

City Council Testimony
Before the Committee on Consumer and Worker Protection
Office of Nightlife, NYC Mayor's Office of Media and Entertainment
18 April 2022

Introduction

Good afternoon, Chair Velázquez and members of the Committee on Consumer and Worker Protection. My name is Joshua Levin. I am the Associate Commissioner of Intergovernmental and Community Affairs at the Mayor's Office of Media and Entertainment ("MOME" spelled M-O-M-E, for short).

MOME supports the creative economy of film, television, theater, music, publishing, advertising, digital content, and nightlife. Before the COVID pandemic, the creative economy generated \$150 billion per year and nearly one out of every 10 local jobs. Beyond the economic impact, the creative sectors, including our vibrant nightlife businesses, defines New York City to the people who live here and the rest of the world. The Office of Nightlife (ONL) is one of MOME's five divisions, which also includes the Film Office, NYC Media, Creative Sectors Programs, and the Press Credentials Office.

After Local Law 178 of 2017 created the Office of Nightlife, MOME established a functioning office to be a point of entry into City government, listening to industry concerns, connecting them to partners in government, and creating resources and programs to help them. Leveraging the support of MOME, the Office of Nightlife has done a tremendous job supporting New York City's nightlife industry in their short history.

Now, it is my great pleasure introduce you to Senior Executive Director of the Office of Nightlife, Ariel Palitz.

Office of Nightlife

Good afternoon, Chair Velázquez and members of the Committee on Consumer and Worker Protection. I am Ariel Palitz, Senior Executive Director of the Office of Nightlife at the New York City Mayor's Office of Media and Entertainment (MOME). Thank you for the opportunity to testify today. I am happy to be here with you today to share what we have accomplished over the last four years and how we can continue to address the challenges ahead.

The Office of Nightlife is a dedicated, non-enforcement liaison between City agencies and the nightlife industry and community, serving owners, workers, performers, patrons and residents in New York City's 25,000 bars, nightclubs, venues, and restaurants. As you may know, the Office was created through legislation, written by former Council Member Rafael Espinal and signed by former Mayor de Blasio in 2017. Through the collective efforts of the Mayor, the City Council, and numerous advocacy organizations and grassroots activists, New York City joined a global

movement of nighttime management and governance which now accounts for nightlife offices and representation in more than 60 cities across the world.

As a born and raised New Yorker, I have proudly served in this position since March 2018, drawing on my extensive experience in the industry and community, first working as a club promoter and then owning and operating my own club in the East Village for ten years, while simultaneously serving on the liquor licensing committee of Manhattan Community Board 3 for nearly seven years. In those roles I experienced many of the issues that our Office would ultimately be addressing, including dealing with staffing and security, booking and patrons, regulations and licensing, inspections and enforcement, and quality of life issues.

Upon my appointment as the Office of Nightlife's first director, I assembled a team and began the work to establish this new office. Our first responsibility was to hear from industry and community. In the fall of 2018, we launched a Five-Borough Listening Tour collecting feedback from more than 1,200 attendees and then held focus groups to dive into the critical issues raised at those listening sessions and to learn detailed solutions from within the community. The agency then released a comprehensive [economic impact study](#) of NYC's nightlife industry in January 2019, which found that it accounted for more than \$35.1 billion in economic activity and supported nearly 300,000 jobs and \$700 million in local tax revenue.

That research and feedback helped us shape the four pillars of our agenda, outlined in the [report we released in June 2021](#): 1) support business development, 2) improve quality of life, 3) promote safety, equity, and harm reduction, and 4) elevate nightlife culture to be seen as an asset, rather than a liability as has historically been the case. Our report also provides a series of recommendations to improve nightlife in NYC, including solutions to challenges that existed before the pandemic, but are even more urgent now. These nearly two dozen recommendations are the result of research, stakeholder engagement, and lessons learned from our casework.

1) Support Business Development and Recovery

We are deeply committed to supporting businesses across the five boroughs and ensuring they have the resources they need to be successful. Immediately following the conclusion of the Listening Tour, we developed a dedicated Nightlife Interagency Working Group, convening more than a dozen City agencies and the NY State Liquor Authority on an ongoing basis to review how the industry interacts with City and State government, and how the agencies interact with each other in relation to the industry.

With this Working Group, we developed an approach to casework and problem solving called MASH, or Multi-Agency Support for Hospitality. We work closely to identify systemic solutions to longstanding challenges, and engage them for individual casework. This includes helping nightlife businesses navigate City agencies. It also includes crisis management response for venues that are facing some form of threat or other emergency, helping us expedite support from City services and resources and serve as a central point of contact for the venues.

Since we began this approach, we have helped address more than 725 cases. Together with our citywide campaigns, webinars, newsletters and social media, ONL has proudly reached over a million New Yorkers.

We know through our engagement that businesses face challenges in navigating City permitting and licensing processes. The City has already made progress to address this, and just last summer, SBS introduced NYC Business Quick Start to help small businesses navigate and cut processing time by 50 percent. In March 2021, [Mayor Adams's Blueprint for Economic Recovery](#) announced plans to build on this approach by streamlining agency inspections, reviews, and approvals and launching an interagency small business express service to cut business opening times in half, and launch a new portal for businesses to track interactions with the City in real time, including filings, permits, and inspections.

Another challenge identified was the need to expand cure periods for issues that do not pose immediate life safety hazards, to give businesses the opportunity to get into compliance without paying fines. In his first week in office, Mayor Adams announced a new initiative to do just that, directing regulatory agencies to review all fines and violations within six months and recommend specific cuts or revisions. Additionally, our report and the Mayor's Blueprint recommended standardizing Community Board processes and applications for liquor licensing and reducing excessive stipulations and restrictions on arts and culture, and we are currently working with Borough Presidents to launch this effort.

Through Local Law 220 of 2019, ONL is also responsible for publishing [semi-annual reports](#) of Multi-Agency Response to Community Hotspot operations, otherwise known as MARCH. ONL is proud to be entrusted to work with the participating City agencies to create a centralized reporting system to provide information to the public about these operations' frequency, locations, and results. That legislation also now requires nightlife establishments to receive written notification from NYPD at least 30 days prior to any MARCH operation, with an opportunity to rectify the conditions and potentially avoid a MARCH by contacting their local precinct or the Office of Nightlife.

2) Improve Quality of Life

We have also introduced initiatives to improve quality of life issues between neighbors and nightlife establishments. In October 2019, we launch the Lower East Side Quality of Life Improvement pilot program, working with the Departments of Transportation (DOT) and Sanitation (DSNY), the Taxi and Limousine Commission (TLC) and the Lower East Side Partnership. This multi-agency plan worked to improve quality of life in one of the city's densest nightlife districts, by reorchestrating City services to address the conditions that are unique to life at night. This initiative would serve as a model for the Commercial District Recovery Safety Plan, a multi-agency, coordinated approach to address chronic quality of life concerns in commercial districts led by the Recovery Office and SBS Neighborhood Development from May to December 2021.

In September 2020, we worked with our partners at the Office of Administrative Trials and Hearings (OATH)’s Center for Creative Conflict Resolution to launch a free mediation program for nightlife venues and their neighbors. That program is called MEND NYC, which stands for Mediating Establishment and Neighborhood Disputes, and brings together both parties with a neutral, third-party mediator to resolve disputes before through direct communication and compromise and before escalating to the need for enforcement.

MEND helps venues and residents establish long-term relationships, helping New Yorkers co-exist, addressing quality of life while ensuring that small businesses are supported and can thrive. New Yorkers who contact 311 with complaints are informed about the MEND program, and the program also receives referrals and works in partnership with NYPD NCO officers, Community Boards, the State Liquor Authority, and elected officials. More than 83% of all cases that proceed to mediation end in resolution.

3) Promote Safety, Equity and Harm Reduction

Adopting a harm reduction approach to substance use is increasingly urgent with the prevalence of fentanyl in cocaine and other drugs resulting in opioid overdoses. In 2018 and 2019, we partnered with the Department of Health and Mental Hygiene (DOHMH) on its “Using Cocaine?” initiative, conducting outreach to nightlife venues to educate staff about the presence of fentanyl in cocaine, train staff and patrons to respond to overdoses, and provide venues with naloxone kits and preventive messaging. In fall 2021, we partnered with DOHMH again to launch the “Narcan Behind Every Bar” campaign, holding webinars for nightlife workers to get trained in overdose response and receive free naloxone kits. This campaign is critical to our overall efforts to ensure that venues and promoters are seen as key partners in our collective efforts to combat the opioid crisis in New York City.

In September 2021, ONL partnered with the Mayor's Office of Community Mental Health (OCMH), and a non-profit called Backline Care to launch the Elevate Nightlife Mental Health Initiative. The Elevate initiative addresses trauma and stress in the nightlife industry, where late nights and high-pressure environments can contribute to mental health challenges. The pandemic compounded the stress of these environments and had a profound effect on the livelihood and wellbeing of our city’s nightlife workers, many of whom have experienced sudden unemployment, loss of income exposure to illness, and grief. The initiative addresses the collective trauma in an industry that remains on the frontlines of the city's recovery. More than 120 members of NYC's nightlife community have joined free weekly online support groups and worked with case managers to create affordable personalized mental health plans.

4) Elevate Nightlife Culture

Nightlife is at the core of NYC’s cultural identity, and we are working to establish new policies and programs to support creative spaces and the New Yorkers who work and perform in them. Our report addresses the challenge that it can be cost-prohibitive to host DIY or independent events, which can lead event organizers to operate “underground” with increased risk. We are

working to reduce the time and cost to host one-off cultural events through creating a new, faster process to facilitate use of space for small arts, entertainment, and nightlife activity. Our report also highlights a solution that we have seen in other cities that allowing 24-hour use in specified districts, if implemented properly, can help reduce quality of life issues in residential neighborhoods and create a draw for global tourism. We are working now to identify areas where 24-hour use might be appropriate for a pilot program, and bring existing after-hours activity out of the shadows.

Responding to the Covid-19 Pandemic

In March 2020, Covid-19 struck a direct and devastating blow to the nightlife industry. ONL shifted into crisis management mode, fulfilling our mandate to serve as a vital resource to the nightlife community by providing information and guidance, while representing and amplifying their needs where decisions were being made. We immediately surveyed the nightlife community to capture a snapshot of the devastating impacts, which showed that venues and workers lost more than 95% of their income and freelancers lost 86% of their planned gigs in the first few weeks. Since the beginning of the pandemic, ONL has held over 40 virtual “Town Calls” for more than 20,450 viewers, convening City, State, and federal officials together to share resources and information about regulations, and get answers to common questions and challenges to the nightlife community.

We also created resources and campaigns to share and explain new rules and regulations in plain language to business owners and the public. We worked with inspection agencies, SBS, and the Office of Special Enforcement to prepare the “What to Expect When You're Inspected” guidance document focusing on Covid safety compliance. We also created “Take Out, Don’t Hang Out” window posters and the “It’s Up to You, New York,” awareness campaigns, displayed throughout the city to communicate the current Covid rules.

ONL served as a representative for the nightlife industry in the City’s interagency business recovery efforts as we all worked together to launch emergency programs and initiatives. The City’s efforts included the Open Restaurants program for outdoor seating at bars and restaurants, which saved 100,000 industry jobs; the Curtains Up program, which provided free webinars and one-on-one application support for the federal Shuttered Venue Operators or SVOG Grants, which provided over \$1.6 billion to 921 NYC venues and promoters; and the Open Culture program for outdoor performances in City streets, which hosted 459 public events.

Conclusion

Now four years since the creation of the office, New York is emerging as a leader in the global nighttime governance movement, communicating regularly with other nightlife offices throughout the US, and participating in the Global Nightlife Recovery Plan with over 130 collaborators from 70 cities around the world. As is the case with so many other sectors, cities are looking to New York to see how we are innovating to support this vital sector through the advent of our initiatives and the development of our recommendations.

As we emerge out of the pandemic the nightlife industry has come a long way facing unimaginable struggles. New York's recovery depends on nightlife's recovery, and the pandemic has taught us that nightlife is not a just luxury, but a necessity. It is essential not only to our culture and economy, but our identity, and has the power to heal not only our city but ourselves. New York's venues, and the people who run them, are resilient, and we are working every day to continue supporting them every night.

I want to thank the Council for its ongoing partnership and support for the nightlife industry and community. We are looking forward to working together toward our shared goals of supporting a nightlife that is vibrant, viable, safe and fair, and is enjoyable for all New Yorkers and the people who visit here from around the world. I am happy to be joined here today by my colleagues from MOME and SBS and we look forward to taking your questions. Thank you.

Monday, April 18th, 2022, at 1:00 P.M.

Comments of Andrew Rigie, Executive Director, New York City Hospitality Alliance and Chairperson of the New York City Nightlife Advisory Board on the Committee on Consumer and Worker Protection hearing on "Oversight - The Office of Nightlife and the State of the Nightlife Industry."

My name is Andrew Rigie and I am the Executive Director of the New York City Hospitality Alliance ("The Alliance"), a not-for-profit trade association that represents restaurants, bars and nightclubs throughout the five boroughs. I am also one of the City Council Speaker's appointees to, and the elected Chairperson of the 14-member, independent Nightlife Advisory Board ("NAB") that was established by the Local Law creating the Office of Nightlife ("ONL"). Thank you to Chair Velazquez and members of the City Council for the invitation to testify. Today, I will provide comments in both of my capacities.

New York City Hospitality Alliance ("The Alliance")

The Alliance strongly supported the creation of the Office as Nightlife. Nightlife offices have been established by governments around the globe that are dedicated to the planning and management of nighttime activities, economies, and the development and nurturing of sociable cities. These functions are vital to the city of New York, where our nightlife sector had an economic output of \$35.1 billion, paid \$13.1 billion in employee compensation, contributed nearly \$700 million in local tax revenue, and added incalculable social and cultural value to our city. Taken together, this impact will be essential as ever, as our city recovers from the crushing damage of the COVID-19 pandemic.

We were thrilled when the ONL released its comprehensive report, [*NYC's Nightlife Economy – Impact, Assets, and Opportunities*](#) in 2019. It signaled a deep commitment from the city to address issues of importance to nightlife stakeholders thoughtfully and strategically. The report included a sector analysis, coupled with policy, programming, planning and management ideas. Unfortunately, shortly after its release the pandemic struck our city and the framework in the report was understandably placed on hold to focus on the immediate crisis. Now, we urge Mayor Adams and the City Council to work with ONL to revisit the report, update as needed because of the pandemic, and double down on the city's commitment to nightlife, as a fundamental part of New York's recovery and rebuilding.

While we work towards the future, we'd like to highlight some of the [key programs](#) The Alliance has worked with ONL on to date, which include Best Practices for Nightlife Establishments with the NYPD, MEND NYC Mediation & Conflict Resolution, MARCH Operation Transparency Reporting, Multi-Agency Support for Hospitality, Harm Reduction & Safer Spaces, in addition to other programming we've conducted such as regulatory education and compliance seminars and connecting nightlife businesses with pandemic grants and other support. We frequently connect nightlife business owners with ONL when they have questions and need to navigate and access city services.

As The Alliance is an organization that advocates for and supports the nightlife industry, it has also been valuable for us to have ONL in place to communicate the state of the industry and know that there is a dedicated team in place navigating the internal city bureaucracy that impacts our sector, while ensuring our perspective and on the ground experiences are being communicated to better inform city policy and programs.

Lastly, Senior executive director of ONL, Ariel Palitz, has demonstrated extraordinary leadership in building this office from scratch with her team, and exemplified a deep commitment to city government and nightlife stakeholders, especially during this unprecedented crisis. Palitz and her team have limited resources, and are part of a much larger, complex bureaucracy. But their ability to exceed the office's mission is clear and they've demonstrated proof of concept. What is also clear, is the city should increase ONL's budget so it has the resources and bandwidth to serve the nightlife sector most effectively and increase its capacity, while further empowering it to navigate, coordinate and establish policy within city government, which will be essential to the office's long-term effectiveness and responsiveness.

New York City Nightlife Advisory Board ("NAB")

I'm honored to have been appointed by the City Council Speaker to the Nightlife Advisory Board, and to have been elected by my 13 colleagues who were appointed by the Mayor and Speaker to serve as Chairperson. While I was appointed due to my expertise in nightlife and capacity representing nightlife businesses in the city of New York, as Chairperson, my goal and commitment has been to also elevate and empower the voices of my fellow NAB members and all nightlife stakeholders with whom we engaged. Members of the NAB are volunteers who represent a diverse group of stakeholders from nightlife businesses, communities affected by nightlife, the LGBTQ+ community, artists, musicians, experts in sexual violence, and others with experience and expertise in the city's nightlife.

A primary mandate for the NAB as established by Local Law is to evaluate New York City laws, rules, regulations, and policies on an ongoing basis to make findings and recommendations that address common issues and trends in the nightlife industry. After extensive work, NAB intended to submit our findings to the Mayor and City Council in early 2020, then the pandemic put that plan on hold.

During the following period of crisis, NAB worked with and closely advised the Office of Nightlife on strategies and policies to support all stakeholders within the sector. NAB members also worked independently to support nightlife by advocating for programs including the Shuttered Venue Operators Grant, the Restaurant Relief Fund, Enhanced Unemployment Benefits, extension of Unemployment Benefits to 1099 workers, a Fund for Excluded Workers, and many additional policies to support New York City's nightlife during such trying times.

NAB ultimately, submitted our [Nightlife Report and 15 Recommendations](#) to the Mayor and City Council on July 19th, 2021. While the recommendations we've developed before the pandemic, NAB strongly believes they still provide an effective framework from which government officials may lay the groundwork to enact laws, rules, policies, and systems that address the many complex issues pertaining to the City's nightlife, and that are important to a diverse group of nightlife stakeholders. NAB was deeply grateful for all the people and groups that informed and supported our work.

We urge Mayor Adam's Administration and the City Council to review our report and consider and implement NAB's recommendations. We will be happy to meet and discuss our report with you further.

Lastly, although my appointment to NAB is active, it is my understanding that most of the Mayor and Speakers allotted appointments have expired. We respectfully request that people are appointed to the vacant seats, and as Chairperson, I look forward to further discussing this matter.

Closing Remarks

On behalf of the NYC Hospitality Alliance and Nightlife Advisory Board, we thank you for your consideration of our comments. Our city's nightlife was devastated by the pandemic, and there was so much disruption and loss. Nightlife will be essential to our city's recovery, and now there's an opportunity to build back a more vibrant, supportive, and sustainable nightlife that's responsive to the needs of our city, and in which the Office of Nightlife, Nightlife Advisory Board, and New York City Hospitality Alliance must play a critical role.

Respectfully submitted,

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N I G H T L I F E

Report

Summer 2021

New York City Nightlife Advisory Board
Recommendations to the Mayor and City Council
July 19, 2021

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Introduction

In 2017, New York City Mayor Bill de Blasio signed into law Int 1688, introduced by former Council Member Rafael Espinal, creating the Office of Nightlife (“ONL”) and Nightlife Advisory Board (“NAB”). The NAB consists of 14 members appointed by the City Council and Mayor to serve two-year terms. NAB’s mandate is to evaluate New York City’s (the “City”) laws, rules, regulations, and policies on an ongoing basis and to make findings and recommendations that address common issues and trends in the nightlife industry.

Members of the NAB are volunteers who represent a diverse group of stakeholders from nightlife businesses, communities affected by nightlife, the LGBTQ+ community, artists, musicians, experts in sexual violence, and others with experience and expertise in the City’s nightlife.

After the first NAB was convened, members developed a structure from which to conduct their work in a comprehensive, fair and efficient manner. To ensure the NAB would be sufficiently informed to develop recommendations, the NAB members undertook a thoughtful and curated approach in which they met in person to deliberate more than a dozen times; participated in additional conference calls and committee meetings; attended relevant events, including the five “Five Borough Townhalls” hosted by the ONL; received in-person presentations from approximately 25 nightlife stakeholder organizations and individuals; and received written comments from the public. In addition, each NAB member shared their own expertise and solicited input from their own stakeholder networks.

This extensive and inclusive approach to fulfilling the statutory mandate allowed the NAB to develop the following recommendations in a constructive manner, enabling the NAB to receive a majority vote of support from NAB members for the collective recommendations. The NAB strongly believes that the manner in which they presented their recommendations provides the most effective framework from which government officials may lay the groundwork to enact laws, rules, policies, and systems that address the many complex issues pertaining to the City’s nightlife.

Given the diverse nature of this ever changing city, these recommendations do not address all nightlife matters that are important to all people. As such, the NAB hopes that this work continues to inspire an evolving dialogue about nightlife culture and policy in the City. Nonetheless, the group felt an awesome responsibility to go to great lengths to be inclusive and thoughtful. The NAB members are confident that, if enacted, these recommendations will have an overwhelmingly positive impact on the City’s nightlife for a diverse range of affected stakeholders. While the NAB will urge government officials to enact these recommendations immediately, they believe it will be incumbent on future appointed members of NAB to advocate for these recommendations. The NAB members hope that these findings and the operating framework developed will be useful to them in fulfilling their mission.

The City’s nightlife is a living, breathing and ever-evolving entity that is vital to our City’s cultural fabric and local economy, as it impacts New Yorkers, communities, and visitors in meaningful and unique ways. The undersigned Nightlife Advisory Board members are honored to have been appointed to the first New York City Nightlife Advisory Board and are proud to submit the enclosed recommendations to the Mayor and City Council.

The undersigned thank former Council Member Rafael Espinal for his leadership in creating the Nightlife Advisory Board, Speaker Melissa Mark-Viverito, and Speaker Corey Johnson, and members of City Council for their support of Int 1688, and Mayor Bill de Blasio for signing the bill into law. The NAB thanks the New York City Mayor’s Office of Media and Entertainment (MOME) Commissioner Anne del Castillo and former Commissioner Julie Menin, ONL Senior Executive Director Ariel Palitz and their teams for their support and we are forever grateful to all the stakeholders who inspired and informed this work.

Long live the night!

Nightlife Advisory Board

Members:

Andrew Rigie (Chairperson)
Olympia Kazi (Vice Chairperson)
Susan Xenarios (Secretary)
José Francisco Ávila
Kurtis Blow
Robert Bookman
Marti Gould Cummings
Alvester Garnett
Pedro Goico
DJ Tikka Masala
Mitch Nowicki (Appointed 2020)
Andrew Praschak
David Rosen
Allen Roskoff (Appointed 2020)
Luisa F. Torres
Susan Stetzer

You may learn more about the Nightlife Advisory Board by visiting:
<https://www1.nyc.gov/site/mome/nightlife/advisory-board.page>

Foreword

The Nightlife Advisory Board (“NAB”) planned to submit our recommendations to the Mayor and City Council in March of 2020, but on the 16th day of the month, the government implemented Covid-19 restrictions that mandated our city’s nightlife shutdown. Due to the pandemic and restrictions, NAB delayed the release of our report.

It has now been more than one year since the Covid-19 shutdown, and the public health and economic crisis has ravaged New York City and had a devastating impact on its nightlife sector. Tragically, over 33,000 New Yorkers have died, including those affiliated with nightlife, and we’ll mourn them forever.

During this period of crisis, NAB worked with and closely advised the NYC Office of Nightlife on strategies and policies to support all stakeholders within the sector. NAB members also worked independently to support nightlife by advocating for programs including the Shuttered Venue Operators Grant, the Restaurant Relief Fund, as well as Enhanced Unemployment Benefits, extension of Unemployment Benefits to 1099 workers, a Fund for Excluded Workers, and many additional policies to support New York City’s nightlife during such trying times.

While we will continue to advocate for additional Covid-19 related policies, we must not lose sight of the longstanding, pre-pandemic issues the sector faced. Many of these issues persisted during the pandemic, and all will resurface when our city’s nightlife fully reopens. NAB will continue to advise the NYC Office of Nightlife and to support our city’s struggling nightlife to enable its full and complete recovery.

Today, we are proud to announce the top recommendations we developed pre-pandemic and submit them to the Mayor and City Council. We are submitting this report now, to ensure that incumbent government officials have the time to consider policies that can be implemented during the remainder of their terms. We hope that our recommendations will also serve to educate mayoral and City Council candidates who will take office in 2022, both of whom must play a vital role in helping rebuild a New York City nightlife supportive of all stakeholders.



Recommendations

311**1**

The 311-complaint system should be updated to avoid abuse and facilitate favorable resolutions by:

1. implementing a system to immediately notify businesses and property owners of 311 complaints via text message or email;
2. eliminating anonymous complaints, since they provide no means for issue resolution;
3. reclassifying 311 complaints in COMSTAT determined by the NYPD or other city agency to lack merit so these meritless complaints do not leave a mark on a business's record;
4. presenting all nightlife-related 311 calls to the Mediate Establishment and Neighborhood Disputes program.

Affordability and Culture**2**

A great number of culturally significant nightlife spaces closed in recent years due to rent increases, regulatory burdens, or lack of governmental support. There needs to be more acknowledgment of the value of traditional and grassroots cultural nightlife. The City must create affordable commercial spaces and offer tax incentives and other subsidies for existing and new developments that provide affordable space to cultural nightlife businesses, including consideration of a "landmark" designation for culturally significant venues providing them special protections from displacement. The cost of permits and amount in fines levied must also be reviewed and reduced while prioritizing safety and focusing on education and training to ensure compliance.

Anti-Sexual Assault Training**3**

Sexual harassment and other forms of sexual and physically aggressive behaviors can occur in nightlife establishments. Safety is a critical issue for both workers and patrons. Nightlife businesses must be provided with the support and professional expertise to ensure a safe and healthy environment for their staff and customers. Nightlife business owners should be provided with a comprehensive and ongoing training program for their management and staff that includes:

1. an understanding of penal laws relating to interpersonal harassment, abuse, and violent behavior;
2. the identification of aggressive and potentially harmful behavior patterns;
3. intervention skills, especially bystander intervention techniques; and
4. policy and procedures for reporting and collection evidence when appropriate.

To ensure a training environment of trust and confidentiality, it is strongly recommended that training be facilitated by groups working in this field such as OutSmartNYC, which is a collaboration of NYC-based anti-violence and rape crisis programs.

Community Organizing

4

The ONL should promote community organizing for better nightlife integration into neighborhood life. It should support the creation of volunteer nightlife community-based industry groups within neighborhoods with the goal of fostering communication, peer leadership, and clear accountability. The ONL should develop and manage a plan for each group to create relationships with local community boards, NYPD precincts, community groups, and any other relevant neighborhood stakeholders. The following recommendations will facilitate the development of these community-based groups:

1. Each Borough President should assign a staff-based Nightlife Liaison to facilitate community relationship building;
2. The NYPD should be included in the planning and outreach process, through Neighborhood Coordinating Officers and Community Affairs; and
3. Effort must be made by Council Members and Borough Presidents to recruit people familiar with the nightlife industry and workforce to serve on community boards.

Dancing / Zoning Resolution

5

The City should appoint a panel of expert stakeholders to review the zoning resolution and submit recommendations to the Mayor and City Council on areas throughout the city where dancing should be permitted in commercial establishments. Dancing is restricted to certain Use Groups in the zoning resolution, thus limiting where the free expression of dance may occur at restaurants, bars, nightclubs, and other venues in the five boroughs. The recent repeal of the Prohibition-era Cabaret Law signaled that it is past time to expand the areas where people may dance, if the appropriate safety measures are in place. The ONL and the NAB should be consulted on all related matters, including during rezoning of neighborhoods and relevant development projects.

