Committee on Cultural Affairs, Libraries and

International Intergroup Relations

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## THE COUNCIL OF THE CITY OF NEW YORK

# COMMITTEE REPORT OF THE LegisLative Division

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**COMMITTEE ON CULTURAL AFFAIRS, LIBRARIES, AND**

**INTERNATIONAL INTERGROUP RELATIONS**

*Hon. Chi Ossé, Chair*

#### October 26, 2022

**Oversight:** **CreateNYC: The NYC Comprehensive Cultural Plan**

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| **Int. No. 590-2022** | By Council Members Rivera, Ossé, Cabán, Louis, Hanif, Joseph, Hudson, Nurse, Gutiérrez, Won and Sanchez |
| **Title:** | A Local Law to amend the New York city charter, in relation to the open culture program for art and cultural institutions |
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1. **Introduction**

On October 26, 2022, the Committee on Cultural Affairs, Libraries, and International Intergroup Relations, chaired by Council Member Chi Ossé, will hold an oversight hearing on *CreateNYC: The NYC Comprehensive Cultural Plan*. Additionally, the Committee will hear Introduction Number (Int. No.) 590, co-sponsored by Council Member Carlina Rivera and Council Member Chi Ossé, in relation to the open culture program for art and cultural institutions. The Committee previously held an oversight hearing on the Comprehensive Cultural Plan on February 27, 2017, following the release of a draft version of the plan by the Department of Cultural Affairs (DCLA). DCLA submitted its second biannual progress report on the plan in September 2022. This will be the Committee’s first hearing on CreateNYC since the plan was released. Witnesses invited to testify include DCLA, members of the Cultural Institutions Group (CIG),[[1]](#footnote-2) various arts and cultural groups and organizations, academic institutions, and other interested parties.

1. **Background**

Local Law 46 of 2015

On May 18, 2015, Mayor Bill de Blasio signed Local Law 46 of 2015 (Local Law 46), requiring the creation of a comprehensive cultural plan for New York City (NYC).[[2]](#footnote-3) Inspired by cultural plans developed by Chicago, Houston, Denver, and other major American cities[[3]](#footnote-4) in which cultural equity is advanced through official government policy,[[4]](#footnote-5) the City’s first-ever comprehensive cultural plan, *CreateNYC*, was designed to be “a roadmap to guide the future of arts and culture in NYC,”[[5]](#footnote-6) including “a more sustainable, inclusive, and equitable cultural sector” for all New Yorkers,[[6]](#footnote-7) with the potential to influence both policy direction and advocacy efforts. To launch administration of the plan, DCLA mapped out a ten-month preparation process, which began in August 2016 with a three-month period of research and discovery, and culminated in July 2017, when the final plan was due.[[7]](#footnote-8)

Pursuant to Local Law 46,[[8]](#footnote-9) DCLA established a temporary Citizens’ Advisory Committee (CAC),[[9]](#footnote-10) composed of appointees from a broad array of cultural and artistic organizations and practices as well as related fields, to advise the agency in developing, gathering community input about, and implementing the plan. Together with the Hester Street Collective (HSC),[[10]](#footnote-11) a design/build nonprofit organization that works with local communities to develop transformative plans and projects through inclusive, participatory processes,[[11]](#footnote-12) DCLA worked with artists, cultural organizations, agencies, arts and culture experts, and community residents in NYC to collect data and public input to inform the cultural plan.[[12]](#footnote-13) The process was intended to address a range of topics identified by Local Law 46, including:[[13]](#footnote-14)

* The availability and distribution of cultural activities throughout NYC;
* The relationship between cultural activities and social and economic health and welfare in NYC;
* The needs of artists for affordable housing and affordable long-term and temporary studio, office, and rehearsal space;
* Increasing arts education and cultural activities in NYC public schools;
* Incorporating cultural activities into community development, economic development, and land use planning processes and policies;
* The needs of artists and communities with respect to the creation of public art in public settings; and
* Establishing a plan for NYC agencies to coordinate cultural activities.[[14]](#footnote-15)

