



NEW YORK STATE SENATOR

Liz Krueger

## Sens. Krueger, Tkaczyk Introduce Bill to Protect Communities' Home Rule and Zoning Rights with Respect to Casinos

LIZ KRUEGER January 23, 2014

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Today State Senators Liz Krueger (D-Manhattan) and Cecilia Tkaczyk (D-Duanesburg) announced the introduction of legislation protecting the basic home-rule rights of municipalities with respect to casino siting ([S. 6433-2014](#)).

Specifically, this bill would require that local support for the siting of a casino in a specific municipality be demonstrated through the passage of a local law or resolution in support of the siting. In addition, the bill would make explicit in the law that construction of any casino or casino-affiliated resort must comply with the State Environmental Quality Review Act (SEQRA). Finally, the bill would prohibit the use of land transfers to state or local governments as a means of avoiding compliance with local zoning regulations and other requirements.

"This plan will never work if Albany bureaucrats are forcing casinos down the throats of communities that don't want them and can't accommodate them," said Sen. Krueger.

"Governor Cuomo created, pushed, and passed the casino plan our state is now embarking on as a project to generate economic benefits for communities that need it and revenue for the state as a whole – and while I've had concerns about the plan's specifics, I do genuinely hope

it accomplishes those goals. But whether it's Saratoga Springs today or New York City a decade down the road, local governments must be able to have a say in what happens to their communities. Casino development can't be exempted from zoning requirements and environmental protections and imposed on towns, villages, and cities from on high."

"I believe casinos can be a great regional economic engine and help us create desperately-needed new jobs in Upstate New York," said Sen. Tkaczyk. "But we need to ensure that the casinos are good neighbors and sited only in those municipalities that want them. This is common sense legislation that will protect local governments and citizens, while still allowing the gaming industry to flourish in our State."

New York State has long recognized the importance of home rule and routinely requires local home rule messages before acting on a host of issues with less community impact than the siting of a casino. Rather than specifying a mechanism for localities to register their support or opposition to casino siting, the casino legislation passed last June simply states that "as a condition of filing, each potential license applicant must demonstrate to the [New York State gaming facility location] board's satisfaction that local support has been demonstrated." This extremely vague language gives localities no real guidance or protection. To solve this problem, Senator Krueger's legislation would establish a clear procedure for localities to approve or disapprove of a siting, ensuring that localities can exert some control over their own destiny and character, and will not have siting decisions forced on them by an Albany-based state board.

Other states have also recognized the importance of a local role in determining casino siting. Massachusetts, which recently passed legislation authorizing casinos, has strong, clear language regarding the right of localities to approve or reject the siting of casinos. The importance of these protections has been borne out by the fact that a number of Massachusetts communities have availed themselves of the right to say no, judging the

introduction of a casino to be too risky, disruptive, or fraught with negative consequences to be worth the potential benefits. Local referendums to allow casinos in East Boston and West Springfield were defeated, while Everett and Plainridge have approved casino plans. New Yorkers deserve the same right to decide whether or not they want casinos in their communities.

Other jurisdictions' experience has indicated that when casinos come to town, problem gambling can increase and low-income people can be victimized, while nearby businesses often do not reap significant benefits from the presence of the casino and can even suffer losses instead. In addition, casino development and attendant traffic increases can result in environmental damage and overburden road networks that were not built for high traffic volumes.

*Sen. Liz Krueger is a veteran member of the New York State Senate's Democratic Conference, serving as ranking member on the Senate Finance Committee. First elected in 2002, Sen. Krueger represents the 28th Senate District, which includes Manhattan's Upper East Side and East Midtown communities. In addition to her role on the Finance Committee, Sen. Krueger serves as a member of the following committees: Codes; Elections; Higher Education; Housing, Construction, and Community Development; Mental Health and Developmental Disabilities; and Rules.*

*Sen. Cecilia Tkaczyk represents the 46th Senate District, which includes all of Montgomery and Greene Counties, and parts of Albany, Schenectady, and Ulster Counties. She is the ranking member on two Senate committees – Elections and Mental Health and Disabilities – and also serves as a member of the following committees: Agriculture; Children and Families; Education; Environmental Conservation; Science, Technology and Entrepreneurship; Veterans, Homeland Security and Military Affairs; and the Legislative Commission on Rural Resources.*