

# Massachusetts Gaming Law and Casinos

Summary of Legal Provisions Relating to “Resort  
Casinos” in Region A

By: City of Somerville Law Dept.  
August 22, 2013

# Chapter 194 of the Acts of 2011 (the “Gaming Act”)

- Allows for up to 3 destination resort casinos located in 3 geographically diverse regions. Only one casino per region.



# Gaming Commission Members

[Stephen P. Crosby](#) , Chair  
(on leave from his position  
as dean of the McCormack  
Graduate School of Policy  
and Global Studies at the  
University of Massachusetts,  
Boston);

[Gayle Cameron](#) (retired  
New Jersey State Police  
Lieutenant Colonel);

[James F. McHugh](#) (retired  
associated justice of the  
Massachusetts Appeals  
Court);

[Bruce Stebbins](#) (most  
recently, business  
development administrator  
for the City of Springfield);  
and

[Enrique Zuniga](#) (most  
recently, executive director  
of the Massachusetts Water  
Pollution Abatement Trust)



Credit: Mass. Gaming Cmsn.

# Category 1 (Casino) License Criteria

Gaming Applicants must satisfy statutory criteria, MGL c. 23K, s. 15, including the following:

- Demonstrate how to address compulsive gambling problems, workforce development and community development and host and surrounding community impact and mitigation issues
- Identify infrastructure costs and commit to a community mitigation plan for those communities
- Signed agreement with host community
- Signed agreements between the surrounding communities and the applicant with community impact fee for each surrounding community and stipulations of responsibilities between each surrounding community and the applicant, including known impacts from the development and operation of a gaming establishment;
- affirmative action program.

