

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CONSUMER AFFAIRS

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June 19, 2017

Start: 1:11 p.m.

Recess: 5:50 p.m.

HELD AT: Council Chambers - City Hall

B E F O R E: RAFAEL L. ESPINAL, JR.
Chairperson

COUNCIL MEMBERS: Vincent J. Gentile
Julissa Ferreras-Copeland
Karen Koslowitz
Rory I. Lancman

A P P E A R A N C E S (CONTINUED)

Frankie Dekay (sp?), Hot Twosome
Organizer for Dance Federation Network

Andrew Muchmore, Muchmore & Associates
Owner of Much More Café, Williamsburg

Brandon Hoy, Owner
Roberta's Pizza, Bushwick

Christopher Carrol
American Federation of Musicians, Local 802

Rachel Nelson, Owner of Secret Robot Project,
Happy Fun Hideaway, and Flowers for All Occasions

Jerry Goldman
Anderson Kill & Dance Parade, Inc.

Frankie Dekay (sic), Hot Twosome
Organizer, Dance Federation Network
Co-Founder of Disc Women

Tamala Boyd, General Counsel
Consumer Affairs

Shira Gans, Senior Director of Policy and Programs
NYC Mayor's Office of Media and Entertainment
Appearing for: Julie Menin, Commissioner
Mayor's Office Media and Entertainment

Kristen Sakoda, Deputy Commission and General Counsel
Department of Cultural Affairs

Lindsay Greene, Senior Advisor to the Deputy Mayor
for Housing and Economic Development

Amit Bagga, Deputy Commissioner of External Affairs
Department of Consumer Affairs

John Barclay, Bar Owner

Susan Stetzer, District Manager
Community Board 3

Andrew Rigie, Executive Director
New York City Hospitality Alliance

Paul Seres, Vice President
New York City Hospitality Alliance

Alyssa Chapman, Senior Vice President of Public
Affairs, Brooklyn Chamber of Commerce
Appearing for: President and CEO Andrew Hoan

Pedro Goico, Co-Owner of Mamajuana Café
Woodside, Queens

Aurelia Taveras, New York State Latino Restaurant,
Bar and Lounge Association

Dominique Keegan, Former bar owner

New York City Artist Coalition
Appearing for New York City Artist Coalition

Greg Miller, Executive Director
Dance Parade

Auburn Terkel, NYC Attorney
Former Attorney for NYC Councilman Gersin

Elvis Silverio, President
NY State Latino Restaurant, Bar and Lounge Assoc.

Mahanna Landone (sp?), Founding Board Member
Dance Parade

Ali Coleman, Dancer & DJ

Todd Patrick, Trans Pecos Market Hotel

Diego Vargas, House Coalition

David Rosen, Nightlife and Restaurant Coalition
Co-founder Brooklyn Allied Bars & Restaurants BABAR

Allen Sugarman, Attorney & Social Partner Dancer

Nancy Miller, New York Artists Coalition

Jamie Burkhart, New York City Artist Coalition

Julie Malnig, Professor of Dance History
Author of Social Dance Books
Appearing for: Sally Sommer, Professor of Dance
History & Theory, Dancer & Filmmaker

Brendan McGlynn, Representing
Dysfunctional Swingers Dance Company

Ayel, Pearling.org

Reese Manuel Lavino, or DJ Straight the Navigator
Straight Blade Productions

Julia Samonikova, Event organizer

Molly Martinez, Representing the Tango community

Garrold Dolan, Irish Immigrant and Musician

Derek Leon Washington, Culture Anthropologist, Dance
Anthropologist and Curator

Leah Lonzo, Singer and Dancer

2 [sound check, pause] [gavel]

3 SERGEANT-AT-ARMS: Quiet please.

4 CHAIRPERSON ESPINAL: Good afternoon. My
5 name is Rafael Espinal. I'm the Chair of the
6 Consumer Affairs Committee. Today, the committee
7 will be holding an oversight hearing titled
8 *Enforcement of New York City's Cabaret Law*. We're
9 also hearing Intro No. 1648, a local law to amend the
10 Administrative Code of the City of New York in
11 relation to establishing an office of nightlife and a
12 nightlife task force. The Cabaret Law was first
13 introduced in 1926 during the prohibition era to
14 crack down on establishments run by racketeers.
15 Their stories argue that the law is rooted in racism,
16 and that its true aim was to prevent interracial
17 mingling in Harlem jazz clubs. Over the last several
18 decades, the Cabaret Law has evolved as a result of
19 court challenges and legislative updates. Today, it
20 represents the complex web of local laws, zoning laws
21 rules and regulations that ensure that establishments
22 meet several safety measures. Let's just say hot it
23 is today. It is ridiculous that in New York City
24 dancing is just as illegal as it was in the fictional
25 movie *Footloose* where Kevin Bacon took on the City

2 Council of a small town of Beaumont to make dancing
3 legal. Well, in this true story there is no Kevin
4 Bacon. There are thousands of advocates trying to do
5 away with this antiquated law in the social justice.
6 As the population of the outer boroughs to increase,
7 so, too has demand for bars, restaurants and
8 entertainment spaces. As new businesses establish
9 themselves in the outer boroughs, some have run into
10 enforcement issues most notably at venues where
11 people are dancing. This has been particularly
12 problematic in my district and other parts of
13 Northern Brooklyn where the city's law enforcement
14 agencies and inspectors have shut down places for not
15 having a Cabaret License. Agencies such as the NYPD,
16 DOB, FDNY, DCA, MOME, and the notorious MARCH, Multi-
17 Agency Response to Community Hotspots Task Force all
18 play a role in whether nightlife establishments can
19 open or remain open. We should also note the
20 importance of our DIY venues. In Brooklyn there's
21 been an increase in DIY venues as non-profits and
22 artists search for cheap spaces and an increasingly
23 expensive real estate market. DIY venues are all-are
24 indispensable to the culture and the future of
25 Brooklyn and the outer boroughs as they transform

2 warehouses and other abandoned spaces into culturally
3 vibrant venues. After the tragic events at Ghost
4 Ship in Oakland, many advocates were fearful of a
5 crackdown on DIY venues by city agencies.