Fair Treatment of Artists and Performers

6

Musicians, DJs, dancers, actors, drag queens, stand-up comedians, and all sorts of performers that work in nightlife are often not paid, paid too little, or even asked to “pay to play.” The City should conduct an official survey and frame this problem, which extends beyond the private sector to major publicly-funded nonprofits and festivals as well. All publicly-funded venues and events should communicate with performers and establish a fair scale of wages relative to the time and work required for each performance. The City should launch a program that promotes best practices for producers, promoters, and managers of cultural nightlife businesses. Performing artists also need more education regarding their rights. The City should establish a dedicated workforce center to provide legal and organizing resources and other professional services, training, and affordable rehearsal space for nightlife performers.

Nightlife Beyond Bars and Clubs

7

A thriving nightlife goes beyond bars and clubs. New York is among the cities where individual artists, collectives, and community groups find it very difficult to host events in public spaces. The City also lacks community spaces for both creating and presenting cultural work. City-owned buildings must be opened afterhours for rehearsal and performance space. Public libraries could also enrich New York's cultural nightlife by staying open later and incorporating engaging programming. The City should create a mechanism to activate nightlife establishments for daytime activities where appropriate such as using the venue for rehearsal space, a kitchen incubator, and other uses which could also generate revenue.

New Yorkers need affordable options for all kinds of nightlife. In most global cities people can gather informally in squares and parks to drink with friends and even dance to the rhythm of impromptu concerts. Drinking in the public space and dancing anywhere in the city should be regulated but not prohibited.

Nightlife Security Guard Training

8

New York State law requires security guards to take the same training and obtain the same license, whether or not the person is working security at a department store or a nightclub. Thus, the training does not sufficiently equip security guards with the unique skills tailored for their specific work environments. Therefore, an enhanced training standard, taken annually, is recommended for security guards working in a liquor-licensed nightlife establishment. The training should include, and not be limited to, intervention techniques when dealing with intoxicated patrons, crowd management, active shooter scenarios, addressing sexual harassment and violence, harm reduction, sensitivity training when dealing with different populations, and the like.

Better Nightlife Integration

9

Nightlife businesses and community organizations, including community boards, should have a structure to work together to foster better relationships and work on collaborative solutions to common problems. For instance, when there are planning opportunities through rezoning or development, there should be areas for both businesses and residents to co-exist without conflict. This would include designating areas where 4:00 a.m. liquor licensed businesses can be located and noting areas that are residential and require family-friendly hours. In addition, there should be opportunities for businesses, industry representatives, and community boards to work together to create model license applications, license stipulations, and resolutions. A set of best practices should also be created, including best practices for sound proofing, and a glossary of terms so all parties are on the same page. A series of town halls and workshops should be hosted with businesses, patrons, community boards, and community groups to educate each other on issues and work together on ways to resolve them. Finally, studies should be conducted in areas with concentrations of nightlife and develop and implement plans for safe and efficient 24-hour transportation options for patrons, workers, and residents.

Sound

10

The City should enact laws requiring real estate developers to work with businesses to plan how new developments will be integrated into neighborhoods that allow for existing nightlife businesses. This planning would help nightlife businesses succeed without interfering with residential activity and vice versa. This would include sound proofing requirements, placement of bedrooms in new developments to best avoid impacts from business operations, especially those occurring late at night, and other design elements to mitigate conflicts between nightlife and residents, and other stakeholders.

Regulatory Environment

11

The City must create a more equitable regulatory environment that focuses on providing access to information, education and training first, and resorts to levying fines and penalties on nightlife businesses as a last resort. This includes:

1. issuing warnings and cure periods for violations that don't pose an imminent hazard to workers and the public;
2. pre-scheduling inspections when appropriate;
3. reviewing all rules, regulations and laws on an ongoing basis to determine their appropriateness and relevancy and modifying, eliminating, or enacting new ones as necessary;
4. developing ongoing nightlife training programs to familiarize and assist nightlife establishment owners and workers with opening technical support, ongoing operational and compliance guidance and general best practices, ranging from permitting to sound management; and
5. accelerating the issuance period for all permits and licenses because delays have negative financial and operational impacts on nightlife establishments, including for one-off events that require a Temporary Place of Assembly.

Safe Spaces

12

Historically, at-risk LGBTQ young people instinctively seek temporary refuge at queer nightlife venues. They are often perceived as one of their few welcoming, recognizable safe spaces. It is also one of the few places they may feel comfortable enough to openly express themselves, develop a support system, and realize their sense of self-worth.

The City should connect public agency and Nonprofit programs that specialize in providing support for homeless, sheltered, and runaway LGBTQ young people — especially queers of color — with venues. Eligible venues could be recognized with a “Safe Space” designation creating credibility for and visibility of venues committed to providing emergency safe spaces for this at-risk population. Restaurants, community centers, social clubs, retail establishments, and other nightlife venues not requiring legal age for entry could be available to all including those under 21, while venues serving alcohol and/or having legal age minimums could act as Safe Spaces for those 21 and older. Venues willing to affirmatively identify as a “Safe Space” for these young people can provide a temporary refuge in a crisis and identify any immediate risks to, and needs of, these young people.

Specialized Liaisons

13

The City should provide funding for specialized safety liaisons to work with DIY and community-driven spaces frequented by marginalized populations. These liaisons will develop a path to safety and code compliance for venues by working to ensure that government services, regulations, and other sources of information are accessible to and understood by these venues.

NYC Office of Nightlife

14

The NAB mandate includes the examination of the availability and responsiveness of the ONL. Since the ONL's formation in 2018, it's successfully grown into a facilitator of nightlife conversations and a conduit for nightlife stakeholders to government, including to those who have historically been unconnected or excluded.

In 2018, the then newly established ONL focused on setting up operations and led an ambitious "Five Borough Nightlife Town Hall" series. Some of the town halls were very well attended, while others had less than ideal public participation. Nonetheless, it was an important first step in making the ONL's existence known. Each town hall was attended by all the city agencies that interact with nightlife, which was very helpful and promising. By May 2019, the ONL had achieved an important public outreach goal with the launch of a newsletter, social media presence, and a website. At that point, the ONL had also established clear internal and external channels of communications, conducted key nightlife issue workshops with a range of stakeholders in order to layout targeted programs, and began implementing programs to support the nightlife community.

The ONL's ongoing commitment to outreach and public engagement is generally effective and constant, however its small budget and staff limits its capacity to connect with all nightlife constituencies. The large number of businesses, individuals and organizations, and the special needs of these nightlife stakeholders demands that the ONL grow its capacity. Providing the ONL with a larger budget and more staff will enable it to connect with a larger network of nightlife stakeholders, enhance its communications, services, and programming, and thus grow its capacity, impact, and effectiveness.

The Mayor and City Council should conduct an evaluation to establish appropriately increasing the ONL's budget and staffing levels and to evaluate whether the office would better serve nightlife stakeholders as a stand-alone agency, moved to another agency such as Small Business Services, combined with other related initiatives housed in various agencies, or if it's most appropriate to remain a sub-office within the Mayor's Office of Media and Entertainment.

While the ONL has engaged in a lot of vital work, there is so much more to be done to support the City's nightlife. The establishment of the ONL has shown the necessity and ability to support the nightlife community. The City should continue supporting the ONL so it can continue to scale its availability and responsiveness to nightlife stakeholders.

NYC Nightlife Advisory Board

15

Since the NAB is made up of volunteers and no direct staff, a modest budget and part-time staff person is recommended to support the board in fulfilling its duties. Future appointments to the NAB by the Mayor and City Council should consider past appointee representation and include balanced representation from diverse nightlife stakeholder communities.

Appendix



In 2019, The NYC Nightlife Advisory Board held in-person meetings with approximately 25 stakeholder groups and individuals who accepted our invitation to present to us on nightlife related matters. Of the total in-person meetings we conducted, 15 groups and individuals permitted us to share their presentation materials with the public, which may be found at bit.ly/3qQKBUE and they are listed below. We thank all stakeholders for their participation and contributions to our vital work:

- Alan Sugarman
- Alliance Against Sexual Assault
- Bryan Ellicot
- Deep Space
- Drug Policy Alliance
- Freddie Cosmo
- Inwood Moving Forward Unidos
- Justice Will Be Served
- Latino Restaurant Bar & Lounge Association
- Michael Aulito
- Stephen Mills, Mt. Sinai Men's Sexual Health Project
- Neighborhoods United
- NYS Restaurant Association
- Sound Mind Collective
- William Rogers

Sent: Sunday, April 17, 2022 1:10 PM
To: Testimony
Subject: FW: [EXTERNAL] Comments/Testimony of Robert Bookman, Esq.

From: Robert Bookman <rbookman@pb.law>
Sent: Sunday, April 17, 2022 11:38 AM

Cc: Andrew Rigie <arigie@thenycalliance.org>
Subject: [EXTERNAL] Comments/Testimony of Robert Bookman, Esq.

Since I cannot be there in person, I thought these comments might be made part of the record.

Comments of Robert Bookman, Esq, Counsel to the New York City Hospitality Alliance and NYC Council appointee to the New York City Nightlife Advisory Board, on the Committee on Consumer and Worker Protection hearing on "Oversight - The Office of Nightlife and the State of the Nightlife Industry.

My name is Robert Bookman and I am a founder of and Counsel to the New York City Hospitality Alliance ("The Alliance"), a not-for-profit trade association that represents restaurants, bars and nightclubs throughout the five boroughs. I am also one of the City Council Speaker's appointees to the Nightlife Advisory Board that was established by the Local Law creating the Office of Nightlife. Thank you to Chair Velazquez and members of the City Council for the invitation to testify. I am sorry I cannot be here in person today, so I submit these comments instead.

As I have worked with every City Council Speaker on nightlife business issues, from Speaker Vallone to Speaker Jonhson, and every Speaker in between, I thought a little historical context might be helpful.

Ever since I left the Department of Consumer Affairs in 1986 I have been working with this industry. I helped organize its first trade association the New York Cabaret Association back in the late 1980s. That organization grew into the New York Nightlife Association, formed in the early 1990s, which eventually grew into the current New York City Hospitality Alliance 10 years ago this year.

When we started, there was no recognition of the importance of nightlife as an industry to the City of New York. We therefore commissioned the first in the nation nightlife industry economic impact study which demonstrated the huge importance of the nightlife industry to the economies of the City and the State. For example, the study showed that there were more admissions to the city's nightlife venues than all of the New York City sports teams and all of Broadway combined!

We then worked for over a year with the New York City Police Department creating the first in the nation ever Best Practices for Nightlife Establishments. These voluntary guidelines, and the cooperation with the NYPD which resulted, stand as a model around the nation today, and led to an 80% reduction in the number of violations issued to nightlife venues.

A long time goal of the nightlife industry was to advocate for the creation of an Office of Nightlife Affairs. It was deemed essential then... and now...to have a voice for this critical industry within city government. Since we began advocating for this office over 25 years ago, cities around the nation and the world have created such offices. They are uniformly well-received by all stakeholders and considered highly successful.

The industry is very happy with and proud of the initial start to our Nightlife Office here in the city. Under the excellent leadership of its Executive Director Ariel Palitz, it has exceeded our expectations, especially considering its minimal budget.

Speaking of the budget, the budget for this office needs to be increased especially considering the challenges of the past two years and the obvious challenges this industry faces now and in the immediate future to get back to being the greatest in the world.!

Andrew Rigie, our organization's Executive Director and Chair of the Nightlife Advisory Board will testify in person and in more detail.
Thank you.



Robert Bookman

Partner

Pesetsky & Bookman PC

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CONFIDENTIALITY NOTICE

Testimony from Bertha Lewis regarding the Office of Nightlife and State of NYC
Nightlife

*For the oversight hearing taking place on April 18th, 2022 at 1:00 p.m with the City
Council*

Good afternoon. I speak on behalf of The Black Institute (TBI), a racial justice action tank – a think tank that takes action. TBI has undertaken many campaigns, but one of the closest issues to our heart is directly related to the subject of today’s hearing regarding the Office of Nightlife and the state of nightlife in New York City.

In 2019, TBI released a report entitled *Cabaret 2.0: The Same Old Song and Dance*, which examined the usage of Multi-Agency Response to Community Hotspot (M.A.R.C.H.) Operations, which are direct raids against bars and other nightlife establishments that have been identified as problematic by law enforcement or community complaints. These raids are the legacy of the original, racist cabaret laws, which specifically targeted Black-owned businesses as negative community influences and continue to be weaponized by racist community members and law enforcement to shutter Black-owned nightlife establishments by revoking their licenses. This is fact – our report found that M.A.R.C.H. raids, which involve multiple agencies at the local and state level, targeted minority-owned establishments at disgustingly high rates, resulting in too many fledgling Black entrepreneurs to close their doors.

The Office of Nightlife has served as the visible vector for this oppression of Black entrepreneurs in the nightlife industry. Then-Mayor de Blasio capitalized on the end of the cabaret laws by creating the office, only to sabotage it by giving it a pitiful budget and putting it under, of all things, the Mayor’s Office of Media and Entertainment (MOME). This has resulted in the office’s well-documented failure to respond to the complaints and pleas for help from Black operators, which is tragic because the office’s lacking budget and asinine regulatory placement handicaps what could, and should, be a resource and support for these establishments.

But even when the office has the chance to do good, it has not, and this falls squarely on the shoulders of Senior Executive Director Ariel Palitz. When TBI came out with *Cabaret 2.0*, we attempted to bring the horrific plight of Black

nightlife operators to her attention, only to be met with dismissal and derision in the meetings we had with her. In a city that is majority-minority, Palitz has repeatedly demonstrated an atrocious, racist disdain for Black nightlife, doing nothing to stop and everything to encourage the oppression of these establishments. This is only compounded by the fact that Palitz *was and remains utterly unqualified and incompetent to run the office*; running a nightclub and doing time on a community board does not an effective regulator make. The fact that these businesses remain the targets of law enforcement and receive no help from the office makes it abundantly clear that she is incompetent and racist, which is utterly unacceptable in *our city*.

As the pandemic begins to abate, there is a real opportunity for nightlife in New York to flourish once again, with minority businesses at the helm. But there need to be some changes for this to happen, and we demand that:

1. Ariel Palitz be removed as Senior Executive Director immediately for her racist disdain and incompetence
2. The Office of Nightlife be removed from MOME's jurisdiction and stand alone as the Mayor's Office of Nightlife, aptly abbreviated to MOON
3. The Office of Nightlife's budget be dramatically expanded to provide the services that nightlife establishments require
4. All operations and services currently under the Office of Nightlife be overhauled with respect to updated target demographics for these operations and services
5. The Office of Nightlife must make an annual report to the City Council and Mayor explaining their diversity plan and how they have helped minority nightlife establishments

I believe that we have a real chance to make New York nightlife even more vibrant and diverse, but we must recognize that a broken system led by incompetent, racist officials will only serve to hamper that possibility. Thank you for the opportunity to speak today.

The Racial Motivations Behind M.A.R.C.H. Operations
Full M.A.R.C.H. Data Report – September 2019

CABARET LAW 2.0

SAME OLD SONG & DANCE



THE
BLACK
INSTITUTE

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Cabaret 2.0:
Same Old Song & Dance
The Racial Motivations Behind
M.A.R.C.H. Operations
Full M.A.R.C.H. Data Report
September 2019

Prepared by: Dan Hogle & Morgan Flores of The Black Institute

Special thanks to The Artist Coalition for their cooperation and support. Visit www.nycartc.com to learn more.

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 Designed by The Advance Group

Printed in the United States of America.



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EXECUTIVE SUMMARY

New York City and New York State have been using their enforcement capabilities to terrorize, intimidate, harass and shut down businesses for nearly a century. What began in the 1920s with Cabaret Laws designed to close down jazz clubs at the height of the Harlem Renaissance, to the birth of the modern day LGBTQ movement in Greenwich Village has continued through Mayor Giuliani, Mayor Bloomberg and now Mayor de Blasio. From the first Governor Cuomo to our current one, these tools of institutional racism and discrimination have been aimed at minority owned businesses and those establishments that create a safe place for marginalized communities to gather.

The modern day manifestation that is continually used against so many high life establishments is known as a **Multi-Agency Response to Community Hotspot (M.A.R.C.H.)** Operation. These raids lack all of the transparency and accountability that are required to ensure their application is not abused and manipulated by gentrifying forces that are so rapidly changing New York City.

“We don’t know why they showed up. They won’t tell you. They just show up, they’re super mean, they write a bunch of tickets and they leave and go to the next one.”

– John Barclay, Owner, Bossa Nova Civic Club (www.TheBaffler.com/Latest/cut-the-music-pelly)

Based on the testimonies from numerous owners and operators that had been victimized by these raids, **The Black Institute (TBI)** was prompted to examine these disturbing accounts deeper. Following a complete analysis of information concerning M.A.R.C.H. Operations, **TBI** concluded that there is a pattern of discriminatory application of these M.A.R.C.H. raids.

This report makes clear:

- The situation demands accountability from both Governor Cuomo and Mayor de Blasio due to the conduct of agencies they are responsible for.
- The Mayor's Office of Nightlife must be adequately funded so that it can play a proactive role or disbanded to end the embarrassing half measure.
- The New York City and State legislatures must investigate and take any necessary legislative steps to address these systemic abuses of power by the State Liquor Authority, NYPD and all other relevant agencies.
- The City Council must pass Councilmembers Espinal and Levin's bill, No. 1156, to force accountability and transparency where it is clearly lacking.

KEY FINDINGS

In a **MAJORITY** minority city that claims to celebrate its diversity:

% of Raids above 45% diverse Vs Raids above 30%								
	2012	2013	2014	2015	2016	2017	Average	Full Data Set Avg
45% ^	80.52%	79.27%	76.39%	88.11%	88.37%	83.33%	82.67%	82.26%
30% ^	92.15%	89.06%	88.86%	96.49%	95.87%	95.30%	92.95%	92.45%

- Neighborhoods with a minority population of at least 45% were targeted at **four times the rate** of less diverse neighborhoods.
- **92.5%** of the M.A.R.C.H. operations occurred in neighborhoods with at least 30% minority populations.
- More than half (**51.5%**) of all M.A.R.C.H. operations listed resulted in no enforcement action being taken.
- During the entirety of the five year period (2012 - July, 2017), the fines generated from M.A.R.C.H. operations were **\$1,593,405 million dollars**.
- The most active NYPD precincts for MARCH Raid targets has paid more than **\$1.9 million dollars** in misconduct lawsuit settlements.
- Queens County Census Tract - 269.01 is the most frequently targeted neighborhood in New York City having been target 29 times between January 2012 - July 2017.

The NYPD claims to have a methodical approach to targeting these M.A.R.C.H. operations, our analysis demonstrates ample opportunity for racially disproportionate application. **Passing NYC Council Bill No. 1156 is the first step to addressing the racial bias in nightlife enforcement.**

INTRODUCTION

This report was developed in response to a pattern described by numerous minority owned nightlife establishments and those businesses that cater to those communities. The experiences that were relayed described nothing short of state sponsored harassment. The Black Institute began to evaluate the current enforcement strategies being employed.

It was clear that coordinated raids known as Multi-Agency Response to Community Hotspots (**M.A.R.C.H**) Operations were how the majority of the issues facing businesses that we interviewed originated. According to reporting done by Nikita Richardson of New York Magazine, less than 2% of nightlife establishments within New York City will receive these raids in a given year.

Records associated with **M.A.R.C.H.** raids are not available to the public, however The Artist Coalition (**TAC**) was able to obtain records from January 2012 - July 2017 through a Freedom of Information Law request. In cooperation, **TBI** has reviewed this data obtained by **TAC** and has begun an analysis of over 2,000 M.A.R.C.H. operations, with a focus on racial disparities and disproportionate enforcement.

HISTORY OF NYC'S CABARET LAW

The Cabaret Law, which made dancing illegal in any public space without a Cabaret License, originated in 1926 when it was a tool predominantly used to target black establishments and jazz clubs. In the decades following, the discriminatory application of this law continued.

Mayor Giuliani used this ancient and racist relic during his crack down on nightlife establishments in the 1990s. The law continued to be implemented during M.A.R.C.H. operations to fine and shutter businesses up until last year when the law was successfully repealed. During its final year in effect, the true nature of this racist law remained clear. Less than approximately 100 out of the 25,000 licensed nightlife establishments had a cabaret license. However, according to a survey conducted by the **Dance Liberation Network**, it was mostly Latino, Dominican and black-owned businesses that were being shut down for allowing dancing without cabaret licenses.

According to the Mayor de Blasio's Office of Nighlife's 2018 report, there are more than **25,000** nightlife establishments in New York City. This industry supports nearly **300,000 jobs** and handed New York City and New York State **697 million dollars** in tax revenue. The impact restaurants, bars and other nightlife establishments have on communities go beyond the economic contributions.

They have established New York City as a multi-cultural epicenter we often claim to celebrate. These establishments go beyond acting as a venue for social gatherings and recreation as well. Many helped foster a sense of community and security for marginalized groups. Whether it was the LGBT community facing police raids at the Stonewall Inn or the jazz clubs in the early part of the 20th century, forces within the city and state have conspired to threaten, intimidate and harass these establishments to the point where many are forced to close down. Owners lose their life's work, employees lose their livelihood and their patrons lose their sense of community. Marginal progress has been on this issue after the repeal of the prohibition era cabaret law, but there is more work that needs to be done.

During a 2017 City Council hearing concerning the law's repeal, Councilmember Espinal stated, "If any business received a cabaret violation, it was through the M.A.R.C.H. task force." Administration after administration has allowed this institutional racism to continue unabated, and it is time for Mayor de Blasio and Governor Cuomo to stand up for these communities, in an off election cycle for at least one of them.

THE NYPD & M.A.R.C.H OPERATIONS

On average, there are 340 raids every year in New York city. The targets of these raids are determined by the NYPD. A 2014 NYPD Operations Order, made public via another Freedom of Information Law request, describes how these **M.A.R.C.H.** task forces are supposed to operate. In the document, it states that all commercial establishments, either licensed or required to be licensed by the state or city agencies are eligible to receive these types of raids. However, it is the nightlife establishments that receive all the attention, which continue to be racially motivated.

The **M.A.R.C.H.** operations were designed to direct enforcement efforts at specific establishments which had become a source of complaints from the community and had a negative impact on quality of life conditions, according to the document provided by the NYPD. Allegedly, a venue's placement on the M.A.R.C.H. list is the result of 311 calls, like "noise" as well as the number of "incidents" that have happened within the vicinity of an establishment and whether the venue has a history of cooperating with authorities.

***"It is the end of any venue that it happens to.
It's like death. It's like the grim reaper."***

– John Ahearn, Owner, Silent Barn, Co-Organizer (www.TheBaffler.com/Latest/cut-the-music-pelly)

These operations are overseen by the **Criminal Justice Coordinator's Office** and are coordinated by the NYPD's **Civil Enforcement Unit**. The Civil Enforcement Unit is assisted by the New York State Liquor Authority (**NYSLA**), the NYC Department of Buildings (**DOB**), the NYC Department of Environmental Protection (**DEP**), the NYC Fire Department (**FDNY**), and the Department of Health and Mental Hygiene (**DOHMH**).

According to **Assistant Deputy Commissioner Robert Messner**, who is the commanding officer of NYPD's Civil Enforcement Unit, the NYPD is unable to provide an exact number of locations that were actually visited last year. That is extremely troubling given that NYPD's Civil Enforcement Unit is tasked with coordinating these operations according to the NYPD's own internal documents.

NYPD Commissioner O'Neil should immediately support City Council Bill No. 1156. His own deputies are unable to even track their own police actions because there is no mandate to do so. There is no accountability of any kind for abuses of power. It is a culture within the NYPD that must end.

THE MAYOR'S OFFICE OF NIGHTLIFE

The one city agency that is in the position to act as an ally to businesses in these matters is the new Office of Nightlife. Headed by **Senior Executive Director Ariel Palitz**, and housed under The Mayor's Office of Media & Entertainment. The office was formed with the right intentions, but in reality, it ended up like so many other initiatives by Mayor de Blasio that claims to be making this city more livable. When the dust finally settled, it was a half measure to placate special interests that do not share the vision of a diverse and thriving New York City.



According to a 2018 report titled *"Nightlife Economy Impact, Assets, and Opportunities,"* The Office of Nightlife claims that it is a leader in a growing global movement and that it recognizes nightlife's value to cities.

The budget for this agency is less than \$500,000 dollars and the office remains so understaffed you can count them on one hand. **TBI** has heard from numerous businesses that have been impacted by discriminatory enforcement practices who reached out to this new office and only heard about the limitations of this fledgling agency, their limited staff and shamefully small budget.

Other than a "listening tour" that served mainly as a PR stunt and an economic impact report that failed to include any details on the monetary penalties associated with M.A.R.C.H. raids that had been levied against an industry the office supposedly advocates for, New York City taxpayers have seen little return on their \$400,000 investment into this new office while watching more and more of their favorite nightlife destinations be terrorized and shut down. If the The Mayor's Office of Nightlife is the leader, it does not bode well for whatever global movement is believed to be following it.

If nothing is done to address the needs of this agency as well as this industry by **Mayor de Blasio**, the Office of Nightlife should be shuttered like the many so many businesses it has failed. Do something meaningful or end this charade.

NEW YORK STATE LIQUOR AUTHORITY

In December of 1933 the 21st Amendment to the United States Constitution was ratified, ending a failed nightlife enforcement strategy that had gone on for more than a decade. In the wake of prohibition The New York State Liquor Authority (**NYSLA**) were established in 1934.

The **NYSLA** Board is made up of three members, one Chairperson and the others act as commissioners. No more than two members of the authority shall belong to the same political party. They are appointed by the governor by and confirm the senate and serve a three year term. Members can be removed by the governor with a statement of cause to the Secretary of State. In the event of a vacancy, the remaining members will continue to operate until the vacancy has been filled with a confirmation vote in the senate.

The **NYSLA** serves two main purposes, both of which help to generate revenue for New York State. First, the NYSLA issues licenses and permits relating to the consumption of alcohol. The second purpose is to enforce the Alcoholic Beverage Control Law. The Full Board of the NYSLA holds bi-weekly meetings where they issue decisions on licensing and disciplinary matters or to amend NYSLA policies, procedures, personnel etc.

Since 2011, the Chairman is the only “full time” Member of the Authority. The two other Commissioners are categorized as “per diem” appointees. As a result the other Commissioners do not have the same restrictions required by the Public Officers Law (“POL”) which includes financial disclosure and other ethical standards.



Governor Cuomo and the State Legislature must provide oversight and accountability for this agency. There needs to be investigations in both houses to determine if any abuses of power have occurred.

METHODOLOGY

Detailed information that would be required to illustrate a clear racial bias during the targeting of these M.A.R.C.H. operations is not yet publicly available under the current New York City and State laws. However, through working with **TAC**, **TBI** was able to obtain a full list of the M.A.R.C.H. operation targets from January 2012 through July of 2017.

Utilizing this information, and cross referencing it with the United States census data, **TBI** was able to link each targeted business with the racial and demographic information contained within the census tract the business is located in. According to www.census.gov, census tracts are a relatively permanent statistical subdivision of a county and contain about 4,000 people and 1,600 housing units.

Based on the assumption that businesses within census tracts with significant minority populations (**45%**) are likely to either be owned by or whose patrons are a member of one of the many ethnic subgroups that populate this city and state of New York.

TBI reviewed the tract data for each instance of a MARCH Raid included in the NYPD FOIL list. **TBI** reviewed publicly available 311 complaint information associated with businesses that had been the target of repeated harassment. Additionally, information related to injury and death associated with alcohol which was made available by the New York State Department of Health and major crime statistics obtained from the NYPD were all examined in order to determine if the amount of MARCH Raids reflected the trends observed in the alleged underlying causes.

