

NYC ARTIST COALITION

Testimony on:

Oversight: Enforcement of New York City's Cabaret Law (T 2017-6287)
Establishing an office of nightlife and a nightlife task force (Int 1648-2017)
The New York City Council Committee on Consumer Affairs
by New York City Artist Coalition

Monday June 19th, 2017

Thank you for holding this hearing. We are truly encouraged by Council Member Espinal's leadership and commitment to a long overdue repeal of the senseless and unjust Cabaret Law.

In one sentence, our testimony could be: **Social Dancing Is Not A Crime.**

We advocate for the safety and preservation of informal cultural spaces, such as DIY music venues. These spaces are critical to our city's cultural production and vital for the people they serve and support. Such venues are often victims of arbitrary enforcement of the Cabaret Law and as a result several are being shuttered. The Cabaret Law pushes our communities underground and into unsafe environments.

In New York we have a de facto ban on social dancing. It is nearly impossible to receive a Cabaret License--especially for DIY venues, nonprofits and small businesses--due to a combination of out-of-scale permitting requirements and zoning restrictions. NYC has less than a 100 licensed cabarets, leaving many neighborhoods without any legal venues for dancing. Beyond denying all New Yorkers a fundamental right of cultural expression, this law also directly affects the livelihood of many when it becomes the means to closing down a business.

There is a lot of confusion on what the Cabaret Law actually regulates beyond social dancing. Building, fire and noise codes, as well as other requirements such as certificates of occupancy, public assembly permits and SLA licensing ensure the safety of all and protect the public from disturbance. The requirements regarding recordings and security guards are associated to a venue's capacity and not with dancing. To be honest, someone who spends a sweaty night on the dance floor is much less likely to disturb or be violent than someone who spent the night drinking.

Created in 1926 with racist and discriminatory intent, the Cabaret Law has been systematically used as a tool to target nightlife and especially communities of color and LGBTQ communities. Today the City does not enforce the Cabaret Law across the board. A law that is not supposed to be enforced should not be on the books. By maintaining it we enable NYPD and task-forces such as MARCH (Multi-Agency Response to Community Hotspots) to discriminate with arbitrary enforcement or to use it to intimidate marginalized

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communities. The law needs to be the same for all, no matter whether they are going to a rock&roll or a hip-hop show.

We believe strongly that there is no place for the Cabaret Law in any contemporary civil society and definitely not in the 2017 New York governed by a progressive Mayor and City Council.

Regarding the establishment of the Nightlife Taskforce, that according to the proposal, will have only two representatives of nightlife. We want to ask assurances that it will include members from informal cultural spaces and be responsive to the needs of New Yorkers of all incomes and backgrounds. The Office of Nightlife is a strategy that has been implemented in European cities to address the needs of the nightlife industry, an important economic engine often at odds with the quality of life standards of densely populated contemporary metropolis. The Office of Nightlife has been successful only when trust is achieved between all stakeholders. This Office will also need to respond to all the needs of a 24/7 urban life. For instance many artists, writers and all sorts of creative New Yorkers spend their day earning a salary while living in tiny shared spaces and would highly benefit from public libraries and other public community centers that are open after hours.

In conclusion we would urge you to consider including in the purview of the Office of Nightlife:

1. A Task Force of Cultural Liaisons who act as confidential case managers for informal cultural spaces and work as a connection with City Agencies to facilitate permitting processes and access to grants and programs by overcoming bureaucratic hurdles, identifying liabilities and addressing legal conundrums.
2. An Urgent Repairs Fund, a pool of matching funds to cover the cost of urgently needed safety maintenance work, which could make affordable the cost of simple and yet lifesaving safety work for many DIY venues.

Once again: **Social Dancing Is Not A Crime.**
Repeal the Cabaret Law.

Thank you,
New York City Artist Coalition