6 Unfortunately, their fears became a reality. In
7 recent months, more and more DIY venues have been
8 shut down. We as a city-city should acknowledge the
9 importance of DIY venues and make our best efforts to
10 bring them up to code and make their venues safe. It
11 might be worthwhile for the benefit of members of the
12 public that are in attendance today to briefly
13 explain how the city's Cabaret Laws function. First
14 and foremost to obtain a Cabaret License, an
15 establishment must meet a checklist of requirements.
16 The city's zoning laws require establishments of any
17 capacity with dancing to be located in specified
18 commercial or manufacturing districts.

19 Establishments also means inspections and approvals
20 from the Fire Department the Department of Buildings
21 and electrical inspections demonstrating that the
22 premises are up to code and safe. These requirements
23 including installing fire alarms, automatic sprinkler
24 systems and having appropriate entrances and exits.
25 Cabarets must also install surveillance cameras and

2 go through a process for vetting, and bouncers or
3 security guards that they employ. Establishments
4 must also have their applications for a Cabaret
5 License reviewed by a local community board. Once a
6 business meets all of these requirements, it is
7 eligible for a Cabaret License. Without a Cabaret
8 License, law enforcement can close an establishment
9 down. Unfortunately, the reality is that very few
10 establishments in the city possess this license.
11 Some reports indicate that there are currently only
12 about 97 venues citywide that have a license. We
13 have also heard allegations that the Cabaret Laws
14 have been applied unevenly where establishments
15 frequented by people of color are disproportionately
16 singled out for non-compliance with the Cabaret Law.
17 We hope that during this hearing the administration
18 and the invited city agencies can provide insight
19 into the situation. The plethora of unlicensed
20 establishments raises important questions about the
21 safety and the viability of the city's nightlife,
22 hampering New York City's culture reputation. The
23 city's nighttime economy is estimated to be around
24 \$10 billion. That is an economic engine that we just
25 cannot afford to lose. If the city does not take

2 steps to repeal or significantly modernize the
3 Cabaret Laws, we risk crippling New York City's
4 cultural and artistic development. To help address
5 some of these nightlife issues, I introduced—I have
6 introduced Intro 1648, which establishes a task force
7 and an office of nightlife. The role of the task
8 force is to comprehensively examine issues relating
9 to the nightlife industry and make recommendations to
10 the City Council and the Mayor. The purpose of the
11 Office of Nightlife, which will be led by what I like
12 to refer as the night mayor, is to promote an
13 economically viable nightlife industry by serving as
14 a liaison between nightlife businesses, governments
15 and residents. Several other world class cities such
16 as London, Amsterdam and Paris already have similar-
17 similar models, and have enjoyed substantial
18 improvement in the nightlife industries. The Office
19 of Nightlife would also be a one-stop shop to assist
20 businesses with navigating the city's onerous
21 processes for obtaining permits, approvals and other
22 legal requirements. It is hoped that with—that with
23 this office the night time economy will—will be—will
24 be revitalized in New York City and help modernize
25 the city's approach to the nightlife industry. For

2 more than a year my staff and I have been working
3 diligently to overhaul the city's cabaret-- Law, and
4 make it easier for nightlife establishments to
5 operate. I am fully committed to seeing this very
6 antiquated Cabaret Law fully repealed as soon as
7 possible while ensuring that many of the nightlife
8 safety and security measures that the city has
9 implemented over the past several years are not
10 weakened. I would also like to see the city take
11 proactive steps to change the zoning requirements
12 that limit cabarets and dancing to only a few areas
13 in the city. People should be allowed to dance
14 throughout New York City and across all five
15 boroughs. We'll never bring nightlife out of the
16 dark, but we can bring it out of the bureaucratic
17 shadows and start giving it the formal respect and
18 attention it deserves. Today the committee looks
19 forward to hearing from advocates, the Department of
20 Consumer Affairs and its sister agencies, the
21 industry and other interested parties on these
22 topics. At this time, I'd like to call up the first
23 panel. [pause, background comments] At this time,
24 I'd like to call up the first panel. We have Frankie
25 Hutchinson from Dance Liberation Network. Please

2 step up. Andrew Muchmore of Muchmore & Associates
3 and the owner of Much More Café in Williamsburg. We
4 have Brandon Hoy, the owner of Roberta's Pizza in
5 Bushwick. We have Christopher Carrol of the
6 Associated Musicians of Greater New York, Local 802.
7 We have Rachel Nelson of the Secret Robot Project and
8 owner of Happy Fun Hideaway and Flowers for All
9 Occasions, and we have Jerry Goldman of Anderson Kill
10 and the Dance Parade MC. I also want to acknowledge
11 that we've been joined by my neighbor and my
12 colleague Antonio Reynoso, who represents Bushwick
13 and Williamsburg. [applause] Just hold our applause.
14 [background comments] I know we're all excited about
15 today's hearing, but, you know, just as dancing is
16 illegal, it's illegal to clap here. We have to do
17 the jazz hands--

18 COUNCIL MEMBER REYNOSO: [off mic]

19 [interposing] There you go. [laughter]

20 CHAIRPERSON ESPINAL: --when--when we're
21 excited about what is being said. Anyone else? Oh,
22 we also have been joined by Karen Koslowitz from the
23 Queens. She was also the chair of Consumer Affairs
24 many years back. Thanks for joining us Karen, and I
25 really want to thank my committee staff Val Keith and

2 Izzy for all the work they've done to put this
3 hearing together, and helped with drafting these
4 laws. So, yeah, you may begin. Just state your name
5 for the record, and give your testimony.

