



NEW YORK STATE SENATOR

Liz Krueger

Sen. Krueger Applauds Strong Basic Home Rule Requirement in Gaming Board's Request for Casino Applications

LIZ KRUEGER April 1, 2014

| ISSUE: **RECREATION AND TOURISM, GAMING**

Sen. Krueger today applauded Gov. Andrew Cuomo, the New York State Gaming Commission, and the New York State Gaming Facility Location Board for their institution of a strong basic home-rule requirement for casino license applications. Sen. Krueger previously introduced legislation with Sen. Cecilia Tkaczyk (D-Duanesburg) to guarantee basic home rule for municipalities on casino siting, as well as requiring respect for local zoning and environmental laws in the casino siting process. This legislation ([S. 6433](#)) was supported by a diverse group of newspaper editorial boards both upstate and downstate, including the Albany Times Union, New York Post, Poughkeepsie Journal, and Gloversville Leader-Herald.

In its [Request for Applications](#) (RFA) issued yesterday, the Gaming Facility Location Board committed that “[a]s a condition of filing, each applicant must illustrate to the Board's satisfaction that local support has been demonstrated,” and specifically, “local support must be demonstrated through a post-November 5, 2013 vote of the local legislative body of each Host Municipality.”

“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 That’s why I introduced my casino home-rule bill earlier this year, and that’s why I’m tremendously pleased to see the Gaming Facility Location Board unambiguously require all casino applications contain a supporting resolution from the host municipality or municipalities,” said Sen. Krueger.

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 stated 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 gave localities no real guidance or protection in the letter of the law. To solve this problem, Sen. Krueger introduced her casino home-rule bill, which would establish a clear requirement in the law along the lines of the requirement the Board has adopted with the issuance of yesterday’s RFA.

“While the Gaming Facility Location Board has done the right thing by adopting this standard, this should still be a protection afforded to towns, cities, and villages in the law, not a voluntary standard set at the Board’s discretion. And we should go further, clearly requiring respect for local zoning and environmental laws, and banning government land swaps for the purpose of regulatory avoidance,” said Sen. Krueger.

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 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.

Background:

- "Request for Applications to Develop and Operate a Gaming Facility in New York State." See especially pg. 7 and pg. 58. March 31, 2014. <http://www.gaming.ny.gov/pdf/RFA%203.31.14.pdf>.
- "Senate Democrats Advance Bill to Require Home Rule on Casino Siting," James Odat. Albany Times Union. January 23, 2014. <http://www.timesunion.com/local/article/Senate-Democrats-ask-local-approval-for-casino-5170287.php>
- Selected editorials on Sen. Krueger's casino home-rule bill: <http://www.nysenate.gov/news/editorial-boards-cheer-sen-kruegers-bill-preserve-home-rule-casino-siting>.