RESULTS

A Pattern of Discriminatory Enforcement

In the chart below, you will see the frequency these M.A.R.C.H. operations occurred across the 5 boroughs throughout the available time periods (January 2012 - July 2017).

Number of Raids By Borough						
	2012	2013	2014	2015	2016	2017
1	Manhattan (110)	Brooklyn (150)	Brooklyn (138)	Queens (111)	Queens (126)	Bronx (68)
2	Queens (84)	Manhattan (141)	Queens (121)	Brooklyn (98)	Manhattan (91)	Manhattan (67)
3	Brooklyn (76)	Queens (117)	Manhattan (87)	Bronx (91)	Brooklyn (86)	Brooklyn (57)
4	Bronx (68)	Bronx (97)	Bronx (77)	Manhattan (55)	Bronx (75)	Queens (38)
5	Staten Island (6)	Staten Island (16)	Staten Island (26)	Staten Island (15)	Staten Island (9)	Staten Island (4)
	City Wide (344)	City Wide (521)	City Wide (449)	City Wide (370)	City Wide (387)	City Wide (234)

The overwhelming majority yielded no substantial infractions but did result in a major disruption for the businesses and their patrons. During each raid all of the patrons are forced to leave an establishment while the owners are forced to close. The owner is guaranteed that their reputation within the neighborhood will be tarnished and that the M.A.R.C.H. raids will be back.

The results from the 2,305 M.A.R.C.H. Operations Target

NO ENFORCEMENT ACTION TAKEN	OCCUPANCY CONTRARY TO C OF O/NONE/ECB NOV ISSUED	MARCH: FAILURE TO MAINTAIN BLDG/ECB NOV ISSUED	ADMINISTRATIVE CLOSURE NN	NO PA PERMIT/ECB NOV ISSUED
51.53%	17.31%	4.73%	0.68%	10.96%
EXIT PASSAGE OBSTRUCTED/ECB NOV ISSUED	MARCH: EXIT PASSAGE OBSTRUCTED/ECB NOV & PARTIAL VACATE ISSUED	WORK WITHOUT PERMIT/ECB NOV ISSUED	NO PA PERMIT/ECB NOV & PARTIAL VACATE ISSUED	VACATE
3.43%	0.81%	5.05%	0.90%	4.60%

As shrouded in secrecy as the process is for an establishment to fall on to the enforcement hit list, it is even more unclear how an establishment can remove itself from the list of targets. Based on the current success rate, it is evident that no matter the manner locations are referred to the M.A.R.C.H. task force, **the team spends about half its time harassing establishments with nothing to show for it.**

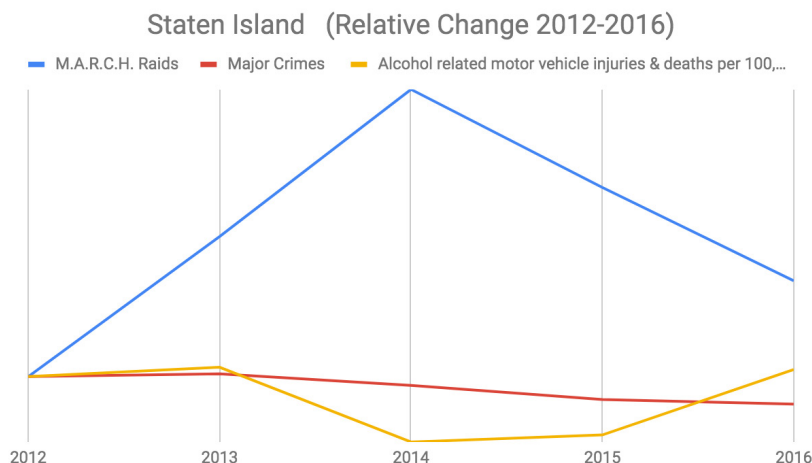
Our analysis of the data available for 2017 M.A.R.C.H. Operations and the most recent Census data help to illustrate this dangerous trend. **92.5%** of the operations were conducted in neighborhoods with a 30% minority population or more. Neighborhoods that were approaching being majority minority populations appeared in the sample set at a rate of **4:1** compared to less diverse neighborhoods.

Drunk driving and the life altering harm that it can have on a community, a city or a state is nearly immeasurable. However, New York State does provide yearly statistics and reports detailing the number of Alcohol Related Motor Vehicle Injuries & Deaths. Given the complexities of the different boroughs these figures are presented as injury or death per 100,000 people.

Borough	2012	2013	2014	2015	2016
Manhattan	18.7	18.5	14.3	12.6	15.9
Queens	17.9	20.9	18.8	18.4	21.6
Brooklyn	17.6	19.1	17.6	13.9	21
Bronx	15.8	18.4	18.3	17.9	23.8
Staten Island	26.8	27.9	19	19.6	25

Upon review, Staten Island, has seen a substantial increase in the loss of life due to driving under the influence. **During this same period Staten Island saw a decline in the number of MARCH Raids despite that it receives by far the least amount and the trend in Alcohol Related Motor Vehicle Injuries & Deaths.**

These trends call into question the enforcement tools and how they are applied.



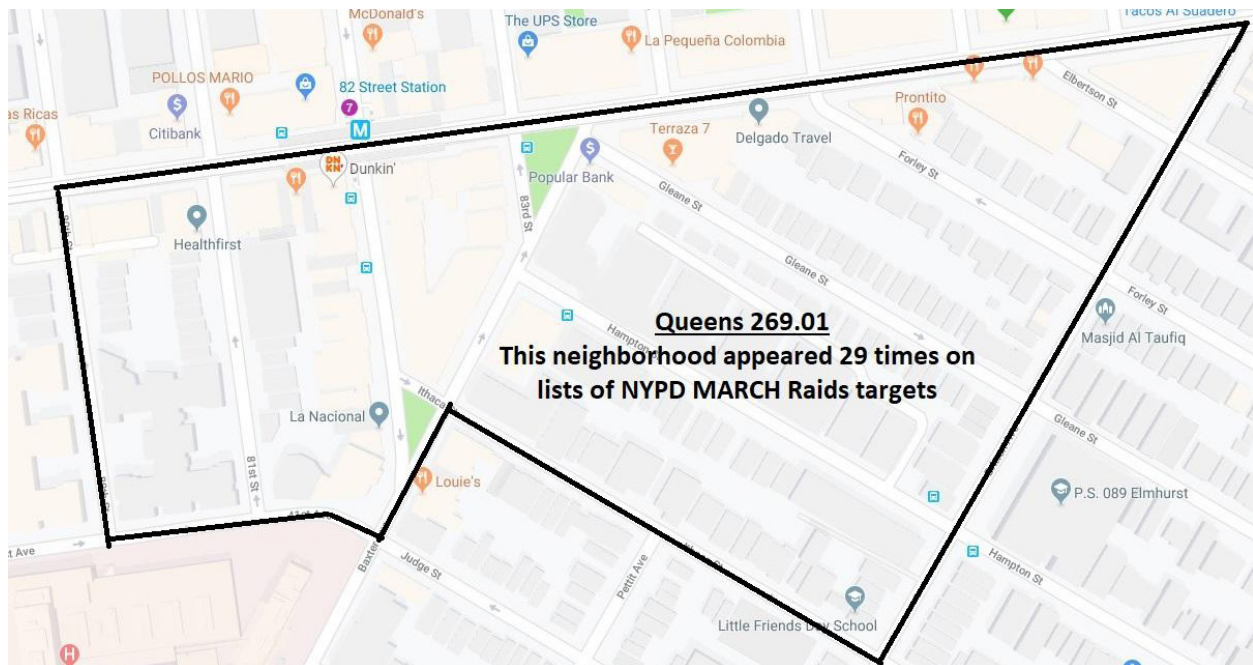
Queens 269.01					
A Closer Look at NYC's Most Raided Neighborhood					
Housing Profile					
	Number	Percent	NYC Number	NYC Percent	Difference
Total housing units	1,764	100.00%	3,455,117	100.00%	-3,453,353
Occupied housing units	1,650	93.50%	3,142,405	90.90%	-3,140,755
Vacant housing units	114	6.50%	312,712	9.10%	-312,598
	Number	Percent	NYC Number	NYC Percent	Difference
Occupied housing units	1,650	100.00%	3,142,405	100.00%	-3,140,755
Owner-occupied	297	18.00%	1,025,332	32.60%	-1,025,035
Renter-occupied	1,353	82.00%	2,117,073	67.40%	-2,115,720

	Number	Percent	NYC Number	NYC Percent	Difference
Owner-occupied units	297	100.00%	1,025,332	100.00%	-1,025,035
Less than \$50,000	31	10.40%	36,048	3.50%	-36,017
\$50,000 to \$99,999	20	6.70%	16,083	1.60%	-16,063
\$100,000 - \$149,999	22	7.40%	21,981	2.10%	-21,959
\$150,000 - \$199,999	69	23.20%	29,364	2.90%	-29,295
\$200,000 - \$299,999	36	12.10%	80,770	7.90%	-80,734
\$300,000 - \$499,999	9	3.00%	287,108	28.00%	-287,099
\$500,000 - \$999,999	110	37.00%	391,971	38.20%	-391,861
\$1,000,000 or more	0		162,007	15.80%	-162,007
Median (\$)	213,500		538,700		-325,200

	Number	Percent	NYC Number	NYC Percent	Difference
Occupied units paying rent	1,342	100.00%	2,058,894	100.00%	-2,057,552
Less than \$500	16	1.20%	227,814	11.10%	-227,798
\$500 to \$999	99	7.40%	354,359	17.20%	-354,260
\$1,000 to \$1499	539	40.20%	650,613	31.60%	-650,074
\$1,500 to \$1,999	453	33.80%	419,910	20.40%	-419,457
\$2,000 to \$2,499	235	17.50%	185,218	9.00%	-184,983
\$2,500 to \$2,999	0		91,718	4.50%	-91,718
\$3,000 or more	0		129,262	6.30%	-129,262
Median (\$)	1,519		1,340		179

A look closer at NYC's Most Raided Neighborhood

During our analysis, one neighborhood overwhelming stood out as having received the most attention by the NYPD Civil Enforcement Unit through MARCH RAIDS. Queens - Tract 269.01 is located between the Jackson Heights, Elmhurst and Corona sections of Queens.



This neighborhood falls under the jurisdiction of the 110th Precinct which is led by Commanding **Officer Captain Nicola Ventre**. The neighborhood is in the 21st City Council District (**Moya**), the 13th NYS Senate District (**Ramos**) and in the 39th Assembly District (**Cruz**) and NYS 14th Congressional District (**Ocasio-Cortez**).

Current Representation in the District



Council Member
Francisco Moya



NYS Senator
Jessica Ramos

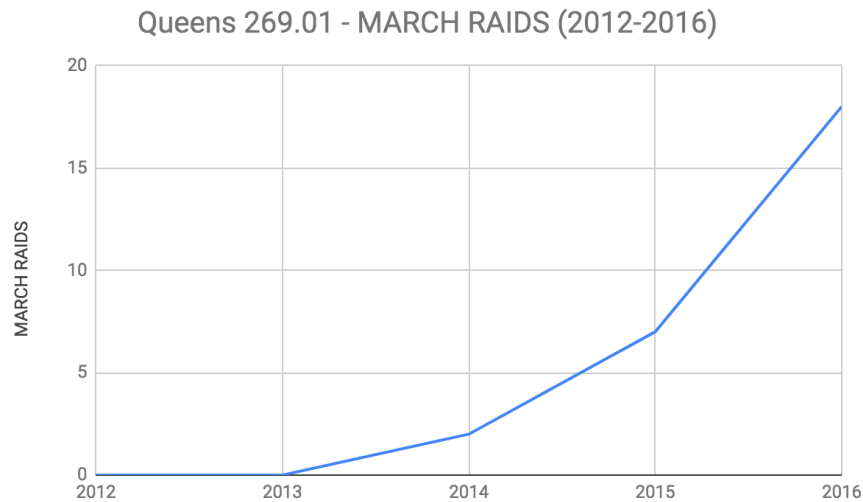


NYS Assembly
Catalina Cruz



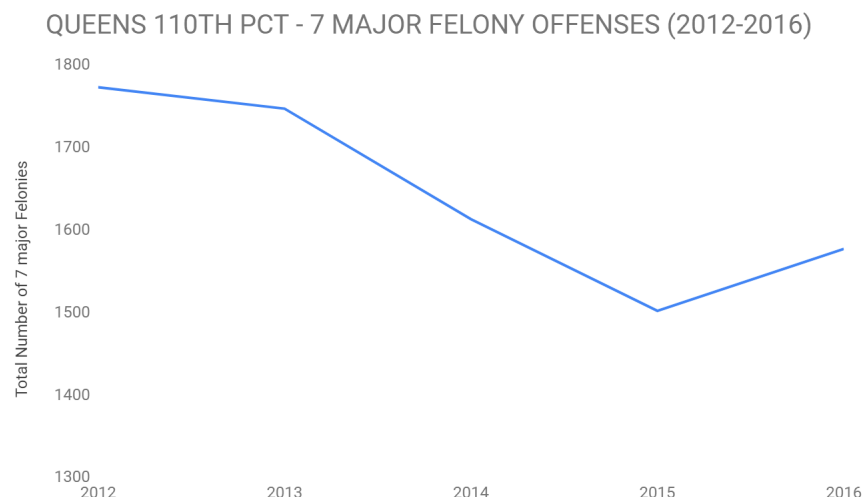
Congress Member
Alexandria Ocasio-Cortez

Establishments within a few block radius were targeted **29 times** by the MARCH Program. These raids began to occur in 2014 after having not received one visit from the MARCH Unit in 2012 or 2013.



With the exclusion of one instance in 2017, when El Tequila Bar, a Mexican bar restaurant on Baxter Avenue was targeted, the other 28 instances all occurred on **one block, Roosevelt Avenue**. These raids were spread across 5 different addresses on the block and include places like El Gato Verde Sport Bar located at 82-14 Roosevelt Avenue which is a Latinx Sports Bar. Businesses like 12 Corazones, an Ecuadorian Restaurant located just up the street at 86-22 Roosevelt Avenue. Another target was a Columbian Restaurant, El Arepazo located at 86-26 Roosevelt Avenue. Major crimes within the 110th Precinct have **continued to fall and are now 26% lower than the 2012 levels**.

When comparing the frequency this neighborhood was targeted and the crime statistics reported by the 110th Precinct, it is clear that the application of these enforcement tools is less reliant on actual data than the NYPD would suggest is the case.



Queens Tract 269.01 is a working class neighborhood. This neighborhood has a higher percentage of its population in the workforce (**76.4%**) than the entirety of New York City (**63.5%**).

Nearly half (**49.8%**) of the residents earn more than \$50,000 annually. Fewer residents were enrolled in the Supplemental Nutrition Assistance Program (SNAP) within the last 12 month period when compared to the rest of NYC as well.

Household Income and Benefits					
	Number	Percent	NYC Number	NYC Percent	Difference
Total households	1,850	100.00%	3,142,405	100.00%	-3,140,755
Less than \$10,000	119	7.20%	291,838	9.30%	-291,719
\$10,000 to \$14,999	9	0.50%	200,006	6.40%	-199,997
\$15,000 to \$24,999	197	11.90%	306,597	9.80%	-306,400
\$25,000 to \$34,999	245	14.80%	265,505	8.40%	-265,260
\$35,000 to \$49,999	258	15.60%	342,414	10.90%	-342,156
\$50,000 to \$74,999	394	23.90%	469,983	15.00%	-469,589
\$75,000 to \$99,999	135	8.20%	341,935	10.90%	-341,800
\$100,000 to \$149,999	187	11.30%	425,393	13.50%	-425,206
\$150,000 to \$199,999	74	4.50%	208,794	6.60%	-208,720
\$200,000 or more	32	1.90%	289,940	9.20%	-289,908
Median household income (\$)	49,643		57,782		-8,139
Mean household income (\$)	60,666		93,196		-32,530

The average renter is paying between \$1,500 and \$2,000 dollars a month, which is **13% more than NYC as a whole**. The majority of owner occupied dwellings are understood to be **valued at more than half a million dollars**. All of this information makes the NYPD's Civil Enforcement Units pre occupation with this community all the more suspicious.

Economic Profile					
	Number	Percent	NYC Number	NYC Percent	Difference
Population 16 years and over	4,016	100.00%	6,954,418	100.00%	-6,950,402
In labor force	3,069	76.40%	4,417,362	63.50%	-4,414,293
Civilian labor force	3,069	76.40%	4,415,097	63.50%	-4,412,028
Employed	2,949	73.40%	4,072,839	58.60%	-4,069,890
Unemployed	120	3.00%	342,258	4.90%	-342,138
Armed Forces	0		2,265	0.00%	-2,265
Not in labor force	947	23.60%	2,537,056	36.50%	-2,536,109

The community that was targeted the most contains over 96 % minority population. Within that figure, this area also contains a higher percentage of non citizens and individuals who have immigrated within the last twenty years.

Citizenship Status					
	Number	Percent	NYC Number	NYC Percent	Difference
Foreign-born population	3,753	100.00%	3,180,098	100.00%	-3,176,345
Naturalized U.S. citizen	1,505	40.10%	1,752,999	55.10%	-1,751,494
Not a U.S. citizen	2,248	59.90%	1,427,099	44.90%	-1,424,851
Year Of Entry					
	Number	Percent	NYC Number	NYC Percent	Difference
Foreign-born population	3,753	100.00%	3,180,098	100.00%	-3,176,345
Entered 2000 or later	2,355	62.70%	1,300,708	40.90%	-1,298,353

This neighborhood, and other communities like it, have continued to be targeted in nearly every manner at the NYPD's disposal. Until adequate safeguards are established to protect communities from these abuses the harassment will continue. These communities and the businesses that serve them will continue to be terrorized by the broken nightlife enforcement system.

If the amount of enforcement is really just in response to community complaints that cannot or would not be verified, it is clear that **these agencies have become another tool used to gentrify neighborhood after neighborhood.**

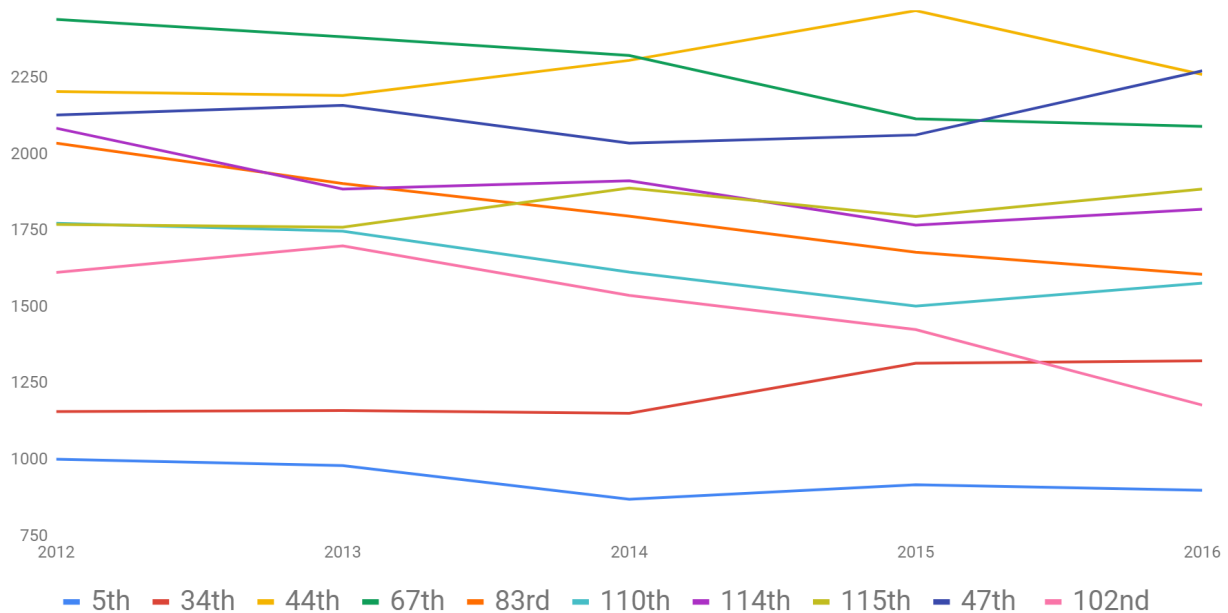
MOST ACTIVE NYPD PRECINCTS

This map on page 19 provided by The Artist Coalition, shows the distribution of MARCH raid targets across every precinct within the NYPD. While the raids themselves are organized and overseen by the Civil Enforcement Unit, the local Precincts are on the front lines of fielding complaints and responding to incidents that relate to their local nightlife establishments.

With the exception of the 34th, 44th and 47th precincts, the remaining 7 most active precincts have seen a steady decline in major crimes during the time period this report has been reviewing. **Despite this decline in major criminal activity, these precincts have remained the most active culprit for MARCH Operation harassment.**

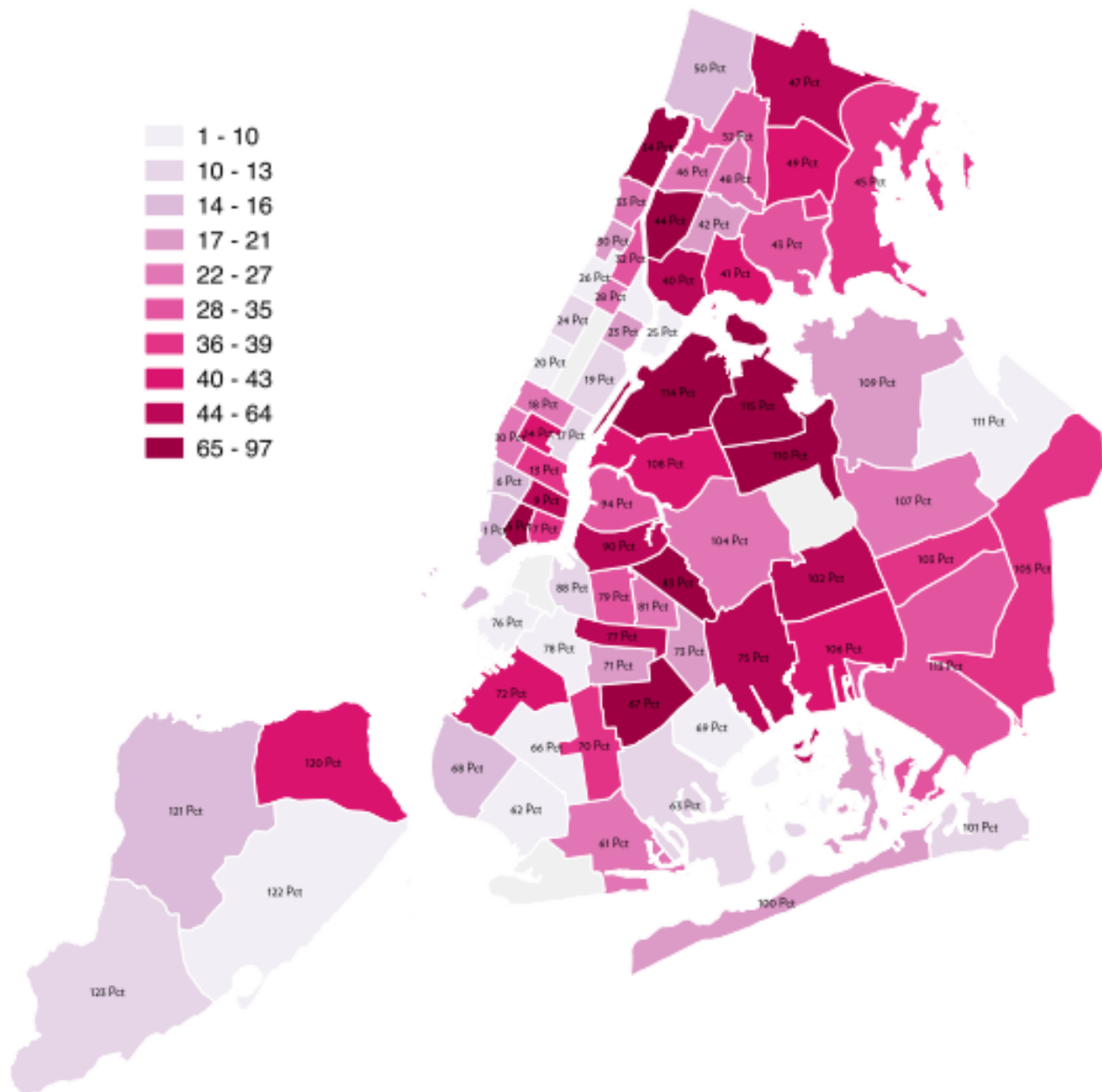
Based on MARCH data obtained through our cooperation with The Artist Coalition and information obtained by the **Legal Aid Society**, the most active NYPD precincts in terms of MARCH Raids, along with the number of misconduct lawsuits and the total settlements are displayed on page 20.

7 Major Felonies in Most Active Precincts (2012-2016)



M.A.R.C.H. 2012-2017

Operations per Police Precinct



Source: NYC Artist Coalition



**These 10 precincts, from 2015-2018 it has cost taxpayers
\$1,923,506 in settlements for misconduct allegations.**

1. 97 March Raid Targets

44th Precinct - Bronx Commanding Officer:
Deputy Inspector Louis
Phone Number: (718) 590-5511
Federal Lawsuits: 26

Total Settlements: \$273,201

2. 85 March Raid Targets

115th Precinct - Queens Commanding Officer:
Inspector Carlos Ortiz
Phone Number: (718) 533-2002
Federal Lawsuits: 8

Total Settlements: \$65,000

3. 77 March Raid Targets

110th Precinct - Queens Commanding Officer:
Captain Nicola Ventre
Phone Number: (718) 476-9311
Federal Lawsuits: 8

Total Settlements: \$95,500

4. 76 March Raid Targets

67th Precinct - Brooklyn Commanding Officer:
Inspector Elliot Colon
Phone Number: (718) 287-3211
Federal Lawsuits: 33

Total Settlements: \$656,504

5. 73 March Raid Targets

114th Precinct - Queens Commanding Officer:
Deputy Inspector Osvaldo Nuñez
Phone Number: (718) 626-9311
Federal Lawsuits: 3

Total Settlements: \$27,500

6. 72 March Raid Targets

83rd Precinct - Brooklyn Commanding Officer:
Deputy Inspector Daniel A. Dooley
Phone Number: (718) 574-1605
Federal Lawsuits: 14

Total Settlements: \$560,000

7. 70 March Raid Targets

34th Precinct - Manhattan Commanding Officer:
Deputy Inspector Peter Andrea
Phone Number: (212) 927-9711
Federal Lawsuits: 19

Total Settlements: \$95,801

8. 65 March Raid Targets

5th Precinct - Manhattan Commanding Officer:
Captain Paul J Zangrilli
Phone Number: (212) 334-0711
Federal Lawsuits: 3

Total Settlements: \$1,000

9. 61 March Raid Targets

47th Precinct - Bronx Commanding Officer:
Inspector Erik Hernandez
Phone Number: (718) 920-1211
Federal Lawsuits: 15

Total Settlements: \$85,000

10. 55 March Raid Targets

102nd Precinct - Queens Commanding Officer:
Deputy Inspector Courtney B. Nilan
Phone Number: (718) 805-3200
Federal Lawsuits: 5

Total Settlements: \$64,000

COMMUNITY COMPLAINTS & MARCH RAIDS

A factor that the NYPD allege is used to trigger these enforcement operations are complaints made through various channels that include 311, NYPD Precinct Community Council and complaints made to the relevant Community Board.