6 FRANKIE DEKAY: Hi, my name is--

7 CHAIRPERSON ESPINAL: So push the button
8 on it.

9 FRANKIE Dekay: Hi, hi my name is Frankie
10 Dekay (sic) for Hot Twosome. I'm one of the
11 organizers of the Dance Federation Network, and
12 organize--organization dedicated to repealing the
13 Cabaret Law, and I'm a co-founder of Disc Women a
14 platform agency dedicated to diversifying the music
15 industry. I grew up on London, but I've been living
16 in New York City for almost a decade. Thank you for
17 joining us here in the very room where this archaic
18 law was pushed through with the explicitly racist
19 intent of breaking up Harlem's jazz clubs and
20 preventing interracial mingling. Ninety-one years
21 ago, an Aldermen, a member of New York City's
22 government said this: Well, there have been
23 altogether too much running wild in front of these
24 night clubs, and in the judgement of you committee
25 the wild stranger and the foolish native should have

2 the check reign applied a little bit. To describe
3 any human as something that needs a check reign
4 applied to them, a term typically applied to horses,
5 is revealing in itself of the social attitudes of
6 that time. I think we can all hazard to guess who
7 this Aldermen was referring to when using language
8 like foolish native, a statement made in this very
9 room. Any law founded in such explicit racist
10 language of this nature has no place in our society,
11 and to argue otherwise posits you as complicit in
12 this country's history of racism. The Cabaret Law
13 was originally passed in 1926, and after 91 years of
14 this law being in place this is the first hearing to
15 address this law, a law rooted in a racist past that
16 still has an active place in a supposedly progressive
17 city. What an opportunity we have today. With the
18 passage of the power of everyone in the room we hope
19 to apply the pressure needed from the Mayor's Office
20 and City Council to recognize this laws needs to be
21 repealed. Laws historically used to oppress people
22 should have place in the city, and society in
23 general. Its laws like the New York City Cabaret Law
24 that really illuminate the startling lineage-lineage
25 between slavery, Jim Crow today. The like-mindedness

2 of the Cabaret Law and the Jim Crow laws of the South
3 exposes itself. For those who may need clarification
4 of what exactly Jim Crow was, ensures the number of
5 state and local laws in place to maintain racial-
6 racial-racial segregation. Cabaret Law operates
7 similarly with the intent to segregate and disrupt
8 the lives of African-Americans. Music, dance and
9 literature and Tegil modes of expression for African-
10 American communities so aggressively it isn't hard to
11 believe the impetus behind why the cabaret-Cabaret
12 Law was put in place at a point in history rife with
13 racism and violence against black folks. Black modes
14 of expressions are criminalized and appropriated, the
15 call to me (sic) that is consistently presented
16 itself throughout history. We must also note how
17 this law was transformed from its inception in 1926.
18 In fact, it expanded its tentacles of control. Prior
19 to 1967, musicians used to have to carry cabaret
20 cards and form, which by our research overwhelmingly
21 negatively impacted the lives of black musicians
22 whose cards were often revoked leaving them unable to
23 work. For a city that proudly post jazz festivals
24 and boasts about this Harlem music city culture
25 history, it's very safe to say that the Cabaret Law

2 devastated the careers and lives of the same
3 musicians that New York City government uses to sell
4 itself today. If we take a look at this recent
5 report, commissioned by the Mayor's Office called
6 Economic Impact Trends and Opportunities for Music in
7 New York City, the opening line states: New York
8 City has played a pivotal role in music history and
9 remains at the forefront of the music industry today.
10 Some of the most famous names in the business, Billie
11 Holiday, Miles Davis, to name a few, have called the
12 city home. This report is audacious, to use the name
13 of two musicians whose careers were criminalized by
14 cabaret cards—the cabaret card rule. Let's be clear.
15 This is a brochure that attracts people for our city
16 using the artists for the systematically oppressed.
17 It is a city that has time—has time and time again
18 chosen to judge—sorry, dodge this hypocrisy for 91
19 years. Charlie Parker and Felonious Funk, some of
20 the most notable jazz musicians, were also victims of
21 this card system. This country was built off the
22 back of oppression, and the city profits off the
23 creativity of its black artists without acknowledging
24 the strife and hardship that they've had to ensure.

2 Moving onto other facets of the Cabaret
3 Law, the law used to state that no more than three
4 musicians could perform at the same time directly
5 attacking jazz musicians who often play in larger
6 numbers. Furthermore, using traditional jazz
7 instruments, wind, percussion instruments was
8 restricted. Yet another pointed effort to target
9 black folks' vehicles of expression. Just to really
10 hammer home what this actually meant, saxophones
11 weren't allowed but accordions were. None of these
12 of parts of the Cabaret Law are still in place, but
13 it's essential to think about when addressing its
14 oppressive origins see how this law historically
15 penalized and why are we still holding onto a law
16 that did this? The people of New York City fought
17 these specific aspects of the law in the same way
18 we're fighting overarching law today. To think our
19 government put energy and resources into fighting in
20 favor of banning saxophones is absurd and
21 embarrassing. It's 2017, and we're in the same room
22 fighting the same fight and giving elected officials
23 a chance to not memorialize themselves on the wrong
24 side of history. Do you really want to be the
25 Council Member whose Wiki page reads: For to stop

2 New York City from dancing? [background comments]

3 Most of those who know about the Cabaret Law are
4 likely familiar with former New York City Mayor
5 Giuliani's prominent enforcement of the law in the
6 late '90s. These laws are weapons against
7 communities that drastically affected the survival of
8 New York City nightlife. So, like the weak and terse
9 agent that arrive at clubs late and issues citations
10 for dancing among other things, adversely impacting
11 smaller business who certainly didn't have the means
12 to obtain a Cabaret License. The enforcement largely
13 affected LGBTQ venues carried out by a highly
14 conservative government. This law at last has
15 changed forms, it still targets those from the most
16 marginalized making it impossible not to address how
17 this law was founded. This law cannot be divorced
18 from history of racism in this country, and have New
19 York City be one of the only the cities in the world
20 holding onto this, a city's whose reputation is still
21 on the back of its artists is an embarrassment to say
22 the least. Let's get—let go of archaic racist laws.
23 We demand that this racism and archaic law is taken
24 off the books. We demand an end to the destruction
25 of our creative communities and small businesses. We

2 demand a full repeal of NYC's Cabaret Law, and a
3 complete decriminal-decriminalization of dancing.