Also pursuant to Local Law 46,[[15]](#footnote-16) DCLA worked to engage as many New Yorkers as possible in the process of creating the plan both by sharing updates via the CreateNYC.org website[[16]](#footnote-17)—where people shared recommendations, responded to the “Question of the Week,” and participated in an online cultural engagement survey[[17]](#footnote-18)—and by inviting members of the public to define their cultural priorities through borough-wide workshops, focus groups, roundtable discussions, and community meetings.[[18]](#footnote-19) Additionally, DCLA set up a social media handle, @CreateNYC, so that New Yorkers could engage in the process via Facebook, Flickr, Instagram, and Twitter.[[19]](#footnote-20) New Yorkers were also invited to answer the “Question of the Week” or make recommendations via these resources and engage through the use of the hashtag #CreateNYC.[[20]](#footnote-21) Finally, individuals, community-based organizations, and other groups were encouraged to spread the word and advance the plan-development process by becoming CreateNYC Ambassadors,[[21]](#footnote-22) which involved sharing the online survey, hosting a workshop, or including cultural plan activities in their events.[[22]](#footnote-23)

Using the data and public input collected, HSC conducted an analysis of NYC’s current cultural priorities, strategized on increasing access, equity, and opportunity for underserved neighborhoods, and considered how NYC could remain accessible to artists at a time of rising rents and other economic pressures.[[23]](#footnote-24) The agency then produced a draft cultural plan, based on research and public input.[[24]](#footnote-25) Between March and June 2017, this draft plan was available online for public feedback and was also provided at workshops and focus groups around NYC.[[25]](#footnote-26)

After nearly a year of intensive public input and an in-depth evaluation of NYC’s cultural assets, CreateNYC, the City’s final comprehensive cultural plan, was released to the public on July 19, 2017.[[26]](#footnote-27)

CreateNYC: The 2017 Plan and DCLA’s Biannual Progress Reports

When introduced in 2017, CreateNYC offered 28 objectives (i.e., goals of the plan) and 96 strategies (i.e., actions for achieving those goals in the immediate, short, medium, or long term), categorized into eight issue areas:

1. **Equity and inclusion**: providing “equitable access to opportunities, services, and resources across NYC’s diverse populations and neighborhoods”;[[27]](#footnote-28)
2. **Social and economic impact**: “[supporting] the role of arts and culture in an equitable economy and healthy communities”;[[28]](#footnote-29)
3. **Affordability**: ensuring the affordability of “live, work, and presentation space . . . for artists and cultural organizations”;[[29]](#footnote-30)
4. **Citywide coordination**: arranging for “arts and cultural funding, collaboration, and coordination across City agencies”;[[30]](#footnote-31)
5. **Neighborhood character**: “[preventing] displacement of culture and communities through participatory planning and community development”;[[31]](#footnote-32)
6. **Arts, culture, and science education**: “[supporting] and [increasing] culturally-relevant, diverse, and inclusive arts and science education in and out of school”;[[32]](#footnote-33)
7. **Arts and culture in public space**: ensuring that “public art, artists, and programming are implemented and supported”;[[33]](#footnote-34) and
8. **Health of the cultural sector**: “[creating] conditions to support individual and organizational members of the arts, culture, and science fields to achieve their full potential.”[[34]](#footnote-35)

The initial response to the plan was largely positive,[[35]](#footnote-36) with then-Mayor Bill de Blasio also announcing $18.5 million in new investments for arts and culture in NYC at the press conference releasing the plan.[[36]](#footnote-37)

Pursuant to Local Law 46, once DCLA submits its initial plan, the agency is permitted to revisit and revise the plan after 10 years,[[37]](#footnote-38) but the agency is also required to submit updates on CreateNYC every two years,[[38]](#footnote-39) “detail[ing] progress made on the recommendations, initiatives, and priorities that result from the cultural plan.”[[39]](#footnote-40) Local Law 46 also permits the CAC to issue recommendations on the outcome of such progress reports to the DCLA Commissioner, until the group is disbanded.[[40]](#footnote-41) DCLA has submitted two biannual reports since the launch of the 2017 plan—one in 2019 and one in 2022—to update information on CreateNYC, starting with the 2019 Action Plan (“Action Plan”).[[41]](#footnote-42)