TBI heard from numerous business owners as well as their patrons about the mass of community and 311 complaints, of which many are found to be repetitive or made without merit. The unsubstantiated complaints are used by the local community boards to help sow discord with the NYSLA, the NYPD, the New York City Council and NYS elected officials.

“There is this narrative that Woodland is this crazy place, but when I was there, I didn’t see it”

– City Councilmember Rafael Espinal, D-Bushwick, East New York

A letter signed by three elected officials from the New York City Council, NYS Assembly and the NYS Senate claimed that a Brooklyn bar/restaurant, Woodland, located at 242 Flatbush Avenue, had risen far beyond other establishments in terms of its threat to public safety.

There were (510) 311 noise complaints directed at Woodland since January 1, 2014. Less than half (47.8%) were substantiated by the responding officers from the 78th Precinct. On one Sunday in October 2017, 11 noise complaints were reported within 15 minutes beginning around 4pm.

Each complaint was marked as requiring police action. The 78th Precinct is located at 65 6th Avenue, 325 feet away from Woodland. **Any system that would indicate that each complaint was validated and required police action is inherently unfair and an inaccurate indicator.**

“It’s racism. What’s happening to Woodland is just unbelievable.”

– Brooklyn Borough President, Eric Adams

During one of several NYSLA hearings brought about by Woodland's M.A.R.C.H. raid a number of officers from the 78th Precinct testified on behalf of the state against Woodland.

NCO Sergeant Anthony DiMichele has worked in the 78th Precinct for more than a year. During his sworn testimony he stated that Woodland had been on the precinct's chronic noise list 12-15 times out of the 18 months he's worked in the community. Sergeant DiMichele then acknowledged that Woodland was not currently on that list. **This not only combats the narrative that Woodland is alone in the community's concerns with the level of noise coming commercial businesses, but also that the establishment has taken steps to become a better neighbor.**

In a Bklyner article, NYPD's 78th Precinct Will Roll Out NCO Program Next Month, dated September 28, 2017 and written by Pamela Wong, **78th Precinct Community Council President Wayne Bailey** is quoted bemoaning the repeal of the racist cabaret law. He goes on to call on his fellow neighbors to redirect their efforts at their elected officials.

"Call the mayor's office, call your council person. Get those people to start doing what you want them to do."

– 78th Pct Community President, Wayne Bailey

"Call the mayor's office, call your council person. Get those people to start doing what you want them to do. If you want a quiet environment, stop electing people that let everybody just do whatever the hell they want to do."

Within a year, these residents learned the trick and the mass amounts of unfounded, vague or flat out false allegations began to take root.

"I've lived here more than 10 years and I can't say it's been any louder than anything that was there before. The dog next door is more annoying than Woodland."

– Sarah Collins, Long time neighbor


A separate Bklyner article, 78th Precinct NCO Sector C Build The Block Meeting: Lock Up Your Bikes dated June 20th, 2018 also written by Pamela Wong describes, in great detail, the 78th Precinct's quarterly Neighborhood Coordination Officer (NCO) Sector C Build The Block Meeting.

Ms. Wong states during the meeting **Officer Gonzalez** made clear that the community complaints about public drunkenness around 6th Avenue and Flatbush Avenue could not be attributed to Woodland alone based on the proximity to other nightlife establishments. Officer Gonzalez goes on to detail the lengths the precinct will go to prevent drunk driving at Woodland. Based on the testimony from the SLA and the NYPD to a New York State Administrative Law Judge, there has not been a single DWI or DUI arrest attributable to Woodland.

While Woodland (242 Flatbush Avenue) typically gets the brunt of these complaints, Officer Gonzalez pointed out that the revelers also frequent the neighboring businesses Bleachers (240 Flatbush Avenue) and Sugarcane (238 Flatbush Avenue) as well. He added that while Woodland's management has been responsive to the precinct and made changes, such as **stationing a security guard at the corner of St. Mark's & 6th Avenue**, he says there isn't much the businesses can do once the customers have left the premises.

Several neighbors insisted that the officers patrol the area more frequently, particularly on weekends, so that they can catch the drunken parties before they are able to drive away. The officers said if an individual is drunk and so much as starts a car's ignition from the driver's seat, he/she will be arrested.

This passage is taken from the fourth in the series of letters directed to the NYSLA. This is dated June 17th, 2019. The letter urges the NYSLA to deny the owners the opportunity to remain open for business while they defend themselves against these claims. This is in direct contradiction to the accounts of the 78th Precinct NCOs and is a clear example of a broken nightlife enforcement system that is based on peoples' worst inclinations.


“For years, neighbors have made complaints that detail public intoxication, noise, public urination, and concerns regarding drunk driving. The police have been called to this establishment on multiple occasions and they have witnessed public intoxication, noise, unruly behavior, trespassing, and vandalism. All of these complaints have gone far beyond the normal noise level or foot traffic that would be expected in living in close proximity to any nightlife.”

– Joint letter from Councilman Lander Assemblymember Simon & Senator Montgomery, June 17th, 2019

Luckily, the request was denied and Woodland is able to remain open for business while they are embattled in a fight against the city and state of New York.

After 4 exhaustive days of hearings across several months, New York State made its case against Woodland. There was not one piece of evidence submitted that suggested any of the allegations in the June 17th letter were true.

On September 9th Woodland's owners, their patrons and the feelings of community they have built on Flatbush Avenue will have the chance to reframe this false narrative and to combat this corrupt Nightlife Enforcement system.

A PATTERN OF HARASSMENT



Since beginning this report, TBI began to solicit testimonials from business owners that could elaborate on their experiences navigating New York City's nightlife enforcement apparatuses. Some of these owners agreed to provide their name and the name of their business but many others asked to remain anonymous for fear of retaliation in what should be an unemotional arm of justice.

Two co-owners, and mom and daughter duo in Brooklyn, described a pattern of targeted harassment. Their establishment has faced multiple MARCH raids. Some years they were hit more than once. Each

raid left the owners with a fine of over \$10,000. Their business falls under the **67th Pct.** This is one of the most active precincts in the city for MARCH raids and is also the most frequently sued for misconduct.

A member of the staff was arrested during two separate raids. The staff member was taken to the precinct and released both times without any charges being filed. The owners both remarked that the officer leading the raid, **Sgt. Alan Chau**, made unprofessional comments to the owner, members of the staff, and patrons in an effort to antagonize them. The owner was left with the feeling that the goal of these raids was not to make anyone inside their business safer, but instead was meant to intimidate, criminalize and fine the owners in order to have the business close down. **Sgt. Chau has been named in at least 7 separate lawsuits for misconduct since 2018 alone.** These same agencies that are meant to serve and protect them were weaponized against them.

The owner grew fed up with the raids and the discrepancies in their actions. She began to speak up about the harassment, and was shunned or threatened at nearly every point. She was unable to get a clear answer on MARCH guidelines, why her business was allowed to be raided and fined so often, or what she could do to ameliorate the situation. Since her business is her livelihood, any threat to her business was an immediate threat to her income, her family, and her life. To this day, the owners are still fighting in a drawn-out legal process to keep her long-standing business alive.

Another establishment that was targeted by these M.A.R.C.H. raids, Ode to Babel, received 135 noise complaints dating back to September of 2015 with just over **40%** substantiated by responding officers.

“As our erasure happens, we’re trying very hard to protect our spaces. It’s incredibly important that we do.”

– Marva Babel-Tucker, Owner, Ode to Babel

However, on a Friday night in October of 2018, an all too familiar story played out. City agencies, including the **NYSLA, DOB, DOHMH**, and the **FDNY**, barged in for a M.A.R.C.H. raid. That one night resulted \$2,000 in fines for the business owners, two women of color, and has led to an ongoing court battle with the SLA and created more issues with the community board. The owners of Ode to Babel continue to combat yet another false narrative that their establishment is anything other than a responsible member of the community.

Cafe Omar, is yet another casualty in this war against black and brown businesses and those that they frequent. 311 records indicated that the establishment had 9 complaints made against their location. These ranged from issues with parking signs and noise but included serious allegations of underage drinking. Only 1 noise complaint was substantiated by responding officers. Cafe Omar was targeted by the M.A.R.C.H. operations and had their property seized, heavy penalties imposed and license revoked.

A young woman who owns a bar in downtown Brooklyn relayed her experience to be included in this report as well. The intimate space attracted a professional crowd on weekends. The bar had never received any police attention, noise complaints, or any other red flag that would signal the need for a M.A.R.C.H. raid. In fact, the community continually defended and supported the bar which became integral later on.

With no warning or indication, 311 complaints began to roll in. Nothing about the bar itself changed, but it very quickly became the target of a barrage of 311 complaints. These complaints prompted multiple police visits. As the complaints continued to pour in, so did the frequency of those NYPD visits. The bar had turned into a focal point for police attention. Unfortunately, the day came when the multi-agency crew came to the small bar dressed in SWAT gear and the owner is still dealing with the fall out months later.

***“Not only did it affect my mental state,
it affected the clientele and their perception of me.
My staff did not feel like they were in a safe environment.”***

– Diana Mora, Co-Owner, Friends and Lovers

CONCLUSION

The City Council Speaker must move to advance bill No. 1156, sponsored by Councilmembers Levin & Espinal, Jr. which calls for the additional transparency and accountability that is desperately needed. The bill should be passed as written and the City Council must resist passing a watered down version to placate those who would prefer to operate in secrecy and far away from public accountability. **The New York City Council must immediately open investigations concerning discriminatory application of the M.A.R.C.H. raids.**

“Reports from businesses and community leaders about fear-inducing raids are concerning and legislation will help city officials assess a more responsible path forward.”

– City Council Member Stephen Levin

NYPD Commissioner O’Neill should support this legislation in order to provide the transparency and oversight the police require. Once it is passed, the NYPD must comply with the new disclosure requirements. He should also conduct an internal review of the M.A.R.C.H. Taskforce to prevent this problem from continuing.

Governor Cuomo must take executive action to ensure the laws of New York State are not applied in a discriminatory way. **The New York State Legislature** must take steps to address these issues through their oversight and confirmation authorities. The Legislature must also move to investigate the NYSLA’s role in these raids and determine if there were any known abuses of power.

Mayor Bill de Blasio should support this legislation. He must also take the necessary steps to arm those businesses who are targeted with the tools to present an adequate defense.

The **Mayor’s Office of Nightlife** must be adequately funded and staffed to provide meaningful support to the industry it was intended to advocate for or the office should be abolished entirely as not to create the false perception anything is being done for these businesses or the communities they serve.

It is time to change the tune.

REFERENCE MATERIAL

M.A.R.C.H. Operations Data, *Courtesy of The Artist Coalition's FOIL Data*
www.github.com/gltld/march/find/master

Census Tract Information: www.census.gov/glossary

Demographic Information: www.popfactfinder.planning.nyc.gov

Crime Rates: www.projects.newsday.com/databases/long-island/new-york-city-crime-rate/?where=year*2012&order=year_ASC&offset=0

www1.nyc.gov/assets/nypd/downloads/pdf/analysis_and_planning/historical-crime-data/seven-major-felony-offenses-by-precinct-2000-2017.pdf

NYPD Federal Lawsuits & Settlements: www.capstat.nyc/commands/#8/40.909/-75.597

Alcohol Related Motor Vehicle Injuries & Deaths Per 100,000:
www.health.ny.gov/statistics/chac/indicators/index.htm

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www1.nyc.gov/nyc-resources/service/981/nyc311-service-request-map

NYC's Nightlife Economy Impact, Assets, and Opportunities Report:
www1.nyc.gov/assets/mome/pdf/ESI-NYCEDC-Nightlife-Report-2018.pdf

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April 18, 2022

**TESTIMONY TO THE COMMITTEE ON CONSUMER AND WORKER PROTECTION
OVERSIGHT: THE OFFICE OF NIGHTLIFE & THE STATE OF THE NIGHTLIFE INDUSTRY**

Chair Velázquez and members of the Committee, thank you for inviting me to testify today. My name is Jen Lyon and I am the co-founder of the NY Independent Venue Association (NYIVA) as well as co-owner of the Brooklyn Electronic Music Festival.

NYIVA exists to unify New York State's passionate and proudly independent venue owners, operators and presenters with the goal of securing the long-term future and sustainability of New York's priceless live-performance culture for the benefit of New York's communities and emerging artists.

We represent over 200 performance spaces, promoters and festivals throughout the state, over half of which are located in throughout the five boroughs. Our members are "Independent" meaning they are, nonprofit organizations, and independently owned and operated businesses, not publicly traded or multi-national corporations.

These are the places where tomorrow's big-name stars get their start and where new material and experimental forms of expression are explored. In addition, live performance venues annually supported 25,500 jobs, \$722.8 million in wages, \$2.2 billion in economic output and \$500 million in tourism dollars in NYC alone[i]. This is where New York's culture is growing.

I am here to share with you a bit about the current state of live and performing venues in NY and how the City of New York can help ensure the industry's survival.

ABOUT THE CURRENT STATE OF LIVE PERFORMING VENUES IN NEW YORK

- Venues were closed by government mandate for almost 15 months during the pandemic.
- During the government-mandated closure, **members incurred a collective \$15 million per month in net losses.**
- Venues are continuing to struggle. According to a NYIVA survey taken in November 2021 before the Omnicron variant:
 - Ticket sales are down an average of 53% in comparison with 2019.
 - No show rates (audience members that purchase tickets but do not attend) are up from 7% to 22%. Venues rely heavily on non-ticket revenue as 80-85% of ticket sales go directly to artists.
- Most venues, both for-profit and nonprofit, were unable to access NY State relief funds last year due to tight eligibility restrictions including receipt of federal assistance and/or revenue size.
- Based on current projections, the effects of COVID-19 will grossly impact our industry for 3-5 years.



WHAT NYIVA IS ASKING OF NEW YORK CITY

Our industry has been uniquely and seriously harmed by the COVID-19 pandemic and we ask with urgency for the City to launch a new grant program to support this sector.

NYIVA proposes that NYC launch a program to support this important economic and cultural driver. Specifically, this fund would:

- Total \$60 Million
- Have an eligible recipient pool of approximate 300 independent venues and promoters
- Fund both for profit and not for profit entities

WHAT OTHER STATES ARE DOING

With over 30 other states and localities having created arts and venue-specific funds we implore that NYC value our sector's economic contributions as deeply as our counterparts.

- \$150 Million in California
- \$17 Million in New Jersey
- \$17 Million in Austin, TX
- \$50 Million in Oregon
- \$20 Million in Ohio
- \$12 Million in New Hampshire
- Michigan recently voted to provide a second round of relief funding to venues



NYIVA Members Located In & Working in NYC:

3 Dollar Bill
AdHoc
Afropunk Festival
Alpine Cinemas
American Beat Box
Arlene's Grocery
Art's House Schools
ATC Presents
Avant Gardner
Baby's All Right
Barbès
Berlin Under A
Bicycle Film Festival
Birdland Jazz Club
Blackthorn 51
Blue Note Jazz Club
Boom Collective
Borderland Festival
Bossa Nova Civic Club
Bound
Brian Rosenberg NY
BRIC Celebrate Brooklyn Festival
C'mon Everybody
Carnegie Hall
Carolines on Broadway
Caveat
Central Lounge
Chelsea Music Hall
Cinema Village
Cinemart Cinemas
City Farm Presents
City Parks Foundation SummerStage Festival
City Winery
Collective Nightlife Consulting
Creative Entertainment Group / CEG Presents
Dance NYC
Dance. Here. Now

Danny Kapilian Presents
Drom
EL Grupo SN
Elements Festival LLC
Elsewhere
Eris Evolution
Film Forum NYC
Friends and Lovers
FTMP Events
Fun Music Productions LLC
Gemini and Scorpio
George Nenadich
Gold Sounds
Good Judy
Good Room
Gray Area
HOLLO
House of Yes
IRIDIUM
ISSUE Project Room
Joe's Pub
JWP/ Josh Wood Productions
Kings Theatre
Knitting Factory Brooklyn
Knockdown Center
Lasher Louis Productions - Covid Nightlife Guide
Le Poisson Rouge
Lehman College Center for the Performing Arts
littlefield
Lola
Lucky 13 Saloon
Market Hotel
Max Fish Bar
MaxSky
MeanRed Productions
Mercury Lounge
Metamorphic Concerts



MNM Presents
Monkey Wrench Techno
Move Forward Music
MRG Fource Entertainment
Murmrr
National Sawdust
Niagara
Nowadays
Nublu 151
Nublu Classic
Nuyorican Poets Cafe
NY Comedy Club
NYC Nightlife United
Our Wicked Lady
Pangea
Parklife
Pete's Candy Store
Pine Box Rock Shop
Pioneer Works
Players Theatre
PopGun Presents
Public Records
Public Works Inc.
QED Astoria
Quo Vadis
Resolute NYC
Riverside Symphony
Rochester Fringe Festival
Rockwood Music Hall
Saint Vitus
Seerendipity
Serdar Ilhan Presents Inc.
Shake Rattle & Roll Pianos
ShapeShifter Lab
Shea Stadium BK
SJ Presents
SLP Concerts
SOBs
St. George Theatre

Starr Bar
SubCulture NY
Teksupport
The Actors Fund Arts Center - The Mark O'Donnell
Theater
The Artichoke
The Bell House
The Bitter End
The Bowery Ballroom
The Bowery Electric
The Broadway
The Bunker New York
The Cutting Room
The DL
The Footlight Bar
The Graham
The Herbert Holler Group
The Muse Brooklyn
The Paper Box
The Royal Palms Shuffleboard Club
The Springut Group
The Stand NYC
The Sultan Room
The Turk's Inn
TheaterLab
Town Stages
Trans-Pecos Triskelion Arts
TV Eye
Union Hall
Union Pool
United Palace
UNTER NY
Vibe Church
Village Vanguard Jazz Club
Women Between Arts
Wrecked INC

APRIL 15, 2022

Annarrisa Nathoo
Executive Director
Caribbean American
Restaurant Association
Inc.

Testimony from Annarrisa Nathoo regarding the Office of Nightlife and
State of NYC Nightlife

*For the oversight hearing taking place on April 18th, 2022 at 1:00 p.m with
the City Council*

3510 Church Ave,
Brooklyn, NY 11203

annarrisa.nathoo@linkcaranow.org
www.linkcaranow.org
Tel: 212-641-0482

My name is Annarrisa Nathoo, and I am the Executive Director of CARA - Caribbean American Restaurant Association. This Association represents over 200 minority, Black/ Caribbean, Hispanic/ Latino Hospitality, and Nightlife business owners throughout New York City. CARA was formed to advocate for and leverage Caribbean American hospitality businesses, provide resources and eliminate adverse actions that have historically affected them. CARA understands Caribbean American hospitality and nightlife establishments and their unique cultural differences compared to other communities. The insensitivity and indifference towards Caribbean culture by City and State governments creates more opportunities for enforcement visits by city and state agencies, resulting in the issuance of frivolous summonses. Without new intervention to collaborate with city and state governments, Caribbean American hospitality and nightlife businesses will continue to suffer with disproportionate outcomes.

The racism and willful ignorance of the unique cultural differences the Caribbean community has faced by the office of nightlife by its Senior Executive Director Ariel Palitz must end. The Office of Nightlife (ONL) at the Mayor's Office of Media & Entertainment (MOME) was created to serve as a central point of contact among the nightlife industry, community, and City agencies. This has not been the experience for the Black/Caribbean, Hispanic/ Latino businesses (B/C, H/L) CARA represents.

The B/C, H/L business owners have contacted the ONL regarding the MARCH Raids, NYPD business enforcement inspections, and the uncountable harassing visits our community has received. ONL has always been aware of these racially motivated inspections and has deliberately chosen to turn a blind eye to the racial weaponization of these financially crippling enforcement tactics. The ONL knows the operations were conducted in neighborhoods with a majority-minority population yet still refused to intervene and be a lifeline to the minority business owners.

Here are six businesses that Bertha Lewis from The Black Institute accompanied to a meeting at ONL. They met with Ariel Palitz and other leadership from MOME, pleading for the ONL to intervene.

The Hills - Owner Doris Rodney
Spent close to \$200k on fines and legal fees from over 100 frivolous summonses.
STRUGGLING FINANCIALLY TO STAY OPEN.



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LOST LIQUOR LICENSE BECAUSE OF FRIVOLOUS SUMMONSES WRITTEN AGAINST THE BUSINESS. LOST AN ADDITIONAL 150K IN REVENUE

Rag Top - Owner Gary Cole

Spent over \$200k in fines and legal fees from over 100 frivolous summonses.

LOST LIQUOR LICENSE & CLOSED DOWN BECAUSE OF FRIVOLOUS SUMMONSES.
TOTAL LOSS UPWARDS OF 300K.

Cafe Omar

Spent over \$150k in fines and legal fees from over 100 frivolous summonses, including arresting Dr. Omar Stewart Jr and former CM Kendall Stewart.

LOST LIQUOR LICENSE & CLOSED DOWN BECAUSE OF FRIVOLOUS SUMMONSES.
TOTAL LOSS UPWARDS OF 500K

Plentys lounge

Spent over \$100k in fines and legal fees from over 100 frivolous summonses.

RETURN LIQUOR LICENSE TO SLA DURING COVID& CLOSED DOWN, AND SLA REFUSED TO REINSTATE THEIR LIQUOR LICENSE BECAUSE OF FRIVOLOUS SUMMONSES WRITTEN AGAINST THEM

All Nations

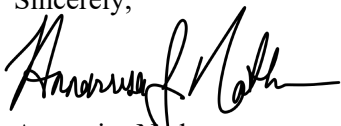
Spent over \$75k in fines and legal fees from over 50 frivolous summonses written against the business.

STRUGGLING FINANCIALLY TO STAY OPEN BECAUSE OF FRIVOLOUS SUMMONSES WRITTEN AGAINST THE BUSINESS.

The B/C, H/L hospitality and nightlife business owners spent millions of dollars on fines and legal fees that would have been saved had the ONL done its job and intervened to stop the abuse. The deliberate and racist lack of intervention has resulted in tens of millions lost in economic impact and thousands of jobs lost throughout New York City. It is a fact that the ONL deliberately dealt the fatal blow to many, while countless others suffer emotionally, mentally, and financially daily because of racially targeted harassing visits by other city agencies. Those still standing live with so much anxiety and constantly fear their closure. As it stands, the ONL under the direction of Ariel Palitz will never be trusted by B/C, H/L hospitality, and nightlife

intervention that enables and encourages enforcement abuses on the B/C, H/L business community.

Sincerely,



Annarrisa Nathoo

Executive Director

Caribbean American Restaurant Association Inc.



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ELSEWHERE

599 JOHNSON AVENUE #1, BK, NY 11237 ○ www.elsewherebrooklyn.com

Dear Council Members:

Thank you to the Council for inviting public testimony

My name is Dhruv Chopra. I am President and Owner of PopGun Presents, a concert booking and promotion company founded in 2008, and of Elsewhere, a concert venue and nightclub founded in 2017, both in Brooklyn. Incidentally, Elsewhere was where Mayor DeBlasio struck down the Cabaret Law.

We consist of over 150 employees, are independent and minority-owned, organize over 700 concerts a year with thousands of artists, and over 300,000 attendees. I am also a board member at the NY Hospitality Alliance, the North Brooklyn Chamber of Commerce, and the Brooklyn Allied Bars and Restaurants (BABAR).

Without a shadow of a doubt, I strongly support the Office of Nightlife, and its independence, along with Ariel Palitz as its Director. I also would also like to argue for the ONL to receive additional funding and authority.

Following the release of the Economic Impact Study, the economic value of nightlife in NYC is inarguably massive, not to say anything of its less quantitative benefits to the fabric of our city. But the industry faces headwinds both in the short-term (COVID residual pressures) and long-term (systemic). The ONL needs to exist in order to help preserve the industry and grow.

Nightlife has had an historically contentious relationship with municipal and regulatory bodies. Through over a decade of effort from groups such as the Alliance and BABAR, and as our industry continues to modernize, these relationships are evolving into partnerships. However, there's a long way to go, and these partnerships are all very fragmented need and to be nurtured. It is very difficult for business operators to be constantly advocating for our industry, and constantly be cultivating / maintaining relationships – not to mention navigating bureaucracy, red tape, fines / fees, various application and appeal protocols, etc. The ONL has not only been instrumental in supporting this sea change in relations, but needs to continue to act as an advocate for nightlife by centralizing relationships / protocols, while also continuing to identify and streamline inefficiencies.

The ONL is also an advocate for workers and residents – there has historically been a contentious relationship between these various entities and business owners as well. There cannot be a healthy nightlife ecosystem nor industry without each stakeholder communicating and co-existing. The ONL has supported all stakeholders in the ecosystem through its MASH, MEND, and other efforts. This is exactly what the first step needs to be.

While of course we could ask for more from the ONL, including accountability and quantitative performance tracking - asking more of the Office at this point in its evolution would be unrealistic. In an ideal world, I would love to see the ONL track its success towards the reduction of application times, business fines and expenses, business / community / worker disputes, and some sort of tracking of the overall vitality of the industry – but the ONL is in its early days, and thrown into the middle of a milieu that started decades ago. It is not an easy job.

I would like to argue that the office needs more funding and more authority in order to grow its efforts. To this end, I agree with all the future efforts the ONL outlined in its 2021 report. There are plenty of things we deal with that constrict business development, job growth, quality of life, and cultural impact. We are an industry of culture-obsessed small businesses navigating a very challenging environment between COVID, a cost of living that is outpacing our industry growth, fees / fines / red tape / opaque bureaucracy / uneven regulatory practices, just to name a few. We need help, and we need an advocate at the City.

I would also like to strongly advocate to keep Director Palitz at the helm of ONL. Through her long experience in nightlife, her personal passion for nightlife culture, and her constitution, she is uniquely equipped to handle the challenges of developing the ONL while navigating the eccentricities of our industry. It is hard to imagine anyone else who would take such a vested personal interest in making sure that all voices in the industry are heard and communicating – her approach goes far beyond the job requirements, and we thank her.

Please let me know if I can provide any more detail or information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dhruv Chopra', with a stylized, cursive script.

Dhruv Chopra

Elsewhere: Co-Founder / President

PopGun Presents: Partner / President

dhruv@elsewherebrooklyn.com

From: Joseph Levey <joseph@helbraunlevey.com>
Sent: Tuesday, April 19, 2022 1:59 PM
To: Testimony
Subject: [EXTERNAL] Office of Nightlife Written Testimony

Good Morning,

I apologize for being unable to give live testimony on this topic. However, I did want to put some written testimony on the record. By way of introduction, my name is Joseph Levey and my firm, Helbraun & Levey currently, represents thousands of businesses in the hospitality industry in NYC.

Prior to the creation of the Office of Nightlife, and the appointment of Ariel Palitz to the position of director, many of our clients experienced unnecessary frustrations in dealing with the various NYC agencies, and had nowhere [productive] to turn for answers or assistance. Now, while their fair share of frustrations still arise, they have this incredible resource to support and assist.

I have introduced countless small business owners in NYC to Ariel and her staff over the years, and the feedback received has been incredible across the board. In a city as complex as NYC, it is no wonder that navigating the governmental and quasi-governmental waters is tricky. Ariel and her staff have represented a north star, so to speak, for many in the hospitality industry over the years - ESPECIALLY in the darkest days of 2020.

I can't speak highly enough about Ariel and her team, and hope that they get to continue their great work for many years to come.

