issuance and \$15,000 for each year thereafter. For 15 years
38 immediately following the initial issuance of the permit, the fee is to
39 be distributed to the eligible municipality (20%) and the other
40 licensees in the municipality (80%). Following the initial 15 year
41 period, the entire fee is to be distributed to the eligible municipality.

42 Finally, the special permit would not be subject to the population
43 limitation that restricts a municipality from issuing more than one
44 plenary retail consumption license for every 3,000 persons residing
45 in that municipality.