In 2019, DCLA launched its first progress report in the form of the Action Plan. The Action Plan highlighted the City’s progress in carrying out specific actions across a range of issues areas,[[42]](#footnote-43) but it also “streamlined the dozens of recommendations from CreateNYC into five objectives and 25 strategies” in order to eliminate duplication and make the document more usable.[[43]](#footnote-44) Each of the five objectives was matched to two or more quantitative key indicators, used to measure progress toward achieving each objective. Each indicator was given a short, intermediate, or long-term timeframe.[[44]](#footnote-45) In 2021, specific actions that took place for four of the five objectives were recorded on DCLA’s website.[[45]](#footnote-46) In addition, data for all 14 key indicators were updated on the website, where there is now a five-year timeline of data available.[[46]](#footnote-47) Following are the five objectives, with their matching indicators:[[47]](#footnote-48)

**Objective 1: Increase funding and support for culture, especially in historically underserved communities**

* Total expense funding allocated—for the Cultural Development Fund (CDF), the Cultural Institutions Group (CIG), initiatives supporting immigrants, and funding for individual artists
* Total capital funding allocated—for improving physical accessibility
* Number of permanent artwork commissions by or honoring underrepresented communities

**Objective 2: Cultivate inclusive practices within the Cultural Sector**

* Diversity within the cultural sector—ethnicity, age, gender, LGBTQ identity, and disability
* Number of CUNY students placed in paid internships with cultural organizations

**Objective 3: Strengthen connections between the cultural sector and government**

* Number of IDNYC cultural memberships accessed to date
* Number of cultural pass reservations
* Number of quality of life and venue safety cases resolved by the Office of Nightlife

**Objective 4: Create and preserve affordable spaces for artists to live and work**

* Total capital funding allocated towards artist workspace development
* Number of artist workspace units developed to date under the AREA initiative

**Objective 5: Provide high-quality arts education for all NYC public school students**

* Total funds budgeted for the arts by the DOE, per academic year
* Number of new full-time certified arts teachers hired across all school levels
* Total funding allocated to professional development for arts instruction for PreK (PreK Create)
* Number of early childhood educators and site directors participating in PreK Create.[[48]](#footnote-49)

Additionally, in 2022, DCLA submitted its second biannual progress report on the 2017 Comprehensive Cultural Plan, as required by Local Law 46, and posted information regarding this update on the CreateNYC website.[[49]](#footnote-50)

1. **Bill Analysis**

*Int. No. 590*

This bill would require the City to reestablish the Open Culture Program that was established by Local Law 8 of 2021 and allow the City to issue a permit to allow eligible art and cultural institutions to use outdoor space for cultural performances.

1. **Conclusion**

At today’s hearing, the Committee expects to receive an overview of the efforts and progress made on CreateNYC. As this is the first hearing on CreateNYC since 2017, the Committee would also like to learn more about ongoing public input and the status of the CAC. Additionally, the Committee looks forward to hearing about key indicators, their status, and any other metrics DCLA is using to determine the success of the plan.