Respectfully,

Joseph

HELBRAUN ||

Joseph Levey
Founding Partner | Helbraun & Levey LLP
40 Fulton Street, 28th Floor
New York, NY 10038
office: (212) 219-1193
pronouns: he/him/his ([What's this?](#))
Helbraunlevey.com





NYS LATINO RESTAURANT BAR & LOUNGE ASSOCIATION

April 18, 2022

Testimony
New York City Council
Committee on Consumer and Worker Protection
Oversight - The Office of Nightlife and the State of the Nightlife Industry

Thank you Chair Velazquez and members of the Committee for the opportunity to speak today. My name is Arelia Taveras, and I am the President of the New York State Latino Restaurant Bar & Lounge Association.

The New York State Latino Restaurant Bar & Lounge Association (NYSLBRA) represents over 350 minority-owned restaurants statewide. NYSLBRA is one of the largest business organizations of its kind with over 300 restaurant members to date, ranging from individual Latino businessmen/women owning fast food establishments to gourmet larger restaurants to lounges and bars within the tri-state area. The NYSLBRA's focus is advocacy, business training and legislative reform for the food and beverage industry, while simultaneously creating opportunities for minority owned businesses throughout the state.

Retail minority and women-owned businesses are suffering today, especially in New York City's underserved and neglected communities. Post pandemic COVID-19 recovery efforts are deeply needed. Minority owned businesses especially need greater and easier access to pandemic relief funds. While our businesses are unable to access funds that are required for their survival and are excluded from the dialogue, we continue to make up 53% of the nightlife community and generate billions of dollars of revenue for New York City. Instead of using only City funds, I believe that Governor Hochul's tourism funds should be tapped into and accessed by ONL and the Nightlife Committee to alleviate the burden on the industry.



NYS LATINO RESTAURANT BAR & LOUNGE ASSOCIATION

The NYSRBLA makes the following requests:

1. The establishment of arbitration clauses for commercial leases. If commercial landlords are making tenants sign personal guarantees, then we believe that these landlords should be submitted to an arbitration hearing before these personal guarantee clauses are enforced in New York City. We understand that the real estate industry requires some measure of compensation, but during these unprecedented times, tenants should not have to perpetually carry this immense debt even when they are no longer occupying the space and be allowed a discussion before an arbitrator to reduce the amount owed.
2. MARCH operations and routine inspections by NYPD, FDNY, and the SLA should have respectful protocols and time regulations when entering minority owned businesses. Inspectors arrive at peak hours and force businesses to end service and turn on the lights. Business owners lose out on revenue during abrupt inspections as customers often run out on their bills. Additionally, inspectors should respectfully identify themselves to our tax-paying businesses that deserve to be treated with courtesy. Minority business owners wish to have a cohesive partnership with New York City agencies, but deserve fair and dignified treatment by enforcement.
3. The Department of Buildings should create a soundproofing component for every new development, commercial or residential. Soundproofing establishments should be the responsibility of the landlord and not the tenant. Landlords are making business owners pay exorbitant amounts of money to soundproof their establishments without contributing to the costs. A new code should be created for soundproofing so that landlords can cover soundproofing costs and meet the standards within a set amount of time.

Thank you for your consideration and for your support of New York City's small businesses.

Sincerely,

Arelia Taveras

President

NYS Latino Restaurant, Bar & Lounge Association

Good afternoon to Chair Velasquez and all members of this Committee.

My name is Tara Duvivier and I am Senior Planner for Pratt Center for Community Development. For nearly 60 years, Pratt Center has worked with various community groups and the public sector on equity issues around land use. Outside of Pratt Center, I am a member of the New York Nightlife community. At this point I have spent more than half my life in nightlife, as an attendee, supporter, event promoter, and DJ.

The Office of Nightlife was created in 2018, when the racist Cabaret Law was finally repealed. This work to repeal was the result of decades of advocacy, failed lawsuits, and finally, an administration willing to partner with the community to correct some of the past that has long demonized nightlife in New York City.

The Office has since created programs that introduce mediation and conflict resolution between nightlife businesses and local residents and assists businesses with regulatory processes. These efforts move us away from MARCH raids, or Multi-Agency Response to Community Hotspot raids. Having witnessed a few of these raids, they are violent, scary, and excessive considering many are initiated due to loud noise. The work the Office of Nightlife has done in this reducing police involvement in these situations should be commended.

The Office has also begun Overdose prevention training with the intent to have overdose-reversing drugs behind every bar in New York City. As the recently opened safe injection sites have shown, having easy access to Narcan absolutely can and has saved hundreds of lives. This initiative will help keep patrons safe.

In 2020 and 2021, I worked on a chapter of a Global Nightlife Recovery Plan with a European-based advocacy group where we surveyed nightlife workers in 6 continents to understand their challenges during the pandemic. I am including my section of the report along with this testimony. Mental health assistance was one of the top 3 needs of respondents. The Office of Nightlife has created a mental healthcare initiative with a nightlife worker support group that offers free and affordable mental healthcare. Even prior to the pandemic it had been noted that mental health is a major concern among nightlife workers so this support group will help people as they try and recover their livelihood.

Despite this initiative, direct assistance to Nightlife workers is an area I feel the Office of Nightlife has been lacking. The other top needs identified in the report I worked on included cash and rental assistance. In March 2020, nightlife workers saw their incomes for the foreseeable future evaporate virtually overnight. Their classification as “gig workers” limited their access to financial relief. Prior to the pandemic, myself and my peers have faced challenges around being paid in a timely manner by venues after rendering services and have little to no recourse available to us. The payment fees and structure within nightlife make most of us ineligible for protections under the Freelance Isn't Free Act.

I have made attempts to appeal to local venue owners for assistance as they should have some concern as these bad actors reflect poorly on the industry but to be frank, they do not care. The owners of spaces in New York City largely do not reflect the demographics of the workers and contributors to nightlife. The Office of Nightlife needs to do more to address our concerns and support efforts to increase equity in ownership, as entering this industry as an owner has many barriers. People of Color, particularly Queer and Trans People of Color are the originators and drivers of nightlife culture in New York City, and we are often the last to get paid and we get paid the least.

I believe the Office of Nightlife has done some great work since their creation, but I also believe their focus needs to include nightlife workers and they should be given the capacity and resources to do so. While nightlife is a business, it is first and foremost a culture. It is a sanctuary for many of us when we have been excluded and shunned from our families and larger society and for many of us, it is also our livelihood. Ensuring that those who create the culture also benefit from it in an equitable manner is not an impossible goal, but requires that we advocate for it and are given the opportunity to shape this new future with willing partners.

Thank You.

GLOBAL NIGHTTIME RECOVERY PLAN

CHAPTER 4:

SUSTAINING OUR NIGHTLIFE SCENES: SUPPORT MODELS FOR NIGHTLIFE INDUSTRY WORKERS, INDIVIDUALS, AND VULNERABLE POPULATIONS

WHAT IS THE GLOBAL NIGHTTIME RECOVERY PLAN?

“THE NIGHTCLUB AND THE BAR ARE AMAZING, SPECIAL THINGS - THEY’RE FUNDAMENTAL TO OUR CULTURE. THEY’RE WHAT DRAW PEOPLE TO CITIES, THEY’RE WHAT MAKE PLACES FEEL VIBRANT.”

– ANDREW TUCK, HOST OF MONOCLE’S THE URBANIST

The **Global Nighttime Recovery Plan** is a collaborative practical guide that aims to provide all members of the nighttime ecosystem the knowledge and tools to aid their cities in planning for safe, intentional, and equitable re-opening.

Opportunities to Reimagine

Nighttime industries are facing unique pressures, but are also led by strategic and creative problem solvers and collaborative, resourceful organisers. By considering both spatial and temporal dimensions of the 24-hour city, these cross-sector leaders can enable cities to rebound from COVID-19 stronger and more resilient than before.

Each chapter includes:

Guidance from re-opening to re-imagination:

1. **RESOLVE: Analysis** of cities’ immediate actions to contain COVID-19.
2. **RESILIENCE and RETURN: Tools and strategies** to shape recovery.
3. **REIMAGINATION and REFORM: Scenario planning** to define next normal.

Not “Best Practice,” but “Practice”: No one has all the answers yet—the plan highlights various workable approaches in an ongoing, collective learning process.

Challenging “the way things were”: Pre-pandemic, nightlife was already vulnerable, and working close to the margin. As we return, how do we re-envision a better “normal”?

Never one-size-fits all: We know what works in one political or cultural context may not work in all. These models are a starting point for cities to modify and re-contextualise in service of more equitable, just, and inclusive nightlife scenes.

Suggestions for measuring progress: Both stories and data—quantitative and qualitative—are essential to capture progress and success in nightlife landscapes.

Harm-reduction mindset: We recognise that people will always want to gather. Rather than denying that impulse, we wish to help people do so safely. This guide should always be used in the context of local public health guidelines.

We hope this resource is of use in your city, and we’d love to hear how you’re putting it to work. Please stay tuned at nighttime.org, and reach out to us with questions, ideas, and interest: hello@vibe-lab.org.

With warm wishes,

The Global Nighttime Recovery Plan team



THE GLOBAL NIGHTTIME RECOVERY PLAN WILL BE RELEASED CHAPTER-BY-CHAPTER OVER THE COURSE OF 2020 AND 2021. FIND THE LATEST INSTALMENT ON [NIGHTTIME.ORG/RECOVERYPLAN](https://nighttime.org/recoveryplan).

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The GNRP is published by VibeLab

With thanks to our partners

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Unterstützt von / Supported by

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INTRODUCTION

“PRE-PANDEMIC I CONSIDERED MYSELF TO BE A SUCCESSFUL ARTIST. NOW I’M TRYING TO FIGURE OUT HOW NOT TO BE HOMELESS.”

– ANONYMOUS SURVEY SUBJECT, SUMMER, 2020

Nightlife was halted in March 2020 - part of the global shutdown response to prevent the spread of Covid-19. Those who worked in nightlife industries found themselves suddenly out of work. At the turn of 2021, many countries are still experiencing rising infection rates and business closures continue. Despite encouraging news about vaccines and rapid testing technologies, the end of the pandemic is not imminent. Hope that nightlife closures would be temporary has evaporated. Nightlife arts and culture establishments were the first to close, and will likely be the last to open. The situation for those employed by nighttime industries is dire - this document is designed to offer some practical strategies from around the world which governments and communities can use to help lessen the impact.

The scale of the economic impact of the pandemic to creative industries is staggering. The Brookings Institution estimated a loss of nearly 3 million jobs and \$150 billion in sales in the creative sector from April 1 to July 31 of this year in the United States alone. In Germany, which has provided some of the most comprehensive support to dislocated workers, in late summer 2020, unemployment in creative industries was over 20% higher than the national average, and in performance-reliant sectors the rate was 2-3 times the national average. South Korea, which has handled the virus very well by global standards, estimated a \$9.2 billion (US) in losses to culture, entertainment and tourism related industries in the first 9 months of 2020 due to an 81% loss in tourist traffic.

Nightlife workers have seen their income disappear and they have been trying to stay afloat. While some have been able to access relief funds and subsidies, it largely has been insufficient. We surveyed 300+ individuals in the nighttime arts and culture industries from 11 countries - 98% lost income due to Covid-19, while only 49% received aid (largely unemployment assistance) and only 15% claim the aid they are receiving is sufficient. For some, relief funds have run out and no additional relief has been provided.

Major nightlife hubs are in cities, which often have a higher cost of living, making economic conditions extremely precarious. Nightlife workers, classified as non-essential, are exhausting their resources, including their savings. Households that depended on nightlife to earn a living are on the brink of financial ruin. This may result in irreversible damage to the nightlife industry and the cities that have benefited from its presence as people threaten to leave creative industries. Our survey research also documents an alarming mental health crisis in nightlife industries.

The magnitude of the crisis was amplified because of the many pre-existing structural problems with industry business models, government services, health and social supports, cultural value systems, and national and local economies vis-a-vis nighttime workers and creative workers. Some countries and communities have provided more effective safety nets than others.

Whereas previous chapters of the GNRP have dealt with places and concepts - clubs, outdoor spaces, infrastructure, urban planning, and governance - this chapter is explicitly about the people who are nightlife. This chapter outlines nightlife workers' current needs, the obstacles they are facing during the pandemic, tools for short-term relief, and the challenges in trying to provide immediate resources to these workers. Additionally, we provide recommendations for reforms which would create a more sustainable nighttime economy that provides more security, prosperity, and dignity to workers. These recommendations are directed towards governments, nighttime industries, or other actors.

This document is divided into the following sections:

1. **Who Are the Nightlife Workers?**
2. **Current Needs: Nightlife Worker Survey**
3. **Challenges in Addressing the Needs of Nightlife Workers**
4. **Recommendations & Case Studies**
 - a. Short Term Solutions
 - b. Sustainable Solutions



PHOTO: MARCO LASTELLA

“HAVING YOUR MONTHLY INCOME SIMPLY DISAPPEAR IN THE BLINK OF AN EYE HAS BEEN HARROWING TO SAY THE LEAST.”

“THERE’S BEEN AN IMMENSE PRESSURE FROM LANDLORDS, STRESS AND FRUSTRATION FROM NOT BEING ABLE TO PROVIDE FOR MYSELF AND MY FAMILY AS MOST RELY ON ME FOR ASSISTANCE PLUS THE HARDSHIPS OF NOT REALLY KNOWING WHERE YOUR NEXT MEAL WILL COME FROM.”

“OUR WORK DEFINES THE CULTURE OF THE CITY, AND YET IN OUR TIME OF NEED WE ARE GOING WITHOUT AIR.”

“BETWEEN FEBRUARY AND NOW I HAVE LOST ABOUT 7 DIFFERENT JOBS WHICH HAS DEPLETED MY FINANCIAL PICTURE.. THOUSANDS OF EUROS.”

“I REALLY REALLY NEED FINANCIAL ASSISTANCE FOR ME (AND MY SON).”

“I’VE BEEN PICKING PLASTIC BOTTLES TO SURVIVE.”

WHO ARE THE NIGHTLIFE WORKERS?

TALENT BOOKER MUSICIANS SOUND ENGINEERS
DJS PARKING ATTENDANTS SEX WORKERS
CARPENTERS LIGHTING TECHS GENERAL MANAGERS
STAGEHANDS INTERNS STYLISTS PHOTOGRAPHERS
GRAPHIC DESIGNERS BARTENDERS SERVERS
USHERS PRODUCTION MANAGERS PUBLICISTS
CHOREOGRAPHERS PUBLIC RELATIONS
BACKLINE TECHNICIANS SECURITY STAFF
ACCOUNTANTS CATERERS SANITATION STAFF
DANCERS PROMOTERS SERVERS DRIVERS
RIDE SHARE DRIVERS TRANSIT WORKERS BARBACKS
CHEFS RUNNERS SINGERS FOOD TRUCK OWNERS
HAIRDRESSERS AUDIO TECHNICIANS

GRAPHIC ADAPTED FROM NATIONAL INDEPENDENT VENUE ASSOCIATION

This chapter focuses primarily on the creative sector within the nighttime economy: the workers in nightlife who work in concert halls, nightclubs, bars, theatres, and associated industries. This remit extends to occupations that support this sector that aren't conventionally considered creative. The figure on the facing page lists some of the many occupations in the nighttime economy who are a part of a functioning nightlife. In acknowledging the other types of workers within this economy, we aim to make the point that nightlife workers are not a niche unto themselves; they are part of a critical piece of a larger economy which is often overlooked. This is consistent with the emerging focus on life at night and the nighttime economy as a greater lens through which to consider nightlife and creative industries.

The nightlife creative sector is a vital piece of economic activity in many regions, particularly areas that are globally known for their culture. Nighttime is often ill-measured, but some studies exist which isolate nighttime workers. A breakdown of nighttime workers (6PM-6AM) estimates that of the 5.3 million workers in Greater London, 1.6 million people work at night - one tenth of those in the culture and leisure industries. Though no complete data sets on industries relying on foreign-born workers is available, 15.7% work in recreational activities (day/night). (Fernandez-Reino et al, 2020)

Nightlife workers were vulnerable prior to this pandemic. They are often "unseen." They are either physically not seen by the rest of society, unmeasured by economic surveys, un-represented in civic society, and/or undocumented either in work or in citizenship. Creative work is often very insecure in nature, with attrition rates over 50% on ten-year timeframes.

There are persistent, well-documented inequities between the producers and the consumers in cultural industries and especially in the nighttime economy. Many groups who have been socially excluded and discriminated against found a means to earn a living through nightlife culture. People of colour and the LGBTQIA+ community largely originated and shaped nightlife culture as we know it today. Despite this, the same social challenges that brought various racial and sexual minorities to seek refuge in nightlife also exist within the nightlife economy; cultural erasure, pay disparities and lack of opportunities for these groups is, unfortunately, the norm. This is evident by looking at top DJ earners or nightlife proprietors, most of whom are white and/or male in societies thought to be multicultural in some respect.

The nature of the work also contributes to the vulnerability of nightlife workers. Most nightlife workers are not permanent employees at an organisation but “gig” workers. The Gig Economy Data Hub outlines the various characteristics that describe “gig” work.

GIG WORK:

Work Arrangement - Gig workers tend to have short term relationships with their employers which tend to be project based or for specific tasks. (Includes freelancing, temporary work, self-employment, and contracted work.)

Legal Classification - Gig workers are not considered permanent employees by their employers and are classified differently. Often they are not given benefits, and taxes are not taken from their paychecks as they would for more traditional workers.

Nature of Work - Gig workers may have varying schedules, some flexibility in when and how they work, and may not have direct oversight.

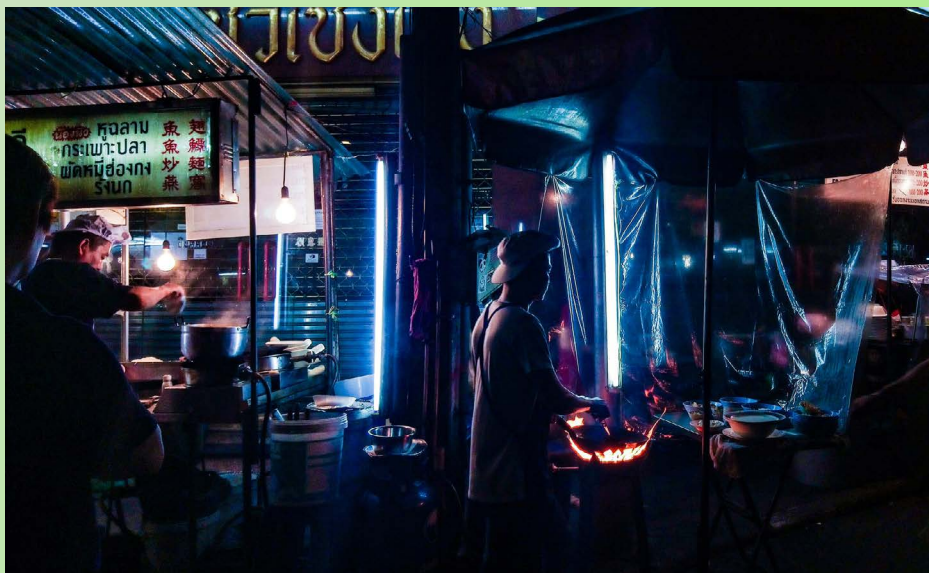


PHOTO: XVIIIZZ

Many nightlife workers can be characterised as gig workers in some respect. Many are paid per shift or performance and if the service isn't rendered, they are not paid. Many are freelancers or self-employed, and are not as easily covered by traditional relief such as employer-based unemployment assistance if they lose a job. In the survey conducted for this chapter, 78% of respondents classified themselves as “self-employed”. Estimates by the European Commission suggest that those working in cultural industries are twice as likely to be self-employed as those in the rest of the workforce.

There is a greater structural issue with *nightlife* workers because there are challenges inherent to working non-traditional hours. They are part of a larger group known as *nighttime* workers. *Nighttime* workers vary from the forklift operators to restaurant and bar workers to the ride-share drivers. These workers are often vulnerable to exploitation due to varying factors: their immigration status, lack of regulatory oversight as their work takes place during non-traditional hours, and the perception that their work is unskilled as it is often physical in nature. Many nighttime workers also fall under the gig worker category. They may be paid below minimum/living wages because their working arrangements or demographic profile makes them vulnerable to exploitation by employers.

They also face the challenge of inconvenience in working during the night as rapid transit is not as easily available. This also impacts the safety of these workers as they travel to/from their jobs. There are limited options in general for nighttime workers as many businesses are not open to accommodate their lifestyle needs and this may impact their ability to take care of themselves, losing out on sleep to attend to ordinary life tasks and errands.

Nighttime workers, by the nature of their labour, are often not considered within the greater context of the labour movement. Many civic events and movements take place during the day when they are asleep, or in the early evening/night when they are heading to work. Their hours may also be irregular which does not allow for a balance which can provide a sense of security. There are obstacles which prevent these workers from organising and there is an invisibility among this group when governance considers any policy to address labour issues.

CURRENT NEEDS: NIGHTLIFE WORKER SURVEY RESULTS

Once nightlife venues closed across the world with little to no advance warning, employment ceased for many without any severance or emergency assistance. Gigs that nightlife workers had booked and planned for in future months then began to be cancelled, as it became more clear that the pandemic would last longer than most anticipated. Community-based aid provided temporary emergency relief for some while some governments worked on larger scale relief plans that would reach more than the traditional workforce, who are often overlooked when addressing economic decline. While some programmes were implemented to provide economic relief for those rendered unemployed by the pandemic, it is unclear that many those in nightlife were eligible or received such aid.

“I FEEL SO DEPRESSED AND SO LOST AS IF I HAVE NO PURPOSE. I CAN’T EVEN PUT FOOD ON THE TABLE.”

“WE HAVE BEEN LEFT OUT & FORGOTTEN. I AM ANGRY, SAD, LOST AND CONFUSED.”

In order to understand what nightlife workers were experiencing during this pandemic, the chapter authors created a short survey to learn about the pandemic’s impact on these workers. This survey was translated into six different languages and distributed globally through informal networks.

We digitally disseminated a survey in six languages, and received 300+ responses from across 11 countries and 6 continents. Our sample is biased towards US and EU subjects, but is complemented by (and consistent with) research done by the Music In Africa Foundation, Music Workers Alliance and others in the discussion below.

SURVEY STATISTICS:

TOTAL RESPONSES: 328



- 78% are self-employed
- 98% lost income due to COVID
- 49% received aid - mostly unemployment aid
 - Only 14.8% of those who received aid said it is sufficient
 - 16.7% state that the aid is only partially or temporarily enough
 - 10% claim they may not return to the business; 3% have decided not to return; 2% say they will return but with a reduced capacity

SUBJECTS “MOST PRESSING” NEED:

- Cash Assistance 19%
- Rent Assistance 19%
- Mental health support 12%
- Employment in a different field 11%
- Free/Low-cost healthcare and medication 11%
- Less than 10% - Food Assistance, Training/Education for employment, Access to remote working equipment, Shelter/Housing

CURRENT NEEDS: DIRECT CASH AND RENT ASSISTANCE

The respondents to the survey largely indicated a need for housing and/or financial assistance - with just under 40% saying this was their *most pressing need*. Less than half of those who responded are receiving financial assistance and it is largely insufficient for their living needs. In some countries, enhanced relief provided due to the pandemic expired months ago. Similar surveys, such as one conducted by Music In Africa, showed heavy financial losses for individuals, but subjects suggested private grants as the best hope for relief. A survey by the Music Workers Alliance suggests that a small minority of creative workers are receiving employer-based assistance.

The labour market for creative industries may be very tight for some time to come. Assistance to these nightlife workers is just one of the many competing funding needs for governments, but the need for this might be very long lasting. The possibility of an extended recession or depression and mass closures of creative spaces and spaces and firms means that financial need will extend beyond the availability of widespread rapid testing and/or vaccines.

HEALTHCARE AND MENTAL HEALTH SUPPORT

Our survey solicited a great deal of free-answer feedback from respondents regarding their mental health. The pandemic only exacerbated pre-existing conditions for nightlife workers. Help Musicians (UK) 2016 study of mental health in the music industry found a majority of respondents reporting panic attacks, high levels of anxiety, or depression. Not nearly as many respondents reported having sought help for these mental health issues.

Under “normal” circumstances, nightlife work often depends on a strong sense of entrepreneurship, social camaraderie in and out of the workplace, and (for artists) ego-centric self-reliance. The workplace is often tolerant of the use of alcohol or drugs and social relationships are often transactional. It is an industry characterised by failure - venues and careers fail as frequently as they start, those failures are often deeply personal, and there is little safety net. These circumstances left the workers in nightlife in an already precarious position.

Most nightlife workers saw their immediate income evaporate in March 2020, and their long-term income earning opportunities dried up soon after. There is the stress of not being able to meet their own basic needs and a sense of despair due to the uncertainty of the nightlife industry and their place in it moving forward. The “shutdown” of this industry has also created isolation and many respondents report feeling alone. Complimentary research by the Music Workers Alliance shows a threat of long-term dislocation - a third of their subjects are considering leaving the creative field and 15% have had to move for financial reasons. As the nature of their work already limited access to resources, they appear to be having difficulty in obtaining the mental health support they need.

“I HAVE BEEN FEELING EXTREMELY HOPELESS THAT THIS EXTREME MISMANAGEMENT OF THE PANDEMIC BY THE GOVERNMENT HAS EFFECTIVELY ENDED NIGHTLIFE AND PERFORMANCE ARTS FOR GOOD, AND THAT’S SOMETHING THAT I USED AS A MENTAL HEALTH AIDE AS WELL AS PERSONAL EXPRESSION IS NOW GONE.”

CHALLENGES IN ADDRESSING THE NEEDS OF NIGHTLIFE WORKERS

NIGHTLIFE NEEDS ACKNOWLEDGEMENT AS BOTH A CULTURE AND BUSINESS

While it is clear nightlife venues and firms are revenue-generating businesses, it is difficult for governments to acknowledge the cultural significance of nightlife. Nightlife exists beyond the experience of a “night out” - it’s the time and place of production of art and culture across various areas including but not limited to: recorded music, dance, and visual art. Those who participate in nightlife - as workers and/or patrons - are often members of marginalised groups which are usually neglected politically and targeted and punished unfairly in the enforcement of laws. Many of the laws which criminalised certain types of nightlife, like New York’s repealed Cabaret Law or Japan’s Fieho code, have their roots in capricious over-policing of marginalised groups.

There are also moral concerns by many governments when considering supporting nightlife. The stigma of nightlife as a scene for rampant drugs and sex is still prominent. While emergence of “night mayors” and government offices that seek to support the nightlife industry have developed globally over the past two decades, many localities focus more on legislation that seeks to restrict nightlife rather than expand economic opportunities. This prohibition-oriented governance approach likely restricts the appetite governments have to specifically aid nightlife workers.

However, there are obvious economic benefits to supporting the nightlife sector. Nightlife is an industry and in many cities, a very important part of the economy. Many venues are “small businesses”, not owned by large international corporations. Many also hire locally; even venues that attract international performers hire local artists and production staff to support these events. The “small c” culture which characterises much of nightlife should be recognised alongside “capital C” culture like symphony orchestras - for purposes of cultural and political legitimacy and for financial support during the pandemic.

NIGHTLIFE WORKERS ARE POORLY ORGANISED AND HARD TO REACH

While many cities have acknowledged the importance of nightlife to their city, there are few large-scale advocacy efforts from within governments to support the nightlife industry or its workers. Some governments have allocated more resources to supporting the industry (via “Night Mayors” and other services), but these offices are often small, without true legislative or regulatory power that could influence policy. Without a clear grassroots movement among nightlife workers and those who patronise nightlife establishments to lobby governments, it is difficult for allies within government to advocate for nightlife workers outside of support for relief for establishments. However, gig workers are not often economically connected to businesses which might receive relief that they can pass along to employees. This is a consequence of platforms who discard their responsibilities onto those classified as self-employed or independent contractors.