4 Thank you. [applause, background comments]

5 CHAIRPERSON ESPINAL: Jazz hands.

6 [pause]

7 ANDREW MUCHMORE: Thank you, Councilman
8 Espinal and honorable members of the City Council. I
9 appear today before the Consumer Affair Committee
10 offer my experiences and insight as the proprietor of
11 a small music venue in Brooklyn, and as the attorney
12 overseeing the pending constitutional challenges of
13 the New York City Cabaret Law.

14 CHAIRPERSON ESPINAL: Mr. Muchmore, for-
15 for the record, would you mind stating your name?

16 ANDREW MUCHMORE: My name is Andrew
17 Muchmore.

18 CHAIRPERSON ESPINAL: Okay, and you bring
19 the-the mic a little closer? Thank you.

20 ANDREW MUCHMORE: This is the law with no
21 equivalent in other advanced nations. Japan and
22 Sweden recently repealed their dancing bans, and such
23 laws now exist only in nations like Iran,
24 Afghanistan, and Kuwait. This is the first time in
25 91 years that the City Council has conducted a

1 hearing on this law. As Frankie addressed, the time
2 of the law's enactment in 1926, the city was
3 undergoing what's come to be known as the Harlem
4 Renaissance. Three years earlier in 1923, the Cotton
5 Club and Connie's Inn opened. A larger
6 establishment, the Savoy Ballroom opened earlier in
7 1926. Some of these clubs like the Cotton Club
8 admitted only white patrons, but hosted black
9 musicians. Others like the Savoy allowed black and
10 white patrons to dance and socialize together.
11 Frankie read you the quote from the Board of Aldermen
12 on December 7, 1926 concerning foolish natives
13 running wild and the need to apply the check reign a
14 little bit. Such a quote should bring a chill to any
15 reader in 2017. If the legislative history did not
16 make the racial motivation behind the law clear
17 enough, as Frankie pointed out, the law specifically
18 prohibited instruments used in jazz. This
19 distinction between jazz instruments and non-jazz
20 instruments was find—was found to be
21 unconstitutional—unconstitutional by the Supreme
22 Court of New York in 1986, [speaking French] the city
23 of New York. In 2006, the same attorney, NYU
24 Professor Paul Shettignee (sp?) presented a broader
25

2 challenge to the Cabaret Law under the New York State
3 Constitution in *Festo v. The City of New York*. While
4 the court refused to strike down the Cabaret Law in
5 its entirety, it admonished the city to repeal or
6 reform the law concluding: Surely, the Big Apple is
7 big enough to find a way to let people dance.

8 [[background comments/protests]

9 SERGEANT-AT-ARMS: Quiet down, please.

10 CHAIRPERSON ESPINAL: Quiet down.

11 SERGEANT-AT-ARMS: Quiet down.

12 CHAIRPERSON ESPINAL: Let's give—let's
13 give everybody the respect to give their testimony

14 SERGEANT-AT-ARMS: [interposing] Quiet
15 down please, really down. [gavel] [background
16 comments]

17 ANDREW MUCHMORE: After a decade of
18 inaction by the city, despite unsuccessful attempts
19 at reform by the Bloomberg Administration, I
20 commenced a constitutional challenge to the Cabaret
21 Law in Federal Court on behalf of my own music venue.
22 I argued that at least in the context of a live music
23 venue dancing is protected First Amendment
24 expression. Almost every culture around the world
25 has developed unique forms of music and dance, and

2 these traditions are often central to one's cultural
3 identity. Even if social dancing were not protected
4 by the First Amendment, the rights of musicians and
5 other performers clearly are. As a practical matter,
6 my establishment of Muchmore's is required by the
7 Cabaret Law to sensor musical genres that might lead
8 to dancing. We can play folk music or experimental
9 electronic music, but we cannot allow DJs or any kind
10 of dance music. Most forms of hip-hop and Latin
11 music are dance-oriented, which has a disparate
12 impact on minority musicians. Together with the
13 racial motivation behind the law, this creates a
14 violation of the Equal Protection clause. The
15 Cabaret Law is also unconstitutionally vague and
16 overbroad. It does not define dancing leaving
17 officers to guess when toe-tapping, head-nodding or
18 gentle swaying might exceed permissible bounds. It
19 defines a public dance hall as any room, place or
20 space in the city in which dancing is carried on and
21 to which the public may gain admission. This could
22 include a church, a wedding or even this very
23 chamber. It defines a cabaret as any room, place or
24 space in the city in which any musical entertainment,
25 singing, dancing, or other forms of amusement is

2 permitted in connection with a restaurant business.
3 Unlawful other form of amusement could be almost any
4 behavior that tends to elicit a smile. Caroline's
5 Comedy Club has been ticketed for the unlicensed
6 telling of jokes. I am not kidding. Kidding is
7 illegal without a license in this city. [laughter]
8 This committee may ask if the Cabaret Law is repealed
9 what should it be replaced with? The answer is that
10 all the laws needed to address its purported concerns
11 were enacted many years ago. To the extent the city
12 is concerned about noise, the New York City Noise
13 Code permits—provides precise decibel—decibel limits,
14 which cannot be exceeded. To the extent the city is
15 concerned about fire or overcrowding, the Fire Code
16 and Building Code thoroughly address these issues.
17 For an establishment to have a legal capacity of more
18 than 74 persons, it must obtain a Place of Assembly
19 Certificate of Operation, which requires submission
20 of a seating plan and annual Fire Department
21 inspections. New York is one of the most heavily
22 regulated jurisdictions on earth. Were I not a
23 lawyer, I could not have established a small music
24 venue here. People with less resources and legal
25 expertise including artists, musicians and

