

Casino Siting in New York

NYS Constitution: 7 Commercial Casinos

1. del Lago Resort & Casino (Finger Lakes)
2. Rivers Casino & Resort (Capital Region)
3. Resorts World Catskills (Catskills)
4. Tioga Downs (Southern Tier)
- 5.
- 6.
- 7.

2022 NYS State Budget

Established criteria for the remaining three licenses, and revised the process to be used in selecting the licensees

Similar to 2014-15 Upstate processes, in that:

- Managed by independent Gaming Facility Location Board
- Statute sets forth evaluation criteria
- Process is competitive - based upon the Board's evaluation of how different proposals meet those criteria
- The casino must bring real benefits to the host community
- Fiscal benefit to New York's public schools, local governments, and problem gambling treatment services.

New siting process

Differences from the 2014-15 Upstate processes:

BEFORE the Board may evaluate an Application:

- A separate, appointed Community Advisory Committee must approve the project
- All necessary zoning approval processes must be completed

Only projects that are embraced by the community, as reflected by the approval of the Community Advisory Committee and receipt of necessary zoning approvals, will be before the Board for consideration.

Selection process

- Fair, transparent, competitive
- No preconceived favorites or “sure bets”
- Board comprised of 5 members appointed by the Governor: Quenia Abreu; Vicki Been; Carlos Naudon; Stuart Rabinowitz; one more member to be named
- Lobbying of Board members is prohibited
- Board members can have no conflicts of interest

NYS Gaming Commission's Role

Regulates all legal gambling in New York State, including commercial casinos – “Vegas-style” casinos with real slot machines, poker, table games with live dealers and more

Stage 1: Applications

Stage 1: Request for Applications: Issued January 3, 2023

Two Rounds of Questions before Applications are due.

First Round: 600 questions, answered August 30, 2023

Second Round: 450 questions, currently under review

Once Board releases answers to Second Round Q&A:

Applications due 30 days later

Stage 1: Request for Applications

Once applications are submitted:

- The Board will publish application material online
- A Community Advisory Committee for each proposal will be formed, members will receive the application, and begin work
- Applicants must continue or begin to navigate the land-use/zoning processes

Stage 1: Request for Applications

Community Advisory Committees (CACs)

- Must follow open meetings law
- Must hold open hearings to gauge local support or opposition
- Must formally vote in an open meeting – with a 2/3 supermajority – to approve the project

If the CAC does not approve the project, the Board will not consider the proposal.

Stage 1: Request for Applications

Community Advisory Committees (CACs)

Within New York City

6 appointees:

Governor

NYC Mayor

State Senator

State Assemblymember

Borough President

City Councilmember

Outside NYC

5 appointees:

Governor

County Executive

State Senator

State Assemblymember

Senior elected official:

- City: Mayor
- Town: Supervisor
- Village: Mayor & Supervisor



Stage 1: Request for Applications

Zoning

Each proposed project must complete any required municipal zoning process

The zoning process is determined by the municipality where the project is proposed

The Board may establish a timeline providing a reasonable amount of time to obtain zoning approval