Past regulation of this industry has created mistrust which may discourage people from working with the government, even during a pandemic, to secure resources for nightlife workers. There is often a lack of data or adequate classification of data to determine how many nightlife workers are impacted by policy and events such as a pandemic, which can prove challenging in demonstrating need of assistance. Outreach and organisation of those nightlife workers and those who support nightlife was a challenge prior to the pandemic due to the irregular work hours of those working in the nighttime economy and has been even more difficult now that people are living more isolated lives during this “shut down”.

RECOMMENDATIONS & CASE STUDIES

In rebuilding the nighttime economy from this pandemic, there is an opportunity to create a more sustainable, resilient, and equitable environment for its workers. While some of the characteristics of night work present challenges, understanding these concerns can lead to positive changes to improve conditions for workers throughout the nighttime economy.

SHORT TERM SOLUTIONS

As of January 2021- almost a year into the global closure of nightlife - income streams from nightlife work are mostly non-existent. There is little current or near-term opportunity to replace this income, “pivots” to alternative business models are insufficient to compensate for the loss of nightlife work.

Direct monetary subsidy is the best short-term form of relief for nightlife workers. It will allow them to stabilise their living situation, take care of basic needs and hopefully improve mental well-being, but it is one among many tools which are available to support workers. Other subsidy methods include mutual aid and new income models for cultural producers. The following section contains examples and case studies of creative or effective short term solutions available to governments, individuals and communities.

- Emergency Relief for General Workers
- Emergency Grants for Artists
- Mutual Aid
- Empowering Communities to Access Government Relief (Case Study: CARES for Music)
- Direct-to-artist Patronage
- Targeted Government Relief For Creative Workers (Case Study: The South African Experience)



PHOTO: BANTERSNAAPS

EMERGENCY RELIEF FOR GENERAL WORKERS

General relief efforts have been variable from country to country - in quantity and design. Due to the often complex relationships between nightlife workers and their employers, specific aid might not reach nightlife workers. The OECD recommends simplifying eligibility criteria for relief programmes to avoid missing self-employed or grey economy workers. Germany provides partial financial compensation for the loss of earnings due to the temporary loss of work as a result of the pandemic. Workers are eligible to receive assistance if they can demonstrate a loss of more than 10% of monthly gross salary. The allowance is retroactive to March 1, 2020 and will cover up to 60% of lost income for 12 months.



PHOTO: KRYS AMON

EMERGENCY GRANTS FOR ARTISTS

New Zealand allocated \$16 million (NZ) to an Emergency Relief Grant fund for independent artists, arts practitioners, and members of art organisations of all disciplines. This provided subsidy for income lost between March and June, 2020. A second phase was announced in July with a 12-month plan to invest in the arts community with an additional \$25 million. The City of San Francisco operates a similar programme with \$2.5 million (US) available to artists and organisations. The Austrian Federal Ministry for Arts, Culture, the Civil Service and Sport has offered sector-specific funding for artists including EUR 110 million to seed grants of up to EUR 10,000 and EUR 2,000 lockdown “bonus” grants and an infusion into an existing social insurance fund for artists.

MUTUAL AID

Due to the often inadequate responses of governments, mutual aid, a sharing of resources and services has emerged as a critical emergency response to the pandemic. Communities have organised to provide food, money, and other services to their vulnerable neighbours. The nightlife community is no different. Venues have organised to crowdfund monetary aid for their staff. Nightlife workers have also come together to donate resources to raise and leverage additional funds to be distributed not only to their peers financially impacted by the pandemic, but to other organisations providing assistance to groups also devastated by the pandemic. Those unable to provide direct resources and aid have shared this information with others, widening the reach of these fundraising networks.

United We Stream Asia (UWSA) is an offshoot of global mutual aid streaming movement United We Stream, which provides an open-source model for creating a mutual aid broadcasting and fundraising platform. With 40+ streaming events featuring 150+ artists in 16 cities in 11 countries, it has generated millions of streams and five-figure sources of donations for participating venues, their workers and the talent and technical staff employed in the events. The most important impact, according to UWSA's Bangkok-based organiser Phuong Le, is the awareness, community cohesion and political legitimacy it has created. She says that in Vietnam, “it was the first time the state newspapers were reporting about electronic music - the tourism board approached us to work together and do streams at iconic places.” In Thailand, where the virus was at very low levels in the summer, the cohesion built during shutdown gave local acts centre stage when clubs re-opened. Phuong says it demonstrated that “the scene seems to have grown more [during lockdown] in 4 months than in the 4 years beforehand.”

NYC Nightlife United (NNU) was created as a response to the pandemic and the lack of financial aid available to those most impacted by the pandemic and nightlife shutdown. NNU's mission is to create an equitable, rich nightlife culture in New York City that is able to reopen as a stronger, healthier and more creative community. Their primary focus is to support BIPOC-owned and led businesses that provide safe spaces for BIPOC and LGBTQIA+ communities. The non-profit organisation was created by a coalition of small local venues, artist management companies, and a foundation. They use virtual fundraising events, crowdfunding, and direct donations to fund their work, which includes an emergency monetary fund which disburses unrestricted grants to small venues and individuals as well as food distribution.

Local Legends is a collaborative crowdfunding initiative designed to provide digital infrastructure, professional support, and a marketing toolkit to independent venues or collectives who are seeking to raise funds through mutual aid. The project is a collaboration between Cosimo Foundation, TicketSwap and GoFundMe, and it provides a set of instructions and templates for operating a crowd-funding campaign focused on connections with local patrons. There are no fees or funding minimums and money can be withdrawn immediately. As of December 2020, the project has raised more than €200,000 for over 70 venues.

PHOTO: CLAY LECONY



PHOTO: CHAPMAN CHOW

CARES FOR MUSIC (US): EMPOWERING CREATIVE COMMUNITIES TO ACCESS GOVERNMENT RELIEF

KATE DURIO



PHOTO: EUNICE MAURICE

In late March 2020, the US Congress passed the Coronavirus Aid, Relief, and Economic Security (CARES) Act - a \$2 trillion general economic relief package. \$150 billion of funding was distributed to local and state governments in March 2020 with little guidance on how it could be spent. Sound Diplomacy and gener8tor realised that with a data-informed campaign, some of this funding could be allocated for the music and cultural industries. Together they created the [CARES for Music Toolkit](#) - a free, practical guide to help the music, entertainment and cultural industries access relief.

The Toolkit contains several elements, including: an overview of the CARES Act guidelines; a Step-by-Step Guide; Evidence & Data of the Economic Impact of Music in Your Community; and a Case Study Database of Existing CARES Program Frameworks.

As of August 2020, there was only a 19% average spend rate of CARES funds across the US. The National Independent Venue Association, the Music Business Association, the National Independent Talent Organization, the Recording Academy and others helped to share the toolkit with arts and culture organisations and government leaders who could make targeted requests for funding. Some of these efforts were successful, including Play Tulsa Music in Tulsa, Oklahoma; which provided venue relief and incentivised venues to book local acts. In Fort Worth, Texas, the toolkit helped to get venues and their employees up to three times their lost average monthly revenue before the Covid-19 disaster.

DIRECT-TO-ARTIST PATRONAGE

The direct relationship between artists and their fans has become a lifeline during the pandemic, with streaming, mutual aid, subscriptions, and sales becoming primary forms of income generation, in place of live performance. The rearrangement of the music marketplace over the last few decades has left streaming services as the dominant form of recorded music consumption. During the pandemic, Spotify's stock price soared, reflecting the importance of digital media consumption during this period of general isolation. For most, streaming revenues (fractions of a cent per play) are an inadequate substitute for the money once earned by live performance. Artists have turned to other models, which provide a more classic artist-patron relationship with opportunities for increased direct revenue. The details associated with three models - Bandcamp, Patreon and Mixcloud Live - are discussed in the "Sustainable Solutions" section.

A short term patronage model which has emerged from direct-relationship platforms is "Bandcamp Fridays." Bandcamp, an internet music sales platform, was created to encourage more direct artist and independent record label relationships to patrons under a more equitable model. The revenue share on the website results in 80-85% of revenue going to artists and labels, with Bandcamp receiving the remainder for processing fees and their own revenue. The site was created in 2007 and has been profitable since 2012. In March 2020, as a response to the global shutdown, Bandcamp started "Bandcamp Friday" where one Friday per month, artists and labels would receive all revenue earned that day (minus processing fees), with Bandcamp forfeiting their revenue on those days. Bandcamp recently reported that the nine Bandcamp Fridays, from March - December 2020, generated \$40 million US in revenue, with 800,000 people participating in sales. They also announced that Bandcamp Fridays will continue in 2021, identifying dates from February - May 2021 for Bandcamp Friday. The site also recently launched Bandcamp Live, an online streaming platform where artists can set up ticketed live-streamed performances with integrated support for merch sales and chat support.

TARGETED GOVERNMENT RELIEF FOR CREATIVE WORKERS

South Africa's efforts to distribute relief provides an instructive example of the complex steps a government must take to get specific relief to creative and nighttime workers. One must first understand who these workers are, how many there are and what the nature of their losses and needs are. It is no small task. We document the story of South Africa's arts and culture relief programmes as a detailed example of one national government's efforts. To catalogue and describe them all would be too great a task.

WHEN THE NIGHT FELL: THE SOUTH AFRICAN EXPERIENCE

DR. SIPHO SITHOLE



PHOTO: SIPHO SITHOLE

For a good 26 years, since democracy, South Africa's vibrant nightlife has belonged to everyone, regardless of their colour or creed – then Covid-19 struck - the night disappeared, and a new curfew reared its ugly head. This time it was not a racial curfew of the apartheid era, but a Covid-19 lockdown, with a clear message, “stay at home”. Suddenly night revellers had to contend with the reality of a human tragedy that did not discriminate between the privileged and the marginalised; and definitely not between Blacks and Whites.

Before the night fell to Covid-19 lockdown, clubs were spread throughout the metropolis, with night entrepreneurs cashing in on this lucrative nightlife. Food and cigarette vendors set up stalls outside the clubs, selling “small eats” to those who could not return home early enough for dinner or too tired to wake up for breakfast, as well as “loosies” for those who could not afford a pack of cigarettes. Even the homeless-turned parking guards took ownership of automobile parking spaces left open by day-time motorists, for a small fee to guarantee for the cars' safety at night. Everyone claimed a stake in the night; from DJs, comedians, bands, club and restaurant owners, bouncers, bar attendants, to waiters and waitresses, venue cleaners and even night transport service.

The Covid-19 lockdown and night curfew, virtually put the brakes on a vibrant nightlife and affected a night time economy built against the backdrop of freedom to dance - rave against previous segregation - a party with a purpose. With nowhere else to go for help, the Industry looked up to the government, but the question remained, “who qualifies and who doesn't”?

Impact of Covid-19 on South African performing arts

The Covid-19 pandemic, which the government declared a National State of Disaster, had a devastating impact on those who survive on the informality of the sector. A snap survey quickly done by Akum Agency on 25 March 2020 showed an estimated 11,112 jobs would be lost within 3 months of lockdown, with corresponding loss of income of approximately \$5.8 million US. Here are some of their results:

- Responses: 171
- Shows lost in one week of lockdown: 2,452 (1,948 in South Africa)
- Total income loss plus expenses (estimated): \$7,024,048 (US) (\$4.8 million income in SA)
- Total industry personnel affected: 11,112
 - 3,472 Artists
 - 1,583 Staff/personnel
 - 2,947 Support staff (curators, runners, project managers)
 - 1,662 Technicians (lighting, engineers, graphics)
 - 1,448 Service providers (security, stage and sound)

A study by the South African Cultural Observatory (SACO) had valued the industry's contribution to the GDP at \$4.2 billion US (1.7%), with the performing arts sector (mainly music) contributing USD \$287 million US and 1.1 million jobs (7%) of all jobs. This sector was now facing an imminent crisis. The report showed that performance and celebration will be the most affected by the pandemic - at 55% of average impact, and a possible GDP drop of R2.8 billion (USD 167.3 million), affecting mostly freelancers, who constituted 65% of the total survey.

Music in Africa, the largest resource for information and exchange organisation on the continent, also conducted an impact survey. 64% of the individuals and 70% of companies surveyed had no other source of income to survive lockdown. Both individuals and companies combined (approximately 87%), needed relief of some kind (Music in Africa, 2020). The gig economy, with no job security or unemployment benefits and health insurance, suddenly became an economic and human dilemma as citizens looked at the government and asked “what is going to happen to us”?

GOVERNMENT RELIEF PROPOSALS

On 25 March 2020, the Minister of Sports, Arts and Culture (DSAC), announced that the Department would set aside R150 million (approximately USD 8.9 million) as Covid-19 Relief Funding for the cultural and creative industry, including sports.

Government proposed the following relief measures (US dollar figure approximate):

- A one-off payment to cultural and creative workers, athletes and sports personnel for lost engagement, amounting to a maximum of R20,000 per individual (\$1,200 US)
- The funding of digital content for virtual streaming for up to a maximum of R75,000 per approved project (\$4,400 US)
- Relief provided to legends in arts and culture and sport of up to R10,000 per individual (\$600 US). The legends programme is an initiative of government that recognises the contribution of arts and sports practitioners over the age of seventy.

To ensure transparency, the Minister appointed an independent panel, drawn from the industry, to adjudicate the flood of applications received, as well as an appeals panel, to ensure that an objective and transparent process has been followed.

5,322 applications were received, 4,602 applications were recommended for funding. There were 638 applications for online digital proposals (virtual events, such as DJ lockdown parties, Hip-Hop lockdown cyphers and online comedy shows, etc.).

By 21 August, with a few applications still awaiting adjudication, the DSAC reported the following results in their Covid-19 relief, which totalled R65.7 million (\$3.8 million US):

Relief Sought	Successful Applications	% Split (rounded)
Arts & Culture	4,106	79.0%
Online/Digital Proposals	414	09.6%
Sports/Athletes	337	07.8%
Arts, Culture & Sports Legends	150	03.5%
Total	4,298	



PHOTOS: SIPHO SITHOLE

CHALLENGES AND EXPERIENCES

South Africa does not have a repository for the cultural and creative sector, unlike sports, which have federations and clearly defined sporting codes. The persistence of historical imbalances were also a challenge, and English-only application prevented many of the most deserving practitioners from submitting applications. Completing the application was also very labour-intensive and complex - practitioners had to submit multiple attachments for only one application, while others accidentally submitted duplicate applications for the same event. There were also infrastructure challenges including capacity issues with the Department's IT.

SUBSIDY TO CREATE

Some of the funding disbursed not only provided relief, but also provided resources to innovate and create income in the virtual realm. A study done by ConcertsSA reports a plethora of streaming ventures ranging from early adopters, who began live streaming long before the pandemic and new players who responded to Covid-19 lockdown restrictions. Of the companies surveyed 38% of streaming ventures are recent initiatives undertaken in direct response to the Covid-19 restrictions. During lockdown, virtual streaming of home concerts as well as DJ parties and Hip-Hop cyphers including comedians kept South Africans entertained. Content creators have adapted to new ways of earning well-needed income, albeit not enough when compared to pre-Covid-19.

ADDITIONAL RELIEF AND STIMULUS

In August, due to continued need, the DSAC announced a second phase of relief for the arts sector, at an estimated R77.7 million (\$4.9 million US) to benefit approximately 11,666 practitioners. The total amount for both phases amounted to R145.4 million (\$8.4 million US).

On 30 October 2020, the President of the Republic further announced a Presidential Employment Stimulus Package (PESP), in an effort to retain and create jobs in the arts and culture, including sport. The total amount earmarked for this purpose is \$45.7 million US (R665 million). The PESP is a further government attempt by the Government to inject income into the creative economy by inviting ambitious proposals that will create opportunities for employment and collaboration across the value chain, including the nighttime economy.



PHOTO: SIPHO SITHOLE

SUSTAINABLE SOLUTIONS

While short-term solutions can help during the pandemic, it is clear that our goal cannot be to return to what existed prior; in order for nightlife workers and the industry in general to rebuild and thrive, different policies and ideas must be implemented for a new vision. An environment must be cultivated where nightlife workers are valued and protected and eliminate practices which have allowed for workers to be exploited. Nightlife workers should be empowered to organise and advocate for themselves and we must support them in these efforts. The nightlife economy must move towards a more equitable and sustainable model that is resilient through future crises.

Both private and public sectors have experienced economic losses during this pandemic and creating partnerships in order to support nightlife could be a good model to help restart the nighttime economy as well as provide more equitable access to capital for nightlife workers who produce events.

- **Governments:**
 - Improve civic inclusion and measurement of nightlife and nighttime workers
 - Improve the social safety net
- **Communities:**
 - Create infrastructure to facilitate private patronage for the creative industries (Case Study: Cosimo Foundation)
 - Expand direct artist-patron relationships
 - Build sustainable networks and worker power

SOLUTIONS FOR GOVERNMENTS:

IMPROVE CIVIC INCLUSION AND MEASUREMENT OF NIGHTLIFE AND NIGHTTIME WORKERS

While the cultural and economic importance of nightlife to many regions is well documented, the workers are often neglected and invisible when making policy decisions. The subsequent decisions either adversely impact nightlife workers or completely exclude them. There are pay disparities which leave women, LGBTQIA+, and immigrant communities of colour vulnerable to exploitation throughout the nighttime economy.

It is our belief that the working conditions of nighttime workers (nightlife workers included) often fall short of what is described as “decent” by the UN2030 Agenda and by the Sustainable Development Goals (SDG), especially SDG Number 8 on Decent Work and Economic Growth.

When policies to address labour concerns are developed, it is important that both daytime and night time work is addressed within the framework of the legislation, as they are both important to the sustainable operation of a city but qualitatively different from one another. Communication between nighttime workers, unionists, social scientists, policy makers, researchers, regulators, and migrant organisations needs to happen to address the intersecting issues. Among these issues are being a migrant, a woman, less educated and on precarious work contracts.

Data gathering for labour statistics and analysis must include night time workers and the types of industries that fall within the work, as it will help inform policy. The “unseen” nature of night work makes this particularly difficult, but essential to developing policy. Upcoming chapters of the Global Nightlife Recovery Plan will be addressing governance and data, respectively.

Health services and social services don’t make many inroads into the nighttime economy. Our survey research showed evidence of workers’ mental health struggles which almost certainly predates the pandemic. Outreach from mental health providers to nighttime businesses and workers is a key step towards addressing the ongoing mental health challenges nighttime workers are experiencing - but inclusive measurement and outreach will be necessary. Many of the populations most at risk in the nighttime economy are the same ones who are under-served by the health system.

IMPROVE THE SOCIAL SAFETY NET FOR NIGHTLIFE WORKERS

Many countries lack the robust unemployment systems or universal health care systems which would have allowed workers dislocated by the pandemic to preserve their economic and physical well-being regardless of employment status. A robust safety net protects workers from the risks inherent in gig work.

Universal Basic Income

Another way in which governments can strengthen this safety net is through ensuring its citizens basic needs are met at all times. Universal Basic Income (UBI), a governmental program that has been advocated for in countries throughout the world, would provide a guaranteed regular period payment to all adult citizens, with no work requirement or other means test. As the nature of work has changed over the last century due to technological advancements and poverty still persisting even within the world's wealthiest nations, UBI would help citizens meet their basic needs (food, housing, etc) and potentially encourage people to pursue endeavours that were previously inaccessible due to economic and other barriers. Universal Basic Income can also assist groups that experience wage and employment inequality as providing the same payments to all citizens could "level the playing field" and alleviate poverty experienced by undervalued groups.

Expanding Unemployment Assistance

While some governments temporarily changed rules to allow for gig workers to obtain unemployment assistance during the pandemic - this needs to be implemented permanently. The essence of gig work is precariousness - "existential, financial and social insecurity." Unless gig work is entirely done away with, this precariousness will continue as a feature of nightlife work.

Labour Reform

Governments must work to restrict the exploitative use of the gig work structure, such as facilitating policy that classifies ride-share drivers as self-employed contractors and not employees of the ride-share companies, thus limiting their rights under existing labour laws. Governments must also ensure that these policies are not onerous for workers, requiring them to become entangled in time consuming bureaucratic processes in order to to work. Nightlife workers need to be present for these policy conversations.

SOLUTIONS FOR COMMUNITIES:

CREATE INFRASTRUCTURE TO FACILITATE PRIVATE PATRONAGE FOR THE CREATIVE INDUSTRIES

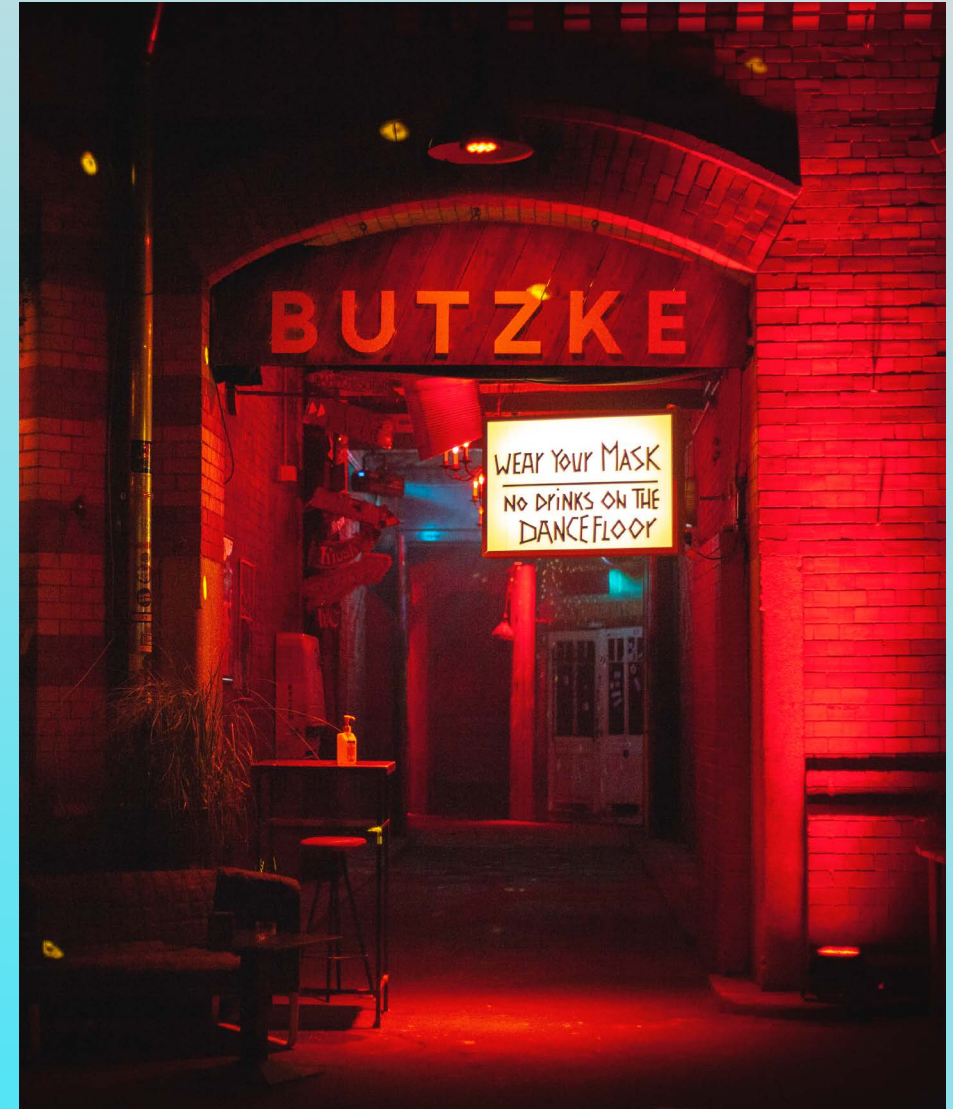


PHOTO: ANDREA ROJAS

COSIMO FOUNDATION

MERLIJN POOLMAN



PHOTO: MERLIJN POOLMAN

The Dutch city of Groningen is full of culture, creativity, and innovative business spirit. The city is famous for its nightlife, no curfew law and having one of the youngest populations in Europe. Even before the Covid-19 pandemic, funding for venues, event organisers and cultural organisations was often insufficient and inconsistent. The COSIMO foundation, created in 2019, was created to generate the positive impact that stronger collaborations between cultural and creative sectors with businesses can bring. The pandemic has highlighted a huge need for funding for the city's cultural and creative sectors and an opportunity for businesses to create social impact. Nightclubs have lost all revenue due to enforced closing. According to a report from ING Bank on the Dutch hospitality sector it predicts a total loss of approximately 40% for the whole nightlife sector.

The COSIMO foundation provides an alternative model to meet this goal.

The foundation implements a “matchmaker” model that allows businesses to efficiently find and support creative projects with tax-deductible donations and allows cultural and creative sector actors to access funding without needing to create complicated non-profit organizations. Tax laws in many countries support this.

A simple illustration of how the COSIMO model works is: Creative X submits its project “A techno party with sustainable decorations and local DJ's only” with a required budget of € 5,000. COSIMO approaches companies from its database who have indicated their interest in supporting sustainable projects. COSIMO confirms the availability of funds and, if both sides agree, facilitates the transaction. COSIMO receives the requested amount from the company, transferring it to the project and ensuring all legalities.

The COSIMO model can be applied locally or nationally almost everywhere in the EU and with further analysis of laws and tax deductions, this model may be replicated in many other places around the world. The foundation currently operates in the Netherlands and is planning to begin its activity outside the EU in mid 2021. If the model is seen as an efficient “emergency aid” for the nightlife representatives worldwide, its international expansion can happen earlier.

EXPAND DIRECT ARTIST-PATRON RELATIONSHIPS

The movement of the music marketplace towards an emphasis on live performance revenues has left creators vulnerable. The pandemic exposed the unstable nature of this business model. Platforms which create and foster sustained artist-patron relationships have bridged the gap for some through the pandemic and may allow a more sustainable income mix going forward.

Patreon

Patreon is a subscription, member-based internet platform that allows creators to engage directly with their fans, who pay for exclusive content distributed via the platform. Creators set up parameters for content distribution and fans subscribe or pay for individual content. This model allows creators to have a more consistent, sustainable source of revenue as well as allow for direct contact with their most dedicated fan base. While some creators utilised Patreon prior to the pandemic, many have pivoted to the platform in order to broaden their source of income. During the first three weeks of March 2020 as the shutdowns began globally, 30,000 new creators joined Patreon.

Mixcloud Live

As shutdowns became more widespread, DJs with the technical capacity were able to pivot to virtual events, streaming on various platforms. Copyright infringement and licensing issues that exist on more popular social media platforms have prevented DJs from playing music. Mixcloud, a long-standing streaming site with license agreements with record labels and music publishers, launched Mixcloud Live, a video streaming platform to supplement the DJ-led mixshows and live audio streams they host. Mixcloud Live allows creators to upload pre-recorded video of DJ sets or perform live DJ sets. This platform requires a paid subscription which may be prohibitive. Access to stable internet, a DJ setup, and adequate audio and video outputs may also prohibit DJs from participating in live-stream events. There is no direct revenue stream for the DJs on Mixcloud but could be used to grow their audience in the absence of performing live, in-person events.