2 underserved communities find the cost of compliance
3 beyond reach. This crisis is compounded—is
4 compounded by rising rents. In my neighborhoods,
5 Williamsburg, the number of music venues has fallen
6 by half in tow years. The artists that made the
7 neighborhoods famous in the first place have all been
8 priced out. New York has been sapped of its cultural
9 vitality. Superfluous and the necessary laws that
10 needlessly compound the cost of compliance serve only
11 to drive activity underground. Locations such as the
12 Ghost Ship or Happy Land, which have experienced
13 fires, were venues that operated without licensure,
14 and might well have obtained licensure and submitted
15 themselves to inspections, had the license regimes
16 not been so difficult and expensive to comply with.
17 In addition to repeal of the Cabaret Law, the Zoning
18 Resolution must be amended to remove references to
19 dancing. The Zoning Resolution, Section 32-15
20 defines use group 6 to include eating or drinking
21 establishments with musical entertaining—
22 entertainment but not dancing with the capacity of
23 200 persons or fewer. Zoning Resolution 32-21
24 defines use group 12 to include eating or drinking
25 establishments with entertainment and the capacity of

2 more than 200 persons, or establishments of any
3 capacity with dancing. Dancing presents no unique
4 hazards. Use groups should depend upon capacity.
5 Most eating and drinking establishments are not in
6 central commercial areas. As a result, they cannot
7 even apply for a Cabaret License. Of ore then 25,000
8 bars and restaurants in New York City, less than 100
9 now hold a Cabaret License and can legally permit
10 dancing. Entire neighborhoods such as Bedford-
11 Stuyvesant and El Barrio lack a single location where
12 people can legally dance in public. I also support
13 Councilman Espinal's proposal for the establishment
14 of a life--nightlife ambassador to serve as an
15 intermediary between life night-nightlife
16 establishments and city residents. The system
17 appears to function well in cities where it has been
18 adopted such as London, Paris and Amsterdam. I
19 personally met with the Night Mayor of Amsterdam
20 approximately a month ago. He explained that
21 measures such as creation of telephone hotlines and
22 the posting of hosts in public squares have resulted
23 in 30% reduction of noise complaints. Even as the
24 city expanded the permissible hours of operation for
25 nightlife establishments to 24 hours. I understand

2 the current proposal calls for the establishment of a
3 task force to explore this concept, and I support
4 this. However, any night--nightlife ambassador must
5 serve solely in a meditative capacity reducing the
6 burdens upon law enforcement. It should not result
7 in additional compliance challenges for struggling
8 artistic spaces. In conclusion, it is astounding
9 that the Cabaret Law continues to exist in the 21st
10 Century. The racial motivation behind the law is
11 well documented. It serves no legitimate purpose yet
12 suffocates the city's musicians, artists, and
13 creative economy. The law has been consistently
14 disregarded and mocked, and is enforced only
15 arbitrarily and haphazardly against the city's most
16 vulnerable residents. The public outcry for repeal
17 of the law has been large and unanimous with
18 headlines like: *The Racist legacy of NYC's Anti-*
19 *Dancing Law, or its Advocates Renewed Call to End New*
20 *York City's Antiquated Cabaret Laws, and NYC's Racist*
21 *Draconian Cabaret Law Must be Eliminated.* These
22 sentiments have been echoed by other outlets such as
23 the Wall Street Journal, New York Post, the Journal
24 of the American Bar Association, and international
25 media outlets such as Germany's ARD and Japan's

2 [Speaking Japanese]. This is a law which has always
3 been destined for the dust bin of history. The
4 Council of 2017 must right the wrong committed by the
5 1926 Board of Aldermen. The people of New York have
6 spoken, and the City Council should respond
7 decisively with full repeal of the Cabaret Law.

8 [pause]

9 BRANDON HOY: Good afternoon. [coughs]
10 Thank you, Councilman--

11 CHAIRPERSON ESPINAL: [interposing] Good
12 to see you.

13 BRANDON HOY: --Espinal for having me. I
14 don't think I can get into the cabaret as eloquently
15 as these two have. I am not a lawyer. I'm not going
16 to stand up here and--and--I-I can't put it as well as
17 them. I've been a few questions here that I'm just
18 going to answer. Why did I decide to become a
19 business owner in Brooklyn? Well, in 2007, my
20 partners and myself we were looking for an
21 opportunity and Brooklyn gave us that opportunity.
22 It was a chance for us to build our dreams. At that
23 point East Williamsburg Industrial Park was nothing
24 more than--than factories and industry. [pause] The
25 neighborhood infrastructure had not yet been built,

2 and it was our goal to come there and provide some
3 infrastructure for a neighborhood that was left to
4 the dogs. There were just a few bars, a few stores,
5 and the neighborhood was already bustling with young
6 creatives looking for cheap rent. Over time the East
7 Village bohemians pushed to Williamsburg and then to
8 the eastern stretches of that neighborhood and
9 Bushwick. Commercial rents were cheap and the
10 neighborhood was steeped with cultural diversity,
11 though there was no heavy representation for local
12 businesses. There was a few bodegas, and small
13 stores. The neighborhood was vibrant and it was a
14 perfect place for us to give birth to our restaurant,
15 Roberta's. This was a place where we thought that we
16 could bring our community together with food and good
17 times. I'm here to advocate for the Night Mayor
18 position. This is [coughs] excuse me, guys. This is
19 actually my first push into advocating for small
20 businesses. I think like most young small business
21 owners, it's difficult in the early stages. As a 25-
22 year-old who owns a business, it's very easy to have
23 blinders on and just focus on what you need to do to
24 get your business through. As you push through, you
25 start to realize that there is a lot of difficulties

2 out there, the DOH, the DOB, the Fire Department, and
3 all of these regulations coming down on you, which
4 seems to be unnecessarily. We've deal with many
5 accounts of noise complaints and it's very hard to
6 find helpful mediation in today's age outside of
7 groups BABAR, and David Rosen and just being a part
8 of your—your local community boards. The local
9 communities are making 311 complaints, and it makes
10 it very difficult for us to establish ourselves in a
11 community. This same community that I helped, that I
12 felt like I helped build to have more cultural
13 diversity that posts rent-to-own apartments for
14 \$4,000 conveniently located near Roberta's. These
15 are the same—ironically, the same people who are
16 calling 311 on us. We need helpful mediation, the
17 small business owners. We need somebody that will
18 help us and support us through these hard
19 conversations. I had more but obviously you can tell
20 how nervous I am in my first speaking appearance.