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| Int. No. 590    By Council Members Rivera, Ossé, Cabán, Louis, Hanif, Joseph, Hudson, Nurse, Gutiérrez, Won and Sanchez    A Local Law to amend the New York city charter, in relation to the open culture program for art and cultural institutions    Be it enacted by the Council as follows:    Section 1. Chapter 67 of the New York city charter is amended by adding a new section 2509 to read as follows:  § 2509. a. Definitions. For the purposes of this section, the following terms have the following meanings:  Artistic or cultural event. The term “artistic or cultural event” means an event or programming offered or run by an eligible art and cultural institution or a cultural venue, including, but not limited to, cultural performances, rehearsals and classes.  Cultural venue. The term “cultural venue” means an entertainment facility in the city of New York intended or designed to be used for a performance in front of a live audience.  Eligible art and cultural institution. The term “eligible art and cultural institution” means: (i) an art or cultural group, organization or institution within the city of New York that is a member of the cultural institutions group, as determined by the department of cultural affairs, or that is eligible to apply for a grant through the cultural development fund administered by such department, or (ii) a person providing documentation of funding from a borough arts council or the New York city artist corps program within the prior two years.  Office. The term “office” means the mayor’s office of citywide event coordination and management established pursuant to executive order number 105, dated September 17, 2007, or another office or agency designated by the mayor to perform the functions of such office set forth in this section.  Open space. The term “open space” means any portion of a roadway, or outdoor spaces on a sidewalk or curb lane adjacent to an eligible art and cultural institution, designated by the department of transportation, in consultation with the office, that may be used by an eligible art and cultural institution or cultural venue for an outdoor artistic or cultural event.  Open streets. The term “open streets” has the same meaning as such term is defined in section 19-107.1 of title 19 of the administrative code of the city of New York.  Program. The term “program” means the open culture program established pursuant to subdivision b of this section.  b. Open culture program. By August 1, 2022, the office, in consultation with the department of transportation, the department of buildings, the police department, the fire department and any other agency designated by the mayor, shall establish an open culture program pursuant to which an eligible art and cultural institution or cultural venue may utilize an open space or open street for an artistic or cultural event. The office shall, in consultation with relevant agencies, establish eligibility and use guidelines and policies for such program, and promulgate any necessary rules; provided, however, that such program shall include the following elements:  1. There shall be no fee for participation by an eligible art and cultural institution or cultural venue in such program, except as provided for in subdivision d of this section.  2. An eligible art and cultural institution or cultural venue utilizing an open space for an artistic or cultural event may produce such event for no charge to an audience, request audience donations before, during or after such event or charge for tickets; provided, however, that such institution or venue may not physically exclude a member of the public from viewing such event from a publicly accessible location outside the open space assigned for such event.  3. An artistic or cultural event must comply with any applicable requirements on outdoor cultural events and gatherings set by applicable federal or state law or regulations or any applicable directive from the governor or any agency of the state of New York.  4. The program shall provide that permission for an eligible art and cultural institution or cultural venue to use an open space or open street will only require an application to one city agency, and that, to the extent practicable, such application place a minimal burden on such institution or venue.  c. Designation of open spaces. The department of transportation, in consultation with the office, shall designate locations to be open spaces, considering suggestions from council members and factors, including, but not limited to, the effects on traffic, public safety, quality of life and suitability for use of such locations for performances. Such locations may include, but need not be limited to, open streets. The department of transportation shall post online a list of such open spaces by August 1, 2022.  d. Allowable fees. 1. In accordance with paragraph 1 of subdivision b of this section, only an application fee of $20 may be charged for application and participation in the program, provided, however, that applicants seeking a permit to use or operate a sound device or apparatus must pay the applicable fee in accordance with subdivision h of section 10-108 of the administrative code of the city of New York.  2. Nothing in this section shall waive any penalty or fine that may be issued for such event for violation of any applicable rule, law or order.  § 2. This local law takes effect immediately.      BM  LS # 7107/8389  7/11/22 7:30 pm |