Bandcamp

Bandcamp Fridays events (which we discuss in-depth in Short Term Solutions) emerged as a good conduit for direct patronage because the Bandcamp platform has a well developed model for continued artist-patron relationships and an artist-friendly financial model. The site emphasizes sales (rather than streaming - though you can stream items you purchase), allows artists and labels the ability to set prices and has low overhead (15-20%). The site's patron subscription models and mailing list functionalities allow for sustained contact between artists or labels and their fans.

BUILD SUSTAINABLE NETWORKS AND WORKER POWER

There are opportunities to build coalitions through existing resources such as Night Mayor/government nightlife offices, local trade organisations, and government officials sympathetic to the challenges nightlife workers experience. Outside these structures, nightlife workers must also seek ways to safely organise and advocate. The mutual aid groups and grassroots organizing that are providing short-term relief can be adapted into organisations that can continue to work with and advocate for better labour conditions for all nightlife workers past this pandemic, with the goal of increasing worker power. This will contribute to expanding resources that will protect people from economic hardship and potentially create opportunities for more equitable business models that prioritise inclusivity such as worker-owned venues. One such example existed pre-pandemic: The Stud Co-op, in San Francisco, is a worker cooperative that collectively bought the brand and operation of the city's oldest LGBTQIA+ venue to preserve it in the face of real estate pressure. Global Nightlife Recovery Plan Chapter 2: The Future of Dance Floors, discusses ideas for more equitable businesses.

GOVERNANCE AND THE FUTURE WORKPLACES FOR NIGHTTIME CREATIVE INDUSTRIES

MICHAEL FICHMAN



PHOTO: ANDREA ROJAS

The pandemic has been hard on nightlife workers and on the spaces where they work. Creative spaces which rely on assemblies of people to generate revenue are the “first to close, last to open” in the pandemic, and by estimates from venue associations such as NIVA (US) and the NTIA (UK) a large majority may not last the pandemic without significant government assistance. It’s highly uncertain that such assistance is forthcoming.

Governance is the key to properly attending to the needs of workers, businesses and creative spaces now, and in non-pandemic times. The political priority given to subsidy or support for creative communities and businesses is a product of 1. the values of a government or society and 2. The will or ability to take effective action.

When the pandemic is over, there may not be spaces left to go back to in order to “restart” the nighttime creative economy immediately. Creative space is some of the most precarious land use in a city - often located in fluid, competitive real estate environments. The preservation of existing space and creation of new space will only be possible if governments commit to recognising the nighttime as a legitimate organising lens for governance.

Governments must engage with stakeholder groups and prioritise creative spaces through policy. For example, during scenario planning exercises I conducted in the summer of 2020, US nighttime economy officers, participants identified a likely post pandemic situation in which commercial areas known for nightlife have high vacancy and are the target of savvy real estate interests who will prioritise apartments or offices. Creative spaces will be left finding new homes, and LGBTQIA+ and minority nightlife enclaves will be lost. Meanwhile, zoning codes are unfriendly and neighbourhood groups often oppose establishments they think are likely to generate noise or nuisance - creating obstacles for the formation of new spaces.

Perhaps most importantly, nighttime governance has long been consumption-oriented. This must change. Economic boosterism, tourism promotion, downtown development and other economic development strategies frequently neglect to consider the well being, security and opportunity for service industry and creative workers and marginalised groups.

CONCLUSION

Nightlife is not only a means by which to earn a living; for many it is their cultural and social lifeline. Nightlife has long been a sanctuary for groups who are abused and discriminated against in society. Not only have music genres and culture emerged from nightlife, but social movements and cohesion that has created opportunities for many who are limited due to systemic inequalities.

However, nightlife is not utopia and is not immune to the same structural racism, sexism, and xenophobia seen throughout most of the world. Media reports listing most popular performers and earners in nightlife are often not a true reflection of those who are creating within the various genres and scenes throughout the world. The pandemic has disproportionately impacted the most vulnerable who are the true backbone of this industry and we must do better.

No individual should have to demonstrate worth in order to receive assistance in having their bare necessities administered to but current global economic models have created a situation where even those who are working and earning living wages are falling through the cracks. Governments must work towards protecting and supporting nightlife workers so that they will be able to sustain themselves at all times, especially during times of crises. Nightlife workers must recognise their power as culture workers and significant contributors to the vitality of cities in order to move the industry to a more equitable model through organising and advocacy.

We cannot resume nightlife without significant systemic change, as we can no longer ignore the inequality; to do so would be to have no regard for the people who create and support nightlife. Building a more resilient nightlife economy will open up opportunities for collaboration and creativity while encouraging inclusivity, upholding its origins as a space for everyone.

FURTHER READING

GRANTS, FUNDING AND SUPPORT

Austrian Arts and Culture Grants

<https://www.culturalpolicies.net/covid-19/country-reports/austria/>

Backline - Mental Health Support for Musicians

<https://backline.care/about>

Bandcamp Fridays

<https://daily.bandcamp.com/features/bandcamp-fridays-2021>

Give2SF Fund

<https://sf.gov/give-city-respond-covid-19>

Local Legends Crowd-Funding Toolkit

<https://www.gofundme.com/local-legends>

The Music Workers Alliance

<https://musicworkersalliance.org/howarewesurviving>

New York City Covid-19 Emergency Relief Funds

<https://www1.nyc.gov/site/fund/initiatives/covid-19-emergency-relief-fund.page>

New Zealand Emergency Relief

<https://www.creativenz.govt.nz/find-funding/funds/emergency-relief-grant>

The Stud Worker Co-operative

<https://www.studsf.com/about>

United We Stream Asia

<https://unitedwestream.asia/>

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<https://manchesteruniversitypress.co.uk/9781526144164/>

De Pueter, G. (2014). Confronting precarity in the Warhol economy: Notes from New York City. Journal of Cultural Economy, 7(1):31-47.

<https://www.tandfonline.com/doi/abs/10.1080/17530350.2013.856337>

The Economic Mapping of the Cultural and Creative Industries

<https://www.southafricanculturalobservatory.org.za/assets/reports/capstonereport.pdf>

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Germany short time working allowance <https://se-legal.de/short-time-working-allowance-in-germany-covid-19-coronavirus/?lang=en>

The Gig Economy Data Hub

<https://www.gigeconomydata.org/basics/what-gig-worker>

ING Bank - Losses in the Dutch nightlife sector

<https://www.ing.nl/zakelijk/kennis-over-de-economie/uw-sector/outlook/horeca.html>

IQ Mag - Tax Breaks for German Nightclubs

<https://www.iq-mag.net/2020/11/tax-break-for-german-nightclubs/#.X8PXRIBOnIU>

London Nighttime Commission Report

https://www.london.gov.uk/sites/default/files/ntc_report_online.pdf

Losses to the Korean tourism and entertainment sectors

<https://en.yna.co.kr/view/AEN20201007004300315?section=culture/arts-culture>

Measuring the impact of the Covid-19 Crisis on the Cultural and Creative Industries in South Africa: An early assessment May 2020

<https://www.southafricanculturalobservatory.org.za/assets/reports/covid19impactsurveyreport9.pdf>

Montalto, V., Sacco, P. L., Alberti, V., Panella, F., Saisana, M., (2020). European Cultural and Creative Cities in COV/0-19 times: Jobs at risk and the policy response, EUR 30249 EN, Publications Office of the European Union, Luxembourg (2020). ISBN 978-92-76-19433-0, doi:10.2760/624051, JRC120876. <https://publications.jrc.ec.europa.eu/repository/handle/JRC120876>

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<https://www.musicinafrica.net/sites/default/files/attachments/article/202005/miafreport-thefinancialimpactofcovid-19.pdf>

Music Minds Matter - UK Mental Health Study

<https://www.musicmindsmatter.org.uk/the-study>

OECD - Covid-19 and the Cultural and Creative Sectors

<https://www.oecd.org/coronavirus/policy-responses/culture-shock-covid-19-and-the-cultural-and-creative-sectors-08da9e0e/>

OECD - Overview of job retention schemes globally

<https://www.oecd.org/coronavirus/policy-responses/job-retention-schemes-during-the-covid-19-lockdown-and-beyond-0853ba1d/#section-d1e1861>

Oxford Internet Institute - Fairwork Foundation.

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<https://westminsterresearch.westminster.ac.uk/item/v109w/can-music-make-you-sick-measuring-the-price-of-musical-ambition>

Tech Crunch - The Growth of Patreon

<https://techcrunch.com/2020/03/26/over-30k-creators-joined-patreon-this-month-as-covid-19-outbreak-spreads/>

United We Stream Asia

<https://unitedwestream.asia/>

CONTRIBUTORS

CHAPTER LEAD



Tara Duvivier is a Senior Planner at the Pratt Center for Community Development in New York City. She is a native New Yorker who seeks to improve the lives of marginalised groups - as they have contributed the most to the development of New York City as a global cultural hub. A certified urban planner, she has spent most of her career working in affordable housing development but has recently shifted solely to planning, working with communities to address issues around economic resilience and racial justice. She is a DJ and event producer, extending her day practice into nightlife by supporting various scenes throughout the city and seeking ways to improve working conditions for her peers.

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Merlijn Poolman started his career with organising metal shows and tours and electronic music events. Since 2018 he has been the Night Mayor of the Dutch city of Groningen. As leader of the Groningen Night Council, member of the Dutch Popcoalitie (advisory board to the government) and former European Music Council fellow-member. He has spent many years doing cultural exchange in China, and organised the Yin Yang music festival at the Great Wall of China. In 2018 he set up a service called Gateway to China, that offers Chinese social media accounts and content creation to Western artists. His newly formed Cosimo Foundation raises funding for cultural projects and creates partnerships with the business world.

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Kate Durio is the CEO of North America for Sound Diplomacy. Previously, she was the Chief Cultural Officer and advisor to the Mayor-President of Lafayette, Louisiana where she founded the city and parish's first cultural economy initiative and directed its \$535,000 annual budget. Kate is also the Founder and President of the Culture Crowd Agency, a cultural economy consulting firm. Kate is based in her native Lafayette, Louisiana where she has earned numerous awards and recognitions for her role in several performing arts activations and public art contributions.

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Rafael Espinal is a former American politician and now Executive Director of Freelancers Union. In the New York City Council he represented the 37th District in Brooklyn. In 2017, Espinal was named one of *Time Out New York's* "New Yorkers of the Year", largely in recognition of his advocacy in repealing the no-dancing *New York City Cabaret Law*, enforcement of which disproportionately targeted LGBTQ and ethnic minority venues and he then created the city's Office of Nightlife and Night Mayor, dedicated to supporting DIY art spaces, music venues, bars and restaurants.

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Peter Kwint is a Dutch politician, currently serving as a Member of Parliament for the Socialist Party.

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Phuong Le is the founder of Homeaway Agency. Originally from Vietnam but Switzerland born & bred, Phuong Le has been active in the entertainment industry for more than 15+ years. Homeaway Agency is a booking & touring agency connecting the west & the east, handling Asia Tours for renowned international DJs but also focusing on supporting local Artists regionally and internationally. In 2019 she joined the Polygon Productions team as their Music Curator, to bring the first 360 3d immersive hyper real sound stage into the world. Together with Clubcommission Berlin, Clubbingtv, mixmag asia and the support of Goethe Instituts & French embassies in Asia, Phuong started United We Stream Asia to save club Culture and giving local talents an international platform to showcase their talents during Covid-19, with currently over 40 streams in 13 countries & 21 cities.

homeaway-agency.com



Eline Van Audenaerde is the founder of The Unicorn Mothership. Eline is a holistic (night)life coach for driven DJs & producers who want to move the needle in dance music.

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TEAM

Michael Fichman is a city planner, researcher and lecturer at PennPraxis at the University of Pennsylvania's Weitzman School of Design. He is also a nightlife organiser and musician, and is an Emerging City Champions fellowship recipient for his work with 24HrPHL.

Richard Foster is PR and Communications Manager at WORM, a Rotterdam-based multimedia alternative cultural centre and network organisation at the intersection of (popular) culture and (performing) arts. His writing appears regularly in *The Quietus*, *The Wire*, *Louder than War*, and other music and academic publications.

Berlin Clubcommissioner **Lutz Leichsenring** + former Amsterdam night mayor **Mirik Milan** are co-founders of [VibeLab](https://www.vibelab.nl), which engages, connects, and counsels cross-sector stakeholders to keep cities vibrant and flourishing after dark. VibeLab has consulted on the formation of nightlife offices and commissions in London, Madrid, New York, Tokyo, Vienna, Los Angeles, and more, and continues to facilitate idea exchange and implementation for communities, institutions, government agencies and brands worldwide.

Diana Raiselis is a German Chancellor Fellow with the Alexander von Humboldt Foundation, researching the role of nightlife in sustainable cities. She is a founding member of the Los Angeles Nightlife Alliance.

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SPECIAL THANKS:

Alexander Salem, Julie Donofrio and PennPraxis, Jess Dymond Barber, Jordan Rahlia, and Jack Waghorn as well as the global communities of night mayors and nighttime scientists for their ongoing support.

A special thanks to Angela Torres Balasch, Chelsea Reviriego, Cristina Gil Venegas, Laura Solarte, Shizuko Yokote and Kana Ito of Japan Nighttime Economy Association (JNEA), Yoshihito Kamada, Kenta Hiroishi, Kai Kojima, Haruna Wantanabe, and Shintaro Kuzuhara of NEWSKOOL for translation support. To get involved in translation of the GNRP, please reach out: hello@vibe-lab.org.

Thank you to Brent Tactic, Lauren Goshinski, Kerri Hughes, Cristina Caudill, Danny Berman, 24HrPHL crew, Matthew Law, Tracey Ellenbogen, and Alain Macklovich for helping to informally formulate the ideas for this chapter.

Thanks to all nightlife workers throughout the world, particularly those who completed our survey. I know it feels as if you are not seen. The aim of this chapter is to ensure that you are and continue to be seen. Thank you for your contributions to culture. Together we can work towards a better future.

The GNRP is published by VibeLab

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THE PREVIOUS CHAPTERS OF THE GLOBAL NIGHTTIME RECOVERY PLAN ARE AVAILABLE AT [NIGHTTIME.ORG](https://nighttime.org)

CHAPTER 1: OPEN-AIR NIGHTLIFE AND COVID-19: MANAGING OUTDOOR SPACE & SOUND

CHAPTER 2: THE FUTURE OF DANCEFLOORS: BUILDING MORE FLEXIBLE, OPEN, AND INNOVATIVE CLUBBING EXPERIENCES

CHAPTER 3: INNOVATING FOR 24-HOURS CITIES

STAY TUNED FOR NEXT CHAPTERS THROUGHOUT 2021.

DISCLAIMER:

The Global Nighttime Recovery Plan ("GNRP") consists of a complex of general and open-ended recommendations and guidelines following personal research and experiences of its contributors. The GNRP must therefore not be deemed a form of (tailor made) counselling, advising, planning nor any other type of consultancy.

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Hi my name is Steven Klavier I am currently the general manager of Public Records in Gowanus. I have been a venue operator, promoter, musician, and queer patron of NYC's vibrant nightlife industry for over 10 years. Ariel Palitz, and the office of nightlife has been absolutely pivotal in giving a voice to both patrons and business owners across the city. The office puts NYC on the forefront of cultural preservation alongside other great cities like Paris, Berlin, and Amsterdam. I believe this office is paramount in advancing the safety, visibility, and cultural relevance of one of NYC's most important and profitable institutions. For the first time myself and those in my community are finally beginning to feel seen and heard. For Queer, transgender, and non-binary people of color, nightlife provides a much needed refuge and community in a world where violence and abuse against these individual's is all too prevalent. We owe it to these individuals and communities to further protect and support these spaces and people. We have a long way to go before the stigma of our beloved nightlife community is fully changed but I believe that change has begun and I believe it started here with this initiative. I would urge you to not only continue this program but provide even more resources to Ariel and her team so that a greater impact can be made citywide. Thank you for your time and consideration.

April 18, 2022

To New York City Committee on Consumer and Worker Protection:

I am writing on behalf of the Responsible Hospitality Institute (RHI) to recognize the valuable contributions of the New York City Office of Nightlife. The Office of Nightlife has become a global model for a coordinated governance approach that supports and guides the evolution of the city's nighttime social economy. The three critical tiers of nightlife governance (Office of Nightlife, Hospitality Alliance and the Advisory Board) have ensured stakeholder representation to balance quality of life, public safety and vibrancy in New York.

The pandemic mobilized the Office of Nightlife and its director, Ariel Palitz, in new and unprecedented ways to support the survival and revitalization of nightlife in the city. The Office was instrumental in forming new alliances between city departments, strengthened collaboration with the New York City Hospitality Alliance, and served as an information conduit to the many hospitality businesses that struggled to keep their businesses open. The Office also created new and innovative programs, including MEND, to serve a mediation role between residents and businesses, as well as Elevate, which fills a gap in mental health services for hospitality workers.

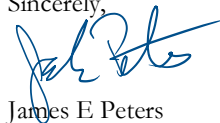
New York's model for nightlife governance was featured as a case study at RHI's training Academy on Nighttime Economy Management. RHI's annual Sociable City Summit, held April 1-3, 2022, convened 51 cities, 28 states and four countries. Ariel Palitz was a prominent speaker at both the Academy and Summit and was featured on a variety of panels. The most well-known nightlife destinations were in attendance, including Savannah, Orlando, Milwaukee, New Orleans, Miami Beach and San Francisco. Elected officials, city government leaders and nightlife advocates brought back the lessons learned from New York to their own cities.

RHI is proud to celebrate our 40th anniversary in New York City, the host of our 2023 Sociable City Summit. Our work spans the evolution of nightlife from server training legislation and impaired driving prevention to the current gold standard —dedicated nightlife offices and advisory boards. Supporting the latter mission, since 2000 we've assisted 80 North American cities develop coordinated nighttime management strategies and guided a global network through events and online forums.

RHI's mission is to help communities create diverse, welcoming social venues and districts where people have an opportunity to connect and lead more enriching lives. Our non-profit work has been dedicated to raising global awareness about the positive economic, cultural and social benefits generated by the spaces where people socialize. We are thrilled to bring our global contingency of nighttime social economy management experts and practitioners to New York City, which embodies the zenith of innovation and creativity.

The New York City Office of Nightlife is at the global pinnacle of success in achieving public safety, vitality, harm reduction and coexistence between residents and businesses. We are proud to support and promote the Office's continued programming.

Sincerely,



James E Peters

President

Responsible Hospitality Institute

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April 17, 2022

To NYC Council Members:

I am hoping to testify to the importance of The NYC office of Nightlife. Since its inception it has become a vital tool for us in every aspect of our communications with the various city agencies, we have to deal with on a day-to-day basis.

Having someone who understands the trials & tribulation we as venue & restaurant owners go through is an immense help. The city is an incredibly complicated machine with a tremendous number of moving parts. We as operators cannot afford the resources it takes to navigate that as we are under constant strain just managing our normal operations. For that reason alone, having an advocate as well as an entity within city government that allows us to help get things done is priceless.

Looking back from the start of the pandemic, I wouldn't have known how we would have gotten by from everything from help with Grants to being incredibly supportive in our darkest hour. The work the office does in the end has saved many businesses including our own.

I see the benefits of the NYC office of nightlife moving forward as a necessity in this great city of ours that counts on businesses like mine to be able to contribute to our economy as well as Arts & Entertainment. I hope we can count on that for the foreseeable future.

Sincerely,

Paul Italia

The Stand Restaurant & Comedy Club

Co-founder

TAO GROUP

HOSPITALITY

April 18, 2022

City Council
RE: Mon Apr 18 @ 1:00 PM
Committee on Consumer and Worker Protection

To Whom it may Concern,

I have had the pleasure of collaborating with Ariel Palitz, the Senior Executive Director-Office of Nightlife at Mayors Office of Media and Entertainment for many years. Ariel is a qualified resource for the nightlife industry and helps connect groups from all sides. Pre pandemic work with Ariel Palitz from the Office of Nightlife consisted of many calls and meetings finding out what our needs were from the hospitality community and offering support. During the rebirth of business, Ariel Palitz from the Office of Nightlife was a driving force at sharing resources and explaining the transitions that were ever changing and sometimes confusing.

We support the work Ariel has spearheaded including the MEND mediation program, Elevate Nightlife Mental Health, and Narcan behind every bar.


We value the close relationship we have forged with Ariel she is responsive and collaborative. She supports our community initiatives by attending and participating in the discussion around equity, inclusion, and diversity.

We are so fortunate to have a direct line to Ariel and the incredible work she does!

For any questions, please do not hesitate to reach out.

Sincerely,

Judith Tepperberg


SYP Community Affairs and Engagement
Tao Group Hospitality
917.680.0153
Judy.tepperberg@taogroup.com

Hello I'm Hal Gould, I am the VP of Operations for Bowery Presents, who own and operate several live music venues in both Brooklyn and Manhattan,

thank you for the opportunity to talk to you today, I want to use this time to give you a few examples of the ways that Ariel Palatz and **the office of nightlife** have assisted me and the company I work for, in an attempt to show you how invaluable we have found the department to be.

My first encounter with Ariel and her office, was during the "introduction to the Burroughs" meetings, for which they had gathered together all the various departments. Fire, health, building, police, SLA etc. our previous interactions with some of these departments, had only been during inspections. So having the opportunity to speak more freely about our needs and desires, without concerns for a passing grade or possible violation, was a very welcomed change, and I really felt like **the office of nightlife** was an advocate in some of these matters.

Also, there was a time when we were having issues trying to get permits to use theatrical haze in our venues.

Due to some changes in policy, we were asked to apply for this permit to a different department than usual, however that new department didn't seem to be issuing the permits at that time,

I brought this to the attention of **the office of nightlife**, and although I don't know if or how they resolved the situation, shortly afterwards we were able to obtain the necessary permits from the original department.

But it was during Covid I found the **office of nightlife** to be the most helpful,

as you know we were all getting direction from multiple different agencies, federal, state and city. And it was extremely difficult to navigate through all the contradictory rules and regulations.

I was immensely grateful for all the help **the office** gave me during that time, they looked at our individual circumstances and helped guide me to the necessary restriction for any particular event,

For instance, at one of our venues we do a church service on Sunday morning,

The office led me to understand that in this circumstance, we fell under the category of **religious gathering**, enabling us to continue to do the services, as the church in question would not have been able to function under rules that are applied to a concert venue.

And again we benefited from their help and guidance,

so I hope these examples indicate to you the importance the office has had to the operations of our Bowery Presents Venues.

Thank you

Greetings-

My name is Allan Mannarelli and I am the operator of The Cock, a gay bar which is now in it's 24th year in the East Village. I am speaking to lend my support for the NYC Office of Nightlife.

Since the inception of the Office of Nightlife we have have been in constant contact and communication with both Ariel Palitz and Jose Soegaard and the rest of the tireless members of the Office.

We have utilized the Office for mundane information as well as specific help with the Health Department for renewal issues and Outdoor Dining to properly prepare and install seating etc.

The effectiveness and helpfulness of their timely communication regarding those issues as well as the MEND program, the NARCAN program have been immensely helpful the last 3 years.

Their clear and concise substantive and timely communication particularly during the extremely difficult times during covid were very helpful in dealing with the myriad of issues we faced. Myself and members of my staff have always felt comfortable reaching out to Ariel and the Office, and if they didn't know the answer, they got us in touch with someone who did. Pertinent and vital information regarding Mandates, Grants and Programs and Reopening criteria were key in navigating the mess we found ourselves in.

We most recently participated in the Nightlife Meeting and are utilizing the NARCAN program and setting up our operation in line with the information made available as relates to Nightlife Practices and MARCH.

The mere existence of the Office existence and it's range of info and programs make it easy to obtain info and get results and action.

It is helpful being constantly made aware of all that the Office does as keeping operators in the info loop is fantastic and honestly should have been done 30 years ago.

We fully support the Office of Nightlife and it's professional hard working staff.

Testimony to City Council - for The Office Of Nightlife
4/18/2022

My name is Robin Sokoloff. Pre-covid, I have built 3 venues in 10 years. I lost my first two venues to landlord malfeasance, nypd corruption, to racist neighbors, to lawyers, to a thousand cuts of red-tape fines and fees that are rained down on just about all public facing small businesses in this town.

Until you've worked in arts and hospitality, you can't know the financial strain, the pain, and conflict you feel loving a city designed to shut you out and shut you down. A city that will take your money, but won't let anything new take root.

When I dared to open my doors one more time in 2018, my venue became a political football between our landlord, our neighbors, the dob, the fdny, the loft board, and all the various agencies that claim to oversee health and safety in NYC. This time there was an Office of Nightlife. Ariel Palitz and her team stepped in immediately to listen, research, solve, and resolve - and do so with incredible speed.

The first nightlife office could have been a political stunt with no teeth or resources behind it. Instead - it was a sea change.

Had it not been for Ariel, Jose, and Francesca in those early days, I would have gone under. They waded through building code and fire code and noise code and sprinkler and hvac code. They brought city departments and officials to the table, and mediated until things were made clear and right on our behalf. There were moments Ariel and Jose and I walked out of the DOB together, and I my thank you's couldn't even cover it. Just my tears of gratitude.

Simply put, because Ariel and her team were out here doing their jobs, I could finally do mine.

Because of this new and intrepid nightlife office, my venue was able to create tens of thousands of hours of free space for local artists, entrepreneurs, and civic leaders. To raise money for human rights organizations and organizers of every background, origin, and cause possible. To create hundreds of full-time flexible living-waged jobs, supporting 300 events a year, creating thousands of more jobs and bringing revenue to all other businesses around mine. We gave space to nearly every TV show you watch and gave families a place to celebrate their biggest milestones together in the heart of New York.

Pre-covid, I speak for myself and the 25K+ culture and hospitality operations, our beloved workers and patrons when I say - Ariel Palitz and her team have been bringing thoughtful, transparent, proactive, protective quality of life measures, advocacy, and common sense solutions to the table - supporting neighbors and business owners alike. They have been bringing conflicted stakeholders to the table, and had great success moving us all closer and forward together.

Through covid, this one office with less people than I can count on one hand became the go-to source of support, accessible and actionable Intel, health and safety procedures, and a vital communication hub for all New Yorkers. Even though we had to quarantine and shelter in place, we were never alone.

NYC was hit the hardest in this covid crisis, and continues to lag behind the rest of the country in nightlife and tourism. New York likes to say it's all about the arts and culture, bars and

restaurants - but most of us are still waiting for the City of New York to show us that in practice and in dollars.

It is my hope, and the hope of so many, that The Office of Nightlife be given more backing and be expanded under Ariel Palitz's leadership, so that we can all rise to meet the moment together.

Robin Sokoloff
Chairwoman & CEO, Town Stages

Testimony to NYC Council Committee on Consumer and Worker Protection
May 18th, 2022
From Andrew Rasiej

My name is Andrew Rasiej, and I am honored to be able to testify today in support of The New York City Office of Nightlife and the nightlife industry in New York, the City that never sleeps.

In 1992 I opened a music venue on Irving Place in Manhattan called Irving Plaza. Over the years, some of the most iconic musicians of our time have played there, including Bob Dylan, Cold Play, Paul McCartney, Dave Matthews, Bonnie Raitt, Patti Smith, Prince, Eric Clapton, and more.

From the first day we opened, I ensured that the facility was safe for audiences and musicians alike. I kept all of my permits and licenses in order and up to date. I also paid very close attention to my neighborhood and my neighbors. I lived across the street from the venue and gave everyone who wanted it my beeper number (remember those?) so that I could be reached directly any time of day or night.

I attended community board meetings, joined the local Union Square Business Improvement District, and adopted Washington Irving High School across the street.