21 CHAIRPERSON ESPINAL: It's all good, man.
22 It's all good.

23 BRANDON HOY: [laughs] It's alright. I
24 appreciate your guys' patience, but thank you.

25 CHAIRPERSON ESPINAL: Thank you.

2 SERGEANT-AT-ARMS: Keep it down.

3 CHAIRPERSON ESPINAL: Finally, would you
4 mind stating your name for the record?

5 BRANDON HOY: Yeah, I'm Brandon Hoy,
6 owner of Roberta's and Blanca in Bushwick.

7 CHAIRPERSON ESPINAL: Thank you.

8 Good afternoon, Chair Espinal and members
9 of the New York City Council. My name is Christopher
10 Carroll. I'm the Political Director--

11 CHAIRPERSON ESPINAL: [interposing] Bring
12 the mic a little closer.

13 CHRISTOPHER CARROLL: Sure. My name is
14 Christopher Carroll. I'm the Political Director for
15 Local 802, the American Federation of Musicians. We
16 are the largest local union of professional musicians
17 in the world, and we represent musicians across New
18 York City and all types of styles, venues and types
19 of music from the Metropolitan Opera to Broadway and
20 to the bars, venues, lounges, restaurants, night
21 clubs that drive our cultural and creative community.
22 Out of respect for time and because of the eloquence
23 of my panelists, I have condensed my time or
24 condensed my testimony a little bit, but I have
25 submitted full testimony in writing already. Local

2 802 is the largest union of professional musicians in
3 the world, and musicians come from around the world
4 for one reason, to be part of the most creative
5 community in the world. Many musicians come to New
6 York to perform the city's nightlife, and it is much
7 or our artistic and diverse cultural life that is
8 born and developed and encouraged there. The Cabaret
9 Law and license a lot of it is arbitrarily enforced
10 and steeped in racism and bigoted sentiment as
11 unreflective of the needs of small businesses of the
12 workers and of our—of our economy. Hindrance (sic)
13 is an extremely component of our city's identity and
14 the economy and must be removed. The Musicians Local
15 802 believes that it puts undue and unreasonable
16 burden upon our businesses and by extension the
17 performers who otherwise would gain from the
18 opportunity to perform live music. Our union
19 supports removing the Cabaret Law or repurposing it
20 in a manner that addresses the needs of the industry
21 and protects the workers who inspire the city's
22 vibrant nightlife, and music loving society. This is
23 an opportunity to ensure that the individuals who
24 work, perform and drive our nightlife receive the
25 protections, the wages, the security needed to live,

2 work and raise a family in New York. The prospect of
3 repurposing the Cabaret Law is particularly exciting
4 in conjunction with the creation of the Nightlife
5 Task Force and our Office of Nightlife. The music
6 industry is a major component and a driver of our
7 city's thriving economy contributing billions of
8 dollars of direct economic input, and millions of
9 dollars in wages annually, and it is no surprise to
10 anyone that nightlife in New York City is a major
11 component of the economic success and our artistic
12 vibrancy. Given that importance, Local 802 fully
13 supports the creation of a Nightlife Task Force and
14 the Officer of Nightlife believing that both could
15 play an important part in determining the strengths,
16 the weaknesses, the challenges that this industry
17 faces, as well as the opportunities that it presents.
18 However, this task force must be—not be constrained
19 solely to supporting and encouraging the businesses,
20 the venues and employers in our city's famous
21 nightlife. The small businesses and the challenges
22 they face are undoubtedly an important part of the
23 discussion. The workers, performers, and other
24 employees who allow our city's nightlife to thrive
25 must also face—to thrive also face considerable

2 challenges that are unique to the industry from wage
3 theft and exploitation to unsafe working conditions
4 and inconsistent income streams. As such, this task
5 force must include representatives for the workforce
6 and performers. Their voices, like those of the city
7 residents, business owners and other members of the
8 industry of the industry are vital. Similarly, the
9 office must be charged with addressing the concerns
10 of all those impacted by the city's nightlife,
11 businesses, residents and workers alike. While the
12 current bill justifiably identifies such issues as
13 permitting, quality of life, interagency
14 coordination, violation enforcement and small
15 business relations as other important concerns,
16 issues directly impacting the performers and other
17 workers are conspicuously absent. If an Office of
18 Nightlife is intended to encourage a more vibrant and
19 health nightlife community, such an office must be
20 explicitly charged with addressing the concerns of
21 performers and workers that is if it is to achieve
22 those goals and support the entirety of the nightlife
23 industry. Ultimately, the success of this task force
24 and office will depend on whether or not it reflected
25 the diverse needs of workers, businesses and New

2 Yorkers who are engaged with it. Thank you and I'm
3 happy to answer any questions. [pause]

4 RACHEL NELSON: Hi. My name is Rachel
5 Nelson. I'm the owner of three nightlife locations
6 in Bed-Stuy and Bushwick: Happy Fun Hideaway,
7 Secrete Project Robot and Flowers For All Occasions.
8 The cultural capital of this city relies upon the
9 creative class of minorities coming here not in a
10 trickle but in masses to start businesses, to throw
11 parties. So, we come here to make it and in that
12 refresh the culture of this city with our energy and
13 our new vision. Paris has world class museums.
14 London great architecture that people come here for.
15 The estimated \$9 billion tourist machine of New York
16 City is culture. The downtown scenes, street art in
17 Brooklyn, music venues in Williamsburg, gallery (sic)
18 parties in Bushwick, underground surf clubs in the
19 Rockaways, dancing that can be on Corona, and the
20 incredible and diverse after hours parties across the
21 boroughs. That's what people come here for. But
22 seriously, I'd like to speak to the economic anxiety
23 that is created by this city law that exploits
24 minorities and small business owners in the same
25 breath that it wants help in its assets. I own three