1. The CIG comprises 34 member institutions that exist in a public-private partnership with the City. The CIG includes art and natural history museums, historical societies, theaters, concert halls, performing arts centers, botanical gardens, and zoos. Member institutions operate as nonprofit organizations whose mandate is to provide cultural services to all New Yorkers. *See* https://www.cignyc.org/. [↑](#footnote-ref-2)
2. *See* Local Law 46 of 2015, *available at* https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1853941&GUID=15689E9B-3860-4882-B9D3-F67A4C896AAC&Options=ID|Text|&Search=46 (Local Law 46). [↑](#footnote-ref-3)
3. *See, e.g.,* Lane Harwell, Working Toward a Comprehensive Cultural Plan (Nov. 22, 2013), *available at* https://www.huffpost.com/entry/working-toward-a-comprehe\_b\_4312098; City of Chicago, About the Chicago Cultural Plan (last visited Oct. 13, 2022), *available at* https://www.chicago.gov/city/en/depts/dca/supp\_info/cultural\_plan0.html. [↑](#footnote-ref-4)
4. New York City Council Member Stephen Levin, New York City Council Passes Legislation to Enhance Access to Arts and Culture by Implementing First-ever Cultural Plan (Apr. 29, 2015), http://stephenlevin33.tumblr.com/post/117690000822/new-york-city-council-passes-legislation-to. [↑](#footnote-ref-5)
5. DCLA, “History” CreateNYC: A Cultural Plan for All New Yorkers, http://createnyc.org/en/about/history/. [↑](#footnote-ref-6)
6. *Id.* [↑](#footnote-ref-7)
7. DCLA, “The Process” CreateNYC: A Cultural Plan for All New Yorkers, http://createnyc.org/en/about/the-process/. [↑](#footnote-ref-8)
8. Local Law 46. [↑](#footnote-ref-9)
9. Local Law 46 also permits the City’s Cultural Affairs Advisory Commission (CAAC) to advise on the plan. CAAC is composed of mayoral appointees representing a diverse array of cultural and artistic organizations and practices, is mandated by New York City Charter § 2505 to advise the Department of Cultural Affairs and the Mayor with respect to cultural activities in the City. *Id.; See* NYC Department of Cultural Affairs, The Team (last visited Oct. 12, 2022), *available at* https://createnyc.cityofnewyork.us/about/the-team/#:~:text=The%20New%20York%20City%20Department,municipal%20agencies%20and%20city%20stakeholders*; See also* http://www.nyc.gov/html/dcla/html/about/advisory.shtml; https://codelibrary.amlegal.com/codes/newyorkcity/latest/NYCcharter/0-0-0-3985 (providing more information on the CAAC). [↑](#footnote-ref-10)
10. Hester Street Collective, https://hesterstreet.org/?gclid=CjwKCAjwkaSaBhA4EiwALBgQaM8IXQHd-iwBczdTLRqot1tpHsYUkj4VJlmg0xB0CSDbK8YaQz8LGhoCmq4QAvD\_BwE [↑](#footnote-ref-11)
11. New York City Department of Cultural Affairs, “Project Partners” CreateNYC: A Cultural Plan for All New Yorkers, http://createnyc.org/en/about/partners/. [↑](#footnote-ref-12)
12. *Supra* note 4. [↑](#footnote-ref-13)
13. Local Law 46. [↑](#footnote-ref-14)
14. *Id*. [↑](#footnote-ref-15)
15. *Id*. [↑](#footnote-ref-16)
16. *Id*. [↑](#footnote-ref-17)
17. *Id.* [↑](#footnote-ref-18)
18. Public meetings were held from August 2016 to June 2017. *See* DCLA, “Show Up!” CreateNYC: A Cultural Plan for All New Yorkers, *available at* https://web.archive.org/web/20180208182523/http://createnyc.org/show-up/ (Note: DCLA no longer hosts this website, content was formerly available at http://createnyc.org/show-up/). [↑](#footnote-ref-19)
19. DCLA, CreateNYC: A Cultural Plan for All New Yorkers, http://createnyc.org/en/home/. [↑](#footnote-ref-20)
20. DCLA, CreateNYC: A Cultural Plan for All New Yorkers, http://createnyc.org/en/home/. [↑](#footnote-ref-21)