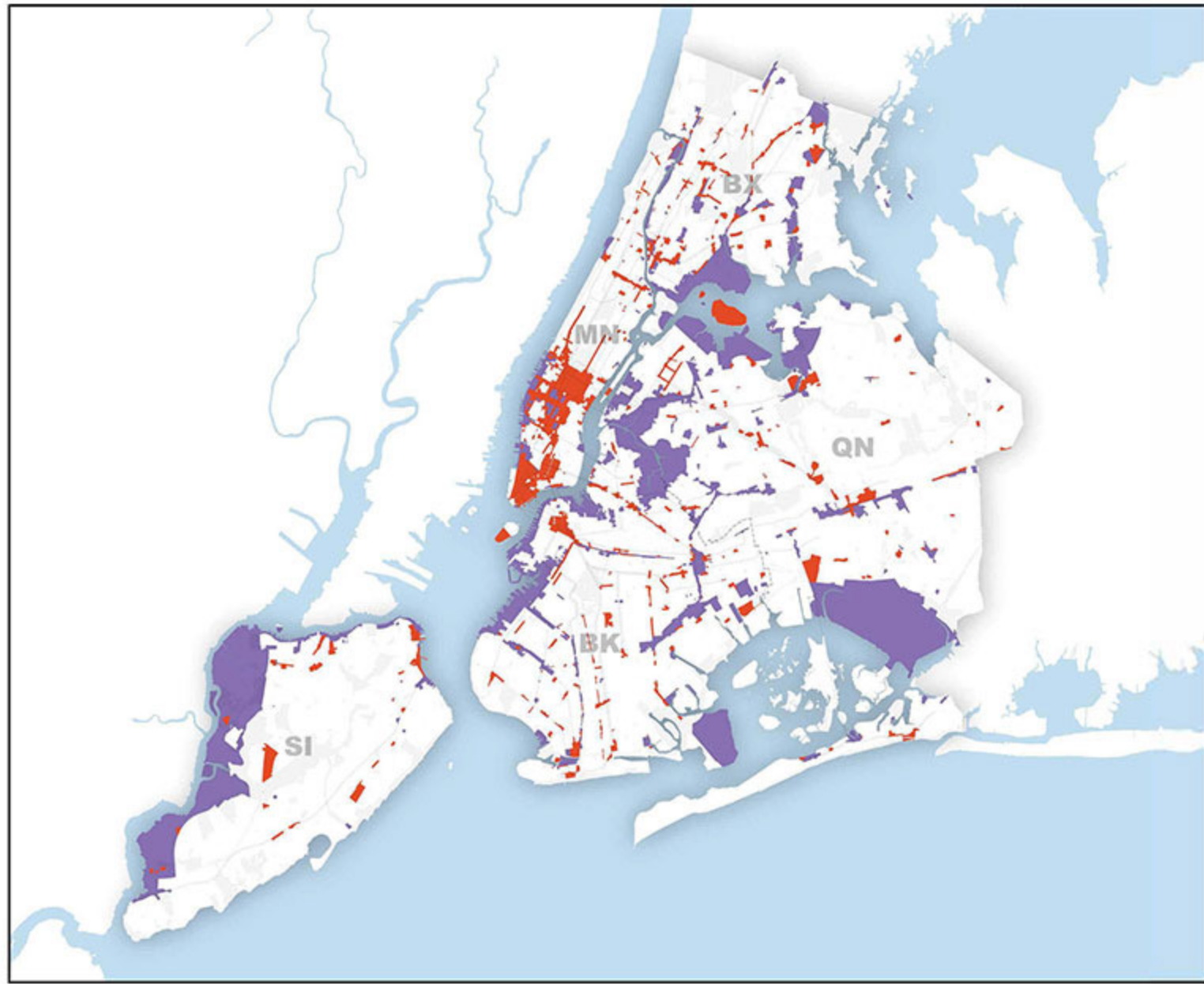
Stage 1: Request for Applications

NYC Department of City Planning:

Proposed citywide zoning text amendment (Nov., 2023) to allow gaming facilities licensed by the State as a permitted use in certain districts (C4, C5, C6, C7 & C8; M1, M2 & M3)

<https://zap.planning.nyc.gov/projects/2024Y0197>

Applicants may still be required to obtain other land use approvals that may apply to their project (e.g., de-mapping parkland, mapping streets, approvals for disposition of City property, or amendments to the City's zoning map)



Metropolitan Planning Board

- Zoning Districts: C4, C5, C6, C7, C8
- Zoning Districts: M1, M2, M3



Gaming Facility Location Board

Stage 1: Request for Applications

Board is required to analyze the revenue impact of each facility, which depends in part on the competitive landscape each faces

Potential competitive landscape may change after CAC & zoning

Applicants who successfully complete CAC and zoning processes will be asked to submit additional information including:

- Proposed tax rates
- Independent market and revenue studies
- Description of the competitive environment

Minimum Investment, License Fees, & Taxes

Capital Investment: \$500 million minimum

- May include some previous capital investments

License Fee: \$500 million minimum

Taxes:

- Slots: Minimum of 25%
- All Other Sources (table games): Minimum of 10%

Applicants may offer higher amounts in their proposals

Stage 2: Evaluation & Selection

Economic Activity & Business Development - 70%

- Capital investment
- Revenues for the state and localities
- Number of quality jobs
- “Highest caliber” gaming facility with a variety of amenities
- “A secure and robust gaming market”
- Site location’s benefits
- Recapture of spending by residents traveling out-of-state
- Speed-to-market: “reasonable and feasible construction schedule”
- Ability to fully finance
- Experience in developing and operating a quality gaming facility

Local Impact Siting – 10%

- Mitigating impacts on host & nearby municipalities
- Partnering with local hotels, restaurants and retail facilities
- Partnerships with live entertainment venues that may be impacted by the casino

Workforce Enhancement – 10%

Workforce plan that uses the existing labor force, including:

- Estimated number of construction jobs
- Development of:
 - Training programs that serve the unemployed
 - Methods for applicants to access employment

Employee training to recognize individuals exhibiting problems with gambling

Agreement with organized labor, including hospitality services

Practices that “promote the development of a skilled and diverse workforce and access to promotion opportunities”

Diversity Framework – 10%

Demographics including current employment of minorities, women and service-disabled veterans

Diversity in ownership and leadership of corporate entity

Efforts to ensure diversity at existing facilities and plans for proposed facility

Once Board Makes Selection(s)...

Commission will determine if applicant(s) meet established licensure criteria

Following licensure, the Commission will issue an operating certificate when the facility is ready to open to the public

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nycasinos.ny.gov