2 businesses in nightlife. I started my first art
3 space with a group of friends in the early 2000s on
4 the Williamsburg Waterfront. Since this time, our
5 rent has increased 600%. We have been forced deeper
6 and deeper into Brooklyn and moved four times most
7 likely displacing less other-less fortunate people as
8 we moved. I can accept the rent increases, the red
9 tape, the incredibly high taxes, all of the
10 predictable things I will accept as a matter of doing
11 business. But what is hard to navigate is the laws
12 that you can't predict. The fear that is crated by a
13 patron who's having too fun and begins to dance. The
14 silliness that you can't put a dance party on a
15 Facebook post, an event or even a poster. I'm going
16 to tell you that whether you believe it not, at
17 around 2:00 a.m. on any given night the Cabaret Law
18 is in full effect at the discretion of a task force
19 called MARCH. That was taught by a previous
20 administration that to part is not only wrong but
21 illegal. This task force, MARCH has no website, no
22 known boss, no one to call, now way of knowing the
23 predictability if they will come once a year, one a
24 month or never at all. There is no way of knowing if
25 you've made it to their list, and there is no person

2 to contact in order to get you off that list when
3 you've fulfilled your obligations. Just this Friday,
4 a friend of mine's bar was visited by MARCH. They
5 were violated for dancing, and other things like not
6 having their occupancy sign predominant enough. But
7 did you know, there's no way to contact MARC to find
8 out what is predominantly enough, and there's no
9 book-hand book for these signs that should be studied
10 and, therefore, you're always at the whims of the
11 task force, always in fear that you can never be
12 legal enough. When the task force comes, mind you,
13 they come in SWAT outfits. They displace patrons who
14 leave, losing revenue. They take away tips from
15 servers and paint a bad picture of the establishment
16 to neighbors and other possible patrons. I love my
17 local police. They keep me safe. They look cute in
18 their uniforms. I have a great relationship with all
19 of the precincts I've ever been in, and when I speak
20 to my regular officers on the street, they don't know
21 why or when they have to enforce the Cabaret Law
22 either. They talk about confusion and higher-ups
23 putting down orders, and yet no one can give a clear
24 answer where these orders come from. Hence, the good
25 call for creating Council Member Espinal's Nightlife

2 Task Force. As a responsible business owner, who
3 checks the 311 map every Monday morning and has a
4 text message conversations to my local community
5 affairs officers, I'd like to say that I continue to
6 live in fear for my and my employees' economic
7 stability. So far as I can tell, at least
8 anecdotally the Cabaret Law is enforced in two
9 scenarios. One is when a neighborhood is beginning
10 to gentrify and there's an underlying incentive—
11 economic incentive to destabilize minority owned
12 businesses for higher rent clients. To this I would
13 say that we need better rent stabilization laws for
14 commercial and residential tenants and repeal of the
15 Cabaret Law to ensure that no small business is ever
16 shut down to make way for chain stores and over-
17 priced condos again. The other incident of
18 enforcement is when for some reason you are put on
19 the naughty list sometimes for good reason like
20 violence and drugs, for sometimes as in the case of
21 small venues and art spaces, there's a cultural
22 misunderstanding and lack of communication of what
23 you are. Neither of these things I will underscore
24 actually has anything to do with dancing. So, I
25 would say that the enforcement of the Cabaret Law is

2 bureaucratic shortcut to getting spaces shut down
3 quickly. They go out of business trying to cover
4 legal fees and fines. Very often you hear that it is
5 about safety, but if it is about safety, teach us how
6 to be safe. If it is about not understanding us,
7 come by and chat sometime with your guns down. Let's
8 shift the dialogue starting now. I don't think
9 people realize the lower parlors and art spaces are
10 job creators. I personally employ in some form or
11 another 42 people not to mention the vendors, DJs,
12 can collectors, beer and liquor distributors, et
13 cetera that rely on nightlife for their livelihood as
14 well. We aren't a small band of disbund-disbanded
15 ruckus makers. We are constituencies of owners,
16 workers and voters with a loud clear voice searching
17 for clarity of the law from our law makers. Thank
18 you.

19 CHAIRPERSON ESPINAL: Before we continue,
20 I just want to acknowledge that we've been joined by
21 Rory Lancman of Queens and also Vinny Gentile of
22 South Brooklyn who was here for a second.

23 JERRY GOLDMAN: Thank you, Mr. Chairman
24 and members of the panel. Jazz hands. We just did
25 jazz hands. We just danced in City Hall. We just

2 violated the law. John Travolta dancing his way down
3 86th Street in Bensonhurst as the subway rolled over
4 his head and dancing in 2001 Space Odyssey, a venue
5 that would not be permitted today. The Jets and the
6 Sharks and Tony and Maria dancing where Lincoln
7 Square is today. Sinatra and Gene Kelly dancing
8 through the city while on shore leave. Tom Hanks
9 dancing in Big on the piano in the middle of Midtown
10 Manhattan. Folks dancing on top of bars in Coyote
11 Ugly, dancing in the Lower Eastside in Rent. Dancing
12 in Central Park in Hair, jazz All that Jazz, Chorus
13 Line, dancing by the World Trade Center in Wiz.
14 Dreams of kids in Fame. These are iconic images of
15 New York City, our city, the city that we all love,
16 we all cherish and we make our home. Iconic because
17 they're based in truth, iconic to those who live and
18 work here, and those who come here to visit, to play
19 and quite frankly, spend money. I'm talking about
20 dance. I'm talking about the universal language.
21 I'm talking about the human need to dance. I'm
22 talking about the right to dance as protected by the
23 Constitution of the United States and the
24 Constitution of this very state. The Constitution
25 the each and every elected official in this room