21. A CreateNYC ambassador represents and engages their neighborhood in the cultural plan process. This may include talking with neighbors, friends, parents, or youth groups; organizing a conversation with the local Parent Teacher Association; or interviewing a classmate. *See* http://createnyc.org/en/step-up/how-to-be-a-cultural-ambassador/. [↑](#footnote-ref-22)
22. DCLA, “Step Up” CreateNYC: A Cultural Plan for All New Yorkers, http://createnyc.org/en/step-up/. [↑](#footnote-ref-23)
23. *Supra* note 4. [↑](#footnote-ref-24)
24. *Supra* note 5. [↑](#footnote-ref-25)
25. *Supra* note 5. [↑](#footnote-ref-26)
26. DCLA, “CreateNYC: Executive Summary,” http://www1.nyc.gov/site/dcla/createnyc/createnyc.page; David Freelander, First-Ever New York City Cultural Plan Calls for Funding Institutions in Underserved Communities, Accessibility, Environmental Improvements (July 19, 2017), *available at* https://www.artnews.com/art-news/news/first-ever-new-york-city-cultural-plan-calls-for-funding-institutions-in-underserved-communities-accessibility-environmental-improvements-8719/. [↑](#footnote-ref-27)
27. *CreateNYC: A Cultural Plan for All New Yorkers*, DCLA (2017), 33, *available at* http://www1.nyc.gov/assets/dcla/downloads/pdf/cultureplan/createnyc-finalplan.pdf. [↑](#footnote-ref-28)
28. *Id.* [↑](#footnote-ref-29)
29. *Id.* [↑](#footnote-ref-30)
30. *Id.* [↑](#footnote-ref-31)
31. *Id.* [↑](#footnote-ref-32)
32. *Id.* [↑](#footnote-ref-33)
33. *Id.* [↑](#footnote-ref-34)
34. *Id.* [↑](#footnote-ref-35)
35. *See, e.g*., Brian Boucher, *New York’s Cultural Plan Aims to Boost the Arts, and Diversity, in a Gentrifying City* (Jul. 20, 2017), *available at* https://news.artnet.com/art-world/new-york-cultural-plan-arts-gentrification-1027745. [↑](#footnote-ref-36)
36. *See* City of New York, *Mayor de Blasio Announces CreateNYC: A Cultural Plan for All New Yorkers* (Jul. 19, 2017), *available at* https://www1.nyc.gov/office-of-the-mayor/news/492-17/mayor-de-blasio-createnyc--cultural-plan-all-new-yorkers#/0. [↑](#footnote-ref-37)
37. Local Law 46. [↑](#footnote-ref-38)
38. The CAAC, which is composed of mayoral appointees representing a diverse array of cultural and artistic organizations and practices, is mandated by New York City Charter § 2505 to advise DCLA and the Mayor with respect to cultural activities in NYC. *See* http://www.nyc.gov/html/dcla/html/about/advisory.shtml. [↑](#footnote-ref-39)
39. Local Law 46 provides that, once published, the cultural plan may also be revised, as appropriate, every 10 years. [↑](#footnote-ref-40)
40. Local Law 46. [↑](#footnote-ref-41)
41. *See* NYC Department of Cultural Affairs, *ON THE CULTURAL PLAN’S SECOND ANNIVERSARY, DCLA RELEASES “CREATENYC ACTION PLAN” AND HIGHLIGHTS NEW PROGRAMS & INVESTMENTS* (Aug. 21, 2019), *available at* https://www1.nyc.gov/site/dcla/about/pressrelease/PR-2019-08-01--CreateNYC-Action-Plan-Launch--Record-City-Funding-Arts-Culture.page. [↑](#footnote-ref-42)
42. *Id*. [↑](#footnote-ref-43)
43. *CreateNYC: 2019 Action Plan*, DCLA (2019), *available at* https://createnyc.cityofnewyork.us/wp-content/uploads/2019/08/CreateNYC\_ActionPlan\_FIN\_20190801.pdf. [↑](#footnote-ref-44)
44. The Action Plan utilizes a key, providing information on what recommendation each objective is tied to via a code listed under such objective’s title. *See* “Action Plan by Year,” DCLA (2021), *available at* https://createnyc.cityofnewyork.us/. [↑](#footnote-ref-45)
45. “Action Plan by Year,” DCLA (2021), *available at* https://createnyc.cityofnewyork.us/. [↑](#footnote-ref-46)
46. *Id*. [↑](#footnote-ref-47)
47. *Id*. [↑](#footnote-ref-48)
48. *Id.*  [↑](#footnote-ref-49)
49. *Id.* [↑](#footnote-ref-50)