Thousands of people came to see, hear, and enjoy the artists performing almost every night. As a result, Irving Plaza became and remains one of our City's great cultural institutions.

But it almost didn't happen. Soon after I opened, Mayor Rudy Giuliani announced a crackdown on nightlife across the City. A task force was formed, comprised of a dozen city agencies, from Police, Fire, Health, Consumer Affairs, NY State Liquor Authority, NYC Dept of Finance, and others. Teams of 15-20 inspectors from this task force would come to the venue in the evenings in the middle of the performance and demand that I stop the music, turn on the house lights, and present all my permits. All my documents were shown to be in order, but half of the patrons had departed by the time the inspector left, costing me thousands of dollars in lost revenue. They would return the following evening and sometimes 3-4 times a week for weeks on end, even though they knew I had the proper paperwork. I also begged them to come during the day so as not to interrupt the shows. It made no difference. It soon became clear that the Mayor and his deputy, Rudy Washington, were on a campaign of harassment against me, but against all nightlife establishments in the City.

So in 1994, I reached out to a dozen or so competitive club and bar owners, and I proposed the creation of the NY Nightlife Association to help tell the story of how vital NYC Nightlife is to the City's economy.

We hired an economist and produced an impact report showing that the City's Nightlife contributed three times the tax revenue of Broadway Theaters. This was because the industry employed thousands of people and bought millions of dollars of goods. Patrons not only spent money in the bars and clubs but also spent to buy clothes (Why buy a lame' dress if you have no place to wear it?), eat in restaurants, stay in hotels, or take a train or park in a lot.

Eventually, we stopped the task force raids and forged partnerships with local communities, the police department, the restaurant industry, and the City's various chambers of commerce. In approximately 2005, we merged with the New York Restaurant Association, which continues to advocate for the industry with policymakers and the public.

The importance of nightlife to the City's economic and cultural health is now much better understood. With the support of Mayor de Blasio, the City Council passed a bill creating the Mayor's Office of Nightlife and appointed Ariel Palitz, a longtime cultural advocate, as its first Executive Director.

Under Ms. Palitz's leadership and few resources, the Office of Nightlife has exceeded all expectations. It has built robust working relationships between nightlife establishments, residents, and City agencies to make sure everyone's voices are heard. Ms Palitz has worked consistently to make sure that BIPOC owners of bars and clubs do not continue to face discriminatory enforcement and that the industry itself becomes more diverse, equitable, and inclusive. She has also worked tirelessly to support these establishments during the Covid crisis, which has had a devastating impact on these clubs, the people they employ, and the people who go to them night after night.

I urge the City Council further support the NYC Office of Nightlife's work by expanding its budget and elevating its profile as an essential agency that helps a key New York City industry do its part to contribute to the City's economic and cultural recovery.

My name is Arline L. Bronzaft. I hold a Ph.D. in psychology and am a Professor Emerita of the City University of New York. I am also a Board Member of GrowNYC (non-paid, Mayoral appointee; have been named by five Mayors). GrowNYC, largely known for its Greenmarkets, recycling, gardening and educational programs also is concerned about lessening noise pollution in New York City. Having conducted research and written extensively on the effects of noise on mental and physical health for many years, I am well-suited to head GrowNYC's noise activities. In this capacity, for the past thirty plus years, I have been asked by many New Yorkers to help resolve their noise problems, and this includes complaints about loud music and loud sounds from lounges, bars and restaurants in their neighborhoods.

When Ariel Palitz was named Nightlife Mayor by the former NYC Mayor, I asked Julie Menin, former Commissioner of Media and Entertainment, to introduce us. I wanted to make contact with the individual whom I thought could assist me in resolving these "loud music and loud sound" complaints. We met and spoke and I am pleased to say that during these past four years, when I called Ms. Palitz to discuss a noise complaint, she responded quickly to me as well as the individuals making the complaints. She did her best to assist the complainant in resolving the "loud music or loud sound" problem.

The establishment of MEND, which Ms. Palitz oversees, provides business establishments and community residents the opportunity to discuss noise issues in a way that can lead to resolutions to the satisfaction of both parties. I am looking forward to reading the MEND report on its successful resolutions. Such resolutions are important in not only settling noise complaints but they can also foster relationships between businesses and nearby residents. This report would indeed encourage the continuation of a program that can contribute in such a positive way to the vitality of New York City.

Hello, my name is Ayla. I am a graduate student training to be a Licensed Clinical Mental Health Counselor in NY. I am a deejay and a long-time attendee of nightlife events. I have also been a bartender, event coordinator, and photographer for nightlife events in NYC.

I want to submit a testimony to say how vital nightlife is to this city. It is essential to provide work to Black and POC communities as an industry and queer and transgender communities who may find other industries less accepting of their identities. It is also important as an industry that elevates the culture of our city. Additionally, the nightlife sector contributes to social wellbeing (Nofre, 2021).

Furthermore, COVID-19 was (and still is) a traumatizing time for our city and, in particular, the communities I mentioned above (Braithewaite and Warren, 2020). Now more than ever, the city needs to be uplifting nightlife and the people who work with resources and protection. Just recently, there was a brutal attack on a known LGBTQIA+ club called Rash. What happens to these establishments and their workers? Do they have special protections to fall back on when a tragedy like this happens? Dealing with a traumatic event like this is already hard on a person's mental health, and worrying about paying rent or feeding oneself on top of it can be detrimental. Additionally, people are already dealing with the trauma of COVID-19 and the financial burden from clubs not being open for so long.

Clubs and nightlife workers are the city's SOUL and deserve to be mentally well and financially secure.

Thank you for reading my testimony. I appreciate you considering the things I have mentioned.

Resources Mentioned:

Braithewaite, R., & Warren., R.(2020). The African American petri dish. *Journal of Health Care for the Poor and Underserved*, 31(2), 491-502. <https://doi.org/10.1353/hpu.2020.0037>

Nofre, J. (2021). Nightlife as a source of social wellbeing, community-building and psychological mutual support after the Covid-19 pandemic. *Annals of Leisure Research*. <https://doi-org.antioch.idm.oclc.org/10.1080/11745398.2021.1964991>

As a longtime promoter, producer and now, bar owner in NYC nightlife, I want to take a moment to say how important and helpful the office of nightlife in general, and Ariel Palitz in specific, has been disseminating information, resources and just plain old good advice sometimes.

When my bar Club Cumming, a gay bar in the East Village was challenged for having live music by CB3 Ms Palitz was a groundswell of resources, support and ideas.

We ended up winning, but during the pandemic I was honestly surprised how her office kept people in nightlife informed, and offered reassurance and resources we otherwise wouldn't have known about.

Nightlife brings 3 Billion in revenue to New York City, countless jobs and lets face it, Studio 54 is as important to new york city's reputation and draw as the Guggenheim.

For this reason I am thrilled that the previous Mayor had the foresight to bring

on Ms Palitz and create an office for Nightlife, for it should be nurtured and preserved.

daniel@world.us

From: The Reckless <therecklessgroup@gmail.com>
Sent: Monday, April 18, 2022 9:43 PM
To: Testimony
Subject: [EXTERNAL] Testimony on the Mayors of Nightlife

To whom it may concern,

My name is Devin Carthan, I can personally attest the work the Office of Nightlife is and was during the pandemic. To give you a bit of background on my case, I started my Nightlife career ironically with Ariel Palitz at Sutra. She allowed me to do my events and eventually become a part of her promotional staff.

I learned alot in that initial position and would move on my career to other venues. During her tenure I managed Red Rooster Harlem, her office was and the correspondence was crucial. The office helped to keep our guest as well as kept us abreast of all the rules and regulations during lockdown as well as most importantly keep our guest safe.

I hope Ariel as well as her office of Nightlife keeps going! They have been a great asset to myself in the past, at Red Rooster, my current position at Beatstro BX as well. I am personally looking forward to working with the office in the future.

Thank you for the opportunity to submit this. If you would prefer another form of testimonial I am available via phone or additional email.

Best,

Devin Carthan

From: dmora <diana.m.mora@gmail.com>
Sent: Monday, April 18, 2022 2:07 PM
To: Testimony
Subject: [EXTERNAL] OVERSIGHT TESTIMONY: OFFICE OF NIGHTLIFE

Thank you for your time. I'm here to testify in Support of the Office of Nightlife. Since its inception, the nightlife community now has a voice. As a part of what makes NYC culture so great, it's important that we work to preserve nightlife.

The office of nightlife has been instrumental in unifying the businesses into one voice as we navigate the ever changing landscape of NYC— from the repeal of antiquated laws such as the cabaret laws to guiding us through COVID to providing much-needed mental health initiative, this office took us from surviving to thriving.

Personally speaking, I no longer feel like I'm on my own island trying to figure things out. They've helped me work with my local precinct and the FDNY in a positive way to mitigate potential issues and forge a healthy line of communication. We have been targeted by MARCH and thanks to the ONL we were able to come out ahead. The Office of Nightlife is a catalyst of change, unification and the evolution of business. They've enabled us to be better operators, thoughtful managers and better community leaders.

I cannot thank the city enough for the work you've done in supporting our community.

Thank you again
Diana Mora, Friends and Lovers

The office of Nightlife, directed by Ariel Palitz, helped us from the first moment we got in contact, with dedication and professionalism.

Ariel and her team, came to visit us at our nightclub MUSICA and explained us all the initiatives and benefits that the City created for our industry and to help our business.

We really appreciated to meet in person, and we felt very supported.

During the last couple of months, they promptly answered to all our questions about regulations, compliance and covid-19 requirements.

We had the opportunity to attend webinars, as the marketing one, where we discovered how and where to promote our business. We also attended the Narcan Behind Every Bar webinar, which trained us on how to prevent an overdose from opioids.

We were informed about MEND NYC, the beautiful initiative that provides free mediation and conflict resolution services to address neighborhood disputes and about the ELEVATE Nightlife program, which offers free mental health support to the operators of our industry.

We think that the office of nightlife is an essential resource to promote the night entertainment in a fun but safe way, support the 300,000 people that work in our industry and make New York City even more attractive to New Yorkers and visitors alike.

<https://www1.nyc.gov/site/mome/nightlife/nightlife.page>

francesco@musicclubs.com

From: Heidi Hartwig <heidi@friendsfromnewyork.com>
Sent: Sunday, April 17, 2022 12:48 PM
To: Testimony
Subject: [EXTERNAL] New York City Council will hold a public hearing about the work of the Office of Nightlife

As a party promoter in the greatest city in the world, I highly value having an office of nightlife to turn to for any questions, insights, & ideas I am trying to get off the ground.

NYC is the most vibrant city that never sleeps and I want to continue to support and nurture that one of a kind aspect of the greatest city in America and the world.

Without the nightlife we are just like everyone else.
Please keep this office available to all in this sector.
thank you,
Heidi Hartwig

From: Jeffrey Boyd <jeffreysboyd050170@gmail.com>
Sent: Tuesday, April 19, 2022 9:20 PM
To: Testimony
Subject: [EXTERNAL] Please read

To whom it may concern,

Good evening my name is Jeff Boyd aka Big Jeff. I'm very active in the Hip Hop community. I am part of Hip Hop Blvd, Zulu Nation and I booked a couple artists last August for the week long free concerts that The Hip Hop Museum provided for NY. I have known Ariel Palitz for 20 years! I hosted a weekly party at her Club Sutra from 2008 to 2014. I also put together several events at her spot honoring a lot of great emcees and deejays! Ariel has helped me and several other people who are in the Hip Hop industry. She has developed close relationships with me and helped many others in the community. Ariel has gone to bat for Hip Hop and other genres of music to preserve the culture that we love and the culture I know she loves. I can't think of a better person to continue to work in this industry and represent the city with the office of Nightlife. If you have any more questions feel free to email here or call me on my cell 917 923 9764. Thanks for your time and consideration.

Sincerely Yours

Jeffrey Boyd

Testimony to City Council: Hearing on Office of Nightlife

My name is John Barclay, I have worked in NYC nightlife for the past 15 years. I've run a bar in Brooklyn by the name of Bossa Nova for almost a decade and just recently became an owner at another bar called Venus In Furs. I am submitting this letter because I am a steadfast advocate for the Office of Nightlife. I've witnessed firsthand the important role that Ariel and the office has played in not only supporting and assisting nightlife establishments but also supporting the entire city by ensuring harmony between nightlife, residents and the city and state governments. Despite having over a decade of experience and a college degree in technical writing (specializing in bureaucratic language), I am still, more-often-than-not, overwhelmed and confused by the regulations and directions given by the dozen-or-so city, state and federal agencies regulating my industry. The Office of Nightlife is an accessible navigational resource for the thousands of establishments who might otherwise feel lost in this sea of bureaucracy.

A few months back, a fire in the 3rd floor apartment of my bar's building caught fire and forced us to close. The Office reached out. Last month, only a few blocks away, a man walked into another bar, frequented by the LGBTQ community, with a can of gasoline. He lit the bar on fire with employees inside. A few days later I texted the owners:

"Have either of you spoken with Ariel Palitz or anyone from the Department of Nightlife? She might be able to help navigate"

"Yes!" They responded "We've been talking with her everyday she's being super helpful"

The Office of Nightlife is proactive, it is efficient, and it is a necessity for business owners, government, and residents of our great city.

Sincerely,
John Barclay

Testimony For The Office Of Nightlife
Loycent Gordon Testimony
Email: loy@neirstavern.com
Monday April 18th 2022 -Committee on Consumer & Worker Protection

I foolishly jumped in to own a local historic restaurant when it was first threaten to close 13 years ago.

January 2020 it was again threatened to close forever by a rent that was tripled. Again i foolishly kept fighting for this now 193 year old establishment.

Foolishly because i was unaware of the difficulty of operating a bar and restaurant even before the pandemic.

Then like many of our industry we were shutdown and faced myriad new generic covid19 rules to follow and tremendous economic loss due to the pandemic.

With every Towncall webinar put on ONL i kept saying to myself what would happen to us if we didn't have an agency to extract and decipher what these generic rules mean for our bars and restaurants and how to practically apply them?

There are so many unique challenges we face i can't tell you the benefit to have what i now call an industry partner and not just another city agency.

Such as we are faced with that new resident or condo complex that move into an established community of vibrant nightlife that wants to shut you down with a barrage of 311 calls rather than amicably finding the root issue.

That's why i love the commercial or residential mediation program called MEND that aims to allow residents and bars to co-exist in a mutual beneficial way through mediation not fines.

We are also faced with the unique challenge of having an onslaught of over a dozen agencies to which bars and restaurants constantly have to answer or risk being shutdown.

ONL is now our liaison to demystify the confusion of dealing with so many agencies.

And let's not forget the human toll of owners with a passion for this industry.

Many are unable to mentally withstand the pressure of operating under the thumb of agencies that can close you down, losing all the work and savings you place in the business when you were foolish to think you can follow your passion for this industry.

That's why I am so proud of ELEVATE mental health program established by the Office Of Nightlife.

Many of us cannot join this culture of the "Great Resignation" despite the challenges we face. We love this industry too much to quit.

A program like ELEVATE gives us an opportunity to cope while facing the unique challenges of owning a bar and restaurant we love.

Bars and restaurants are not generic small businesses. We are the NYC Bar and Restaurant industry with over 20,000 of us in existence pre-pandemic generating tax revenue and jobs.

I'm glad we finally have a unique voice to help bridge the gap and build back an industry to once again be the economic driver it has always been.

Because when you're foolish to follow your heart it's good to know you have practical help in nyc administration to increase our chance of success.

From: Martha Diaz <martha.diaz@hiphopeducation.org>
Sent: Thursday, April 21, 2022 9:01 PM
To: Testimony
Subject: [EXTERNAL] Digital Testimony

Dear New York City Council:

My name is Martha Diaz and I'm the founder and president of the Hip-Hop Education Center and Chair of Archives, Curatorial, and Education at the Universal Hip Hop Museum. Please accept my digital testimony as I'm currently at the ABFE conference in Washington DC and was unable to attend in person.

It is with great honor and pleasure to submit my testimonial and adamantly show support for Ariel Palitz, Senior Executive Director, Office of Nightlife. I've known Ariel for nearly 20 years in different capacities. As a colleague working in the arts, cultural, and education space, where we have collaborated on Hip-Hop education programming to empower and embolden youth and young adults through media, social entrepreneurship, and workforce development. We've worked with public schools in the Bronx and in Harlem, and collaborated with cultural institutions such as the Bronx Museum of the Arts, Symphony Space, Brooklyn Academy of Music, and The Schomburg Center, to name a few. Moreover, when we needed a place to fundraise for our community-building initiatives, she gave us, and other organizations, access to her nightclub. As an advisor, Ariel she shared resources and introduced us to community leaders, professionals, activists, and nightlife entrepreneurs. She is an essential insider and mitigator who serves as a bridge for the Hip-Hop community especially people of color who are not connected to the establishment. I believe Ariel is just getting started and will continue to make an impact in NYC if allowed to remain in her position.

Please do not hesitate to contact me with any questions at .

Sincerely,
Martha Diaz

From: Michael Salazar <MSalazar@obtjobs.org>
Sent: Wednesday, April 20, 2022 10:45 AM
To: Testimony
Subject: [EXTERNAL] Testimony for NYC Office of Nightlife

To whom it may concern:

My name is Michael Salazar, Senior Director of Workforce Innovation for Opportunities for a Better Tomorrow. In my current role, which works with youth between the ages of 17-24 who are coming from underserved communities and are mostly people of color. We provide training for our participants which will allow them the opportunity to advance in employment or further education to enrich their own lives as well as their family's lives I have tapped into Ariel's expertise to have her and her Team come to our organization to present and mentor our young talents about the industry. This level of support was elevated from Ariel especially during the pandemic. Most of our young participants work on the frontline in the service industry including food and accommodation and customer service. Most of them lost their jobs in the beginning of the pandemic and were extremely worried about how to sustain their livelihood during this time. I had asked Ariel to join our weekly "Resource Webinar" to address the current state of the restaurant and nightlife industry and how people could be supported. Ariel's presence during this virtual webinar brought a level of peace to those who lost their jobs in the industry and provided them with resources on how to sustain themselves while out of work.

Before my current role, I used to be the Doorman at Ariel's club called Sutra Lounge for 7 years. Ariel was not your typical nightclub/lounge owner as she cared deeply about the community especially in her specific area of the Lower East Side. Ariel attended Community Board meetings, was supportive of all local small businesses, endlessly used her establishment to raise funds for social awareness and just causes and employed people coming from marginalized communities. Being the Doorman at Sutra, I have witnessed firsthand Ariel's good-natured heart especially when it came to ensuring all patrons were welcomed to her establishment. She showed love and hospitality to all artists, performers, customers no matter where you came from. She was just that type of owner, she made sure you were comfortable, welcomed and taken cared of. She was always a huge advocate for residents, small businesses, and the New York City Community and that is why I thought it was the perfect fit when I heard she was appointed as Senior Executive Director of NYC Office of Nightlife.

More importantly, as she did many times over at Sutra, she made our participants Opportunities for a Better Tomorrow feel welcomed, supported, and advocated for these young folks who were struggling at the highest point of the pandemic. Ariel and the Office of Nightlife's work is truly appreciated, especially coming from those who are usually underrepresented! Thank you for your time.

Best regards,

Michael Salazar (he, him, his)
Senior Director of Workforce Innovation

Opportunities for a Better Tomorrow

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173 7th Ave. S.
New York, NY 100124
Ph: 646-590-9010
April, 18th 2022.

Online Testimony

To whom it may concern, I wanted to thank Miss Ariel Palitz and the office of nightlife of NY for all their help and information.

The office has made it clear for us every time we had to comply with a new regulation during COVID.

Ariel and her team had been able to navigate us through the different situations that our restaurant has faced and we wanted to thank your organization because there is no such clear source of information for restaurants to consult to be able to continue serving loyal patrons in the best manner possible.

Milan Kelez

My name is Mizaël Ramos. I am 42 years old. I have known Ariel for more than 18 years. She was a production consultant in 1999 when I was an AmeriCorps provider for University Settlement in Manhattan. I learned to create special events such as a back-to-school fashion show at the Central Park bandshell as well as a musical that embraced culture and community called ROOTs In 1999. Ariel Palitz, along with the office of New York City Night Life, has provided resources for nightlife entertainment workers to connect people to mental services, health insurance for all night life workers, and food resources. She has also created a safe space on Monday's called Elevate NYC which is a mental health support group to cope with the pandemic. There, we talk about our struggle that we are experiencing during this difficult time working remotely from home and those that are not working. It truly helped and saved my life in many ways as I struggle with my mental health. The office of Nightlife partnered with the Department of Health and Mental Hygiene to create awareness on substance abuse and connect people who are struggling with it to many resources.

I am willing to share and speak more on April 18th.

Please do not hesitate to contact me via email or phone:

Mizaëlramos@gmail.com

Thank you,

Mizaël Ramos

From: Seva Granik <sevagranik@gmail.com>
Sent: Sunday, April 17, 2022 2:50 AM
To: Testimony
Subject: [EXTERNAL] ONL Testimony

Dear Ladies and Gentlemen,
Esteemed members of the New York City Council:

My name is Seva Granik; like many of my fellow New Yorkers, I am an immigrant, a naturalized citizen, a New Yorker of some 30-plus years, and a 20-year veteran of New York City's queer dance nightlife.

I am writing to you today with my sincere thanks for your valuable time in reading my testimony on my experience in working with the Office of Nightlife.

I am a queer dance events promoter; myself and a team of two dozen or so event specialists--sound and lighting engineers, security staffers, booking specialists, installers, bar and door teams, cleaning crews, et al--are known as "Unter," an internationally acclaimed underground techno dance event series that is about to celebrate its 7th birthday.

This collective started out as an 80-person-capacity party in a tiny basement of a coffee shop in Bushwick seven years ago; today we regularly inhabit venues of 1500 capacity or more, and we have become an integral part of the fabric of dance culture of this city as well as have taken our act on the road to other international centers of nightlife, such as Amsterdam, Berlin, and Mexico City.

Throughout this time, we have faced many challenges in our work here at home: legalizing, safeguarding, and maintaining up-to-code spaces, liaising with local enforcement and regulatory agencies, ensuring compliance and avoiding conflict with surrounding communities--this list never ends. Our biggest challenge, however, always was and continues to be--as you would quickly guess--finding spaces for cultural use. More on that soon.

Throughout this time, the Office of Nightlife has been instrumental in helping us to tackle some of these issues. Recently, for example, they worked hard to connect us with local police precincts who guided us in our efforts to conduct safe and compliant events. ONL helped us liaise with other city agencies such as the EPA in order to ascertain the safety of some buildings and areas of interest, and they have patiently listened to our complaints about other issues and city government-related matters, like over-policing and shut-downs, for example, which they always tried to help us resolve.

Aside from many helpful initiatives that they have undertaken in recent years (such as harm reduction approach to substance use, for instance) we are also aware of a host of other programs that they run for other nightlife businesses such as clubs and bars. While we may not have any need for standardized community board processes for applications for liquor licensing, or training for active shooter response for venue owners (god forbid!), we do see the urgent need in those programs for others, and we support them in these needful tasks.

Two of their "ELEVATE NIGHTLIFE CULTURE" initiatives hit particularly close to home, and are as exciting to an independent promoter as it can get: allowing 24-hour use in select neighborhoods was one, and exploring use of underutilized sites to develop legal and code-compliant spaces was the other. Both, in our humble opinion, would usher in nothing short of a revolution--and not just to New York City nightlife but to the city itself.

24-hour nightlife districts have the potential of catapulting New York back to its glory days of the cradle of world club culture--an international nightlife mecca the title of which New York is long overdue for.

Development of underused city properties into safe and code-compliant venues--real-estate for culture and not private financial gain, that is--would create vibrant and resilient communities of artists and performers, something that's worth both living in and coming to New York for.

These initiatives ring very true to our needs as struggling independent collectives; they are what our nightlife communities, large and small, really need to survive and thrive in this town bent on commercial development.

Dear Council members:

To say that this small group of dedicated public servants is on the right track to help New York thrive would be an understatement. Please help us to support this very special office in their work for a better city.

Sincerely yours,
Your local nightlife operators.

From: Thatcher Shultz <thatcher@carmennyc.com>
Sent: Sunday, April 17, 2022 5:38 PM
To: Testimony
Subject: [EXTERNAL] Office of Nightlife Testimony

Hi - I'd like to submit this testimony regarding my experience over the last few years with the Office of Nightlife:

The Office of Nightlife has been extremely supportive and responsive. I'm grateful to have such a resource. I own three two venues in LES (Make Believe, Kind Regards and Froth), two venues in Soho (Her Name Was Carmen and The Garret Cocteleria), two venues in the W Village (The Garret and Bandits), and one in the East Village (The Garret East); I've brought many issues to the office, especially in LES: Trash, traffic, rats, theft, and people selling drugs. Ariel and her team have always been responsive with coming up with creative solutions.

Feel free to reach out with any questions,

Thank you
Thatcher Shultz

--

@hernamewascarmen
[Carmen New York](#)
527 Broome Street

Hello

My name is Tony Touch and I have been djing, and producing events for the hip-hop and dance community for over 30 years here in NYC. I am here to speak on behalf of the Office of Nightlife and its director Ariel Palitz. I can say without a doubt this office that this office has genuinely supported the nightlife community and culture throughout the pandemic and before.

Their work is important to the future of the industry because the nightlife scene is lucrative and part of the dna that makes New York tick. For years this city has been at the forefront of setting standards musically and culturally throughout the world. With the Office of Nightlife in place, there is now a system designed to mediate the needs and wants of residents , businesses and consumers along with the people who mold and curate the much needed events so that we can express our arts.

Ariel Palitz has so much history in our city and culture. She created a place (Sutra Lounge) for us to congregate and made it home for the hip hop and dance community when others wouldn't. She understands the needs and wants of both business owners and consumers alike. The notoriety that came from that is talked about till this day globally.

In closing I can say that being a dj, event coordinator , radio personality, music producer, recording artist and NYC tastemaker for over 30 years.... that this Office is an imperative instrument in continuing to carry on tradition of this great city's thriving nightlife scene both for business and cultural reasons.

Thank you

Tony Touch

Hello, my name is Varun Kataria and I own a restaurant and nightclub in Bushwick called The Turk's Inn & The Sultan Room.

It's a pleasure to speak before you today and to share our experiences of working with Ariel Palitz and the Office of Nightlife team as we navigated the choppy waters of operating a nightclub in New York.

Ariel reached out to me and arranged a visit before we opened in the summer of 2019, and before I even knew there was such a thing as an Office of Nightlife.

At that time, just months from opening, I was fully engrossed in finishing construction, hiring a staff, securing our liquor license, racing against the clock to complete everything it would take to get the place open.

Then Ariel showed up and moved the yard stick. She walked through the space and asked me questions about our security procedures, staff training and everything from coat check to sound mitigation.

That meeting with her screwed my head on a little tighter about the responsibilities on my shoulders and that I needed to see past just simply opening and to consider actually operating.

The relationship has continued on, with check ins from the Office of Nightlife every few months. Once we opened, the nature of our challenges changed, we experienced issues ranging from theft to operating under Covid. The Office of Nightlife was there every step of the way to provide counsel and to be there to hear us vent our frustrations. I can't stress enough how important it was for us to have someone to talk to and to feel heard.

Historically Nightlife hasn't been recognized as a serious or legitimate industry, but I believe that Covid has revealed how important our industry is to the economic and cultural vitality of New York. This is something that was already understood and respected by the Office of Nightlife, and I'm grateful that the office exists and that we've been able to benefit from their involvement.