2 swore, took a sacred oath to obey and defend. My
3 name is Jerry Goldman. I'm an attorney. I primarily
4 handle complex high stakes litigation for a major
5 national law firm in New York. I'm a daddy. I'm
6 also Papa (sic) Jungle and I can actually ride the
7 MTA at a discount. I'm a drummer. I'm a member of
8 the Board the Dance Parade, a member of Legalized
9 Dance Award, and I chair the board of the not-for-
10 profit arts organization that promotes participatory
11 arts both in this city and the in the State of
12 Nevada. I was born in Brooklyn, lived in Sunnyside,
13 lived and went to college in the Bronx, was a
14 prosecutor in the County of Kings, and presently live
15 and work in Manhattan. I am a human. Hence, I
16 dance. Thank you for the opportunity to speak.
17 These remarks are my own. They're not on behalf of
18 any other organization. We've already heard about
19 the racist history, the sad racist history of this
20 law. Its original purpose to keep whites and blacks
21 apart, and it's been used to punish to deprive. To
22 deprive those who were deemed different by those then
23 in power because of the color of their skin or where
24 they're from. Either their gender or sexual
25 orientation. That's against our most fundamental

2 laws. The rights afforded to each and every one of us
3 under the Federal and State Constitutions, and more
4 importantly, it just ain't right. We've heard how
5 it's sadly been, and still is enforced in a
6 discretionary, discriminatory, arbitrary and
7 capricious manner. No government should operate that
8 way, not our government, not in this city, not in
9 2017. It leads to the risk of improper behavior, and
10 criminal scandal. It leads to the lack of respect
11 for government institutions, officers and officials.
12 It hurts legitimate business interests—interests.
13 They bring one against the other harming small
14 businesses and forcing an inability to plan. It
15 stifles creativity and diversity. It just ain't
16 right. A government must be fair, must be open, must
17 be impartial to gain the respect and trust of the
18 populace for whom all government officials serve and
19 govern on their behalf. We've heard about the legal
20 issues. Mr. Muchmore is quite learned in that rea,
21 and he speaks from both his heard and his head, and
22 I'd like to supplement the record by submitting a
23 copy of the briefs that have been submitted in this
24 case. I'll have it delivered to you—to you tomorrow
25 if that's possible. Protected speech is much bigger

2 than spoken words. The courts haven't clear about
3 that, and physical expression is a clear and critical
4 component of how we as a species can communicate.
5 It's simple. I smile. It's a message without a
6 sound. I frown. It's a message without words. I
7 raise a fist, I blow a kiss, I stomp my foot. Those
8 are forms of communication. I've sent someone a
9 message. Social dance is communicative. I'm happy,
10 I'm sad, I love you and dance is a critical form of
11 physical communication, expressed speech, protected
12 speech constitutional protected dance is not just the
13 job for me or Al Vanelli. It's not just the
14 performer in a strip club. It's you and I dancing to
15 any type of music and in any style of dance that we
16 choose to dance. It's hardwired into our DNA. I
17 don't care if you're black or white or blue, male or
18 female, gay or straight or whatever you want to be,
19 Brazilian or Bosnian, Latino or white bred, a Hasidic
20 Jew or a Sufi Muslim, born here or born there, young
21 or old or old thinking that you're young. I don't
22 care if you live in a village in West Africa or a
23 slum in Kings and Jamaica, a rural town in the DR or
24 in Rio, a farming village in rural Mexico or downtown
25 Lubai, or in Brooklyn, Queens, the Bronx, Staten

2 Island or Manhattan, folks dance. Their dance is
3 maybe different, but the they are dancers. I had the
4 honor a couple of weeks ago of them seeing the New
5 York City Dance Parade. That's a big parade with
6 10,000 people going down Broadway, 165 or so groups,
7 85 or so styles of dance. I go the marvelous
8 opportunity to dance with each and every one of them
9 while I'm singing House and Hip Hop, Salsa and Swing,
10 dances from their hometowns from China to Lithuania
11 and a group of 12-year-olds who traveled from Tampa,
12 Florida to dance on Broadway and make their dream.
13 And seeing their smiles, and seeing the smiles of all
14 their relatives who sat in front row, that was
15 special. Dance, it's the way infants and adults do
16 it without training. You go to a concert in Madison
17 Square Garden, and it's the Rolling Stones or it's
18 the Dead or Tino Puente or Jennifer Lopez or J.Z. or
19 Michael Jackson or the gods and goddesses of Motown,
20 I dare you not to dance. It's impossible. If it's
21 an EVMM DJ, you have to dance. If it's a wave at
22 Yankee Stadium after Judge hits one out, we are
23 dancing. Okay, if you're in Washington Heights or
24 listening to the drummers there or up in Aqueduct
25 Avenue or a three-year-old granddaughter of mine

2 hearing her father play Springsteen, you got to
3 dance. It's impossible not to dance. Dance is
4 something quite frankly that this or any other
5 governmental body cannot regulate. It's a power that
6 the people all us did not give you, did not give our
7 anointed leaders, anointed like a holy sacrament.
8 Anointed leaders on our behalf we did not give you
9 the power by the people of the City of New York to
10 take away that constitutional right. This is a city
11 of dance, Broadway musicals, the dance companies,
12 from Julliard to NYU, the little dance schools in
13 Corona and Bay Ridge and Central Harlem and Bellmont.
14 The dance classes at gyms and senior citizen classes,
15 weddings in hotels, parties in Brighton Beach. From
16 the big bands clubs in Chelsea and the meat packing
17 district to the small venues in Bushwick and Bay
18 Ridge and East Harlem and the heights and the Lower
19 East Side and Jackson Heights. Literally all over
20 the city people go out to dance, and while the races
21 are all different, we're unified by dance. No matter
22 what you do or do not do, quite frankly, you cannot
23 stop