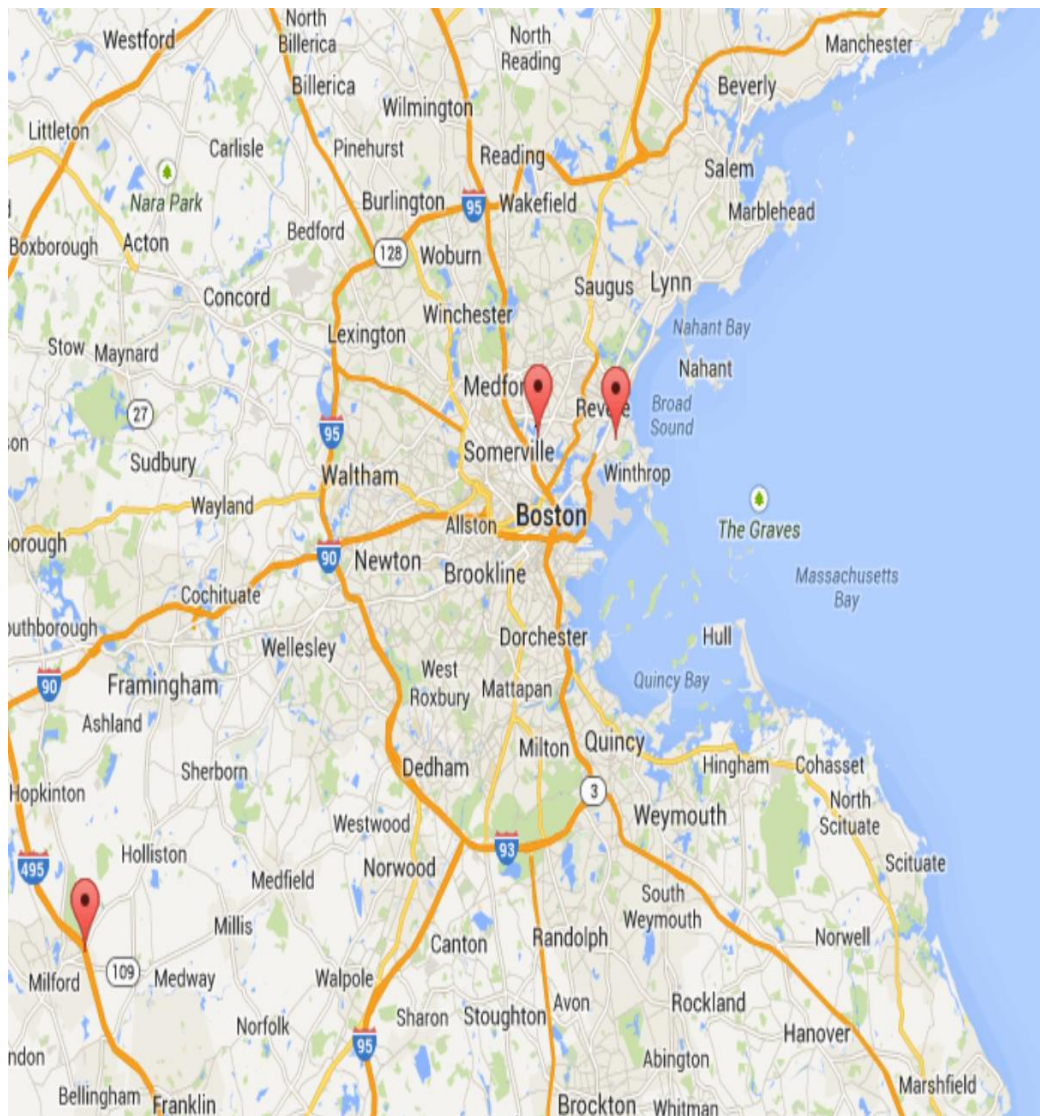
# Casino Gaming License Process



# Casino Gaming License Process

## Phase 1

- Purpose of Phase 1 (RFA-1): Evaluate the qualifications and suitability (financial, business, ethical) of applicant.
- In this region, 3 resort casino applications submitted.
  - **Wynn, LLC - Everett**
  - **Sterling Suffolk Racecourse – E. Boston**
  - **Crossroads Massachusetts, LLC (Foxwoods) – Milford**
- Commission's Investigations and Enforcement Bureau (IEB) will make recommendations whether applicants are suitable to proceed.
- By Sept. 2013: Review of RFA-1 estimated to be completed.



Credit: Google, WBUR

# Casino Gaming License Process

## Phase 2 – Application

- Purpose of Phase 2 (RFA-2) : Application is project-specific focusing on the merits of an applicant's proposed gaming establishment.
- June 2013: RFA-2 Application released for Resort Casino License.
- December 31, 2013: Application Deadline
- April 2014: Estimated license award.

# Host Community vs. Surrounding Community

	Host	Surrounding
<i>Nature of Community</i>	Municipality in which applicant has proposed locating gaming establishment.	Municipality in proximity to a host community that the Commission determines experiences or is likely to experience impacts from the development or operation of a gaming establishment
<i>Agreement with Applicant</i>	Host Agreement required	Surrounding Community Agreement; By mutual agreement or Commission-ordered arbitration
<i>Local Referendum</i>	Yes, to approve Host Agreement.	No

"If an applicant comes in with a whole bunch of unresolved communities in need of arbitration, we can say that's not very satisfactory," he said. "If they come in with it buttoned up, that's a measure of community support for the project." Excerpt quoting Stephen Crosby, Gaming Cmsn. Chair, Milford Daily News, 8/13/13.



# Obtaining Surrounding Community Status

- Method (1): Applicant designates the community in its RFA-2 application as a surrounding community and the community assents in writing,
- Method (2): Applicant and the community execute a surrounding community agreement that is submitted as part of the applicant's RFA-2 application, or
- Method (3): Community petitions the Commission for designation as a surrounding community no later than 10 days after the RFA-2 application is submitted.

# Public Hearing and Opportunity for Public Comment on RFA-2 Application

- Public Hearing held in the Host Community by the Commission.
- Written Notice sent to city clerk of each surrounding community; Posted on Commission website.
- At public hearing, applicant shall have a representative to respond to questions/comments.
- Representatives of surrounding communities may attend the hearing, make a presentation and respond to questions as directed by the chair.
- Public may attend and make a presentation at the chair's discretion. Prior to hearing, Commission will set manner in which it will receive public comment.

# Technical Assistance and Community Disbursements

1. Voluntary: Funds provided by applicant to a community to study potential impacts and for the negotiation of a host or surrounding community.
2. Involuntary Disbursements: City or town likely to be designated a surrounding community may file a petition with the Commission to require applicant to provide such funding.
3. Regional Planning Assistance: Voluntary for applicant and potential surrounding communities to work with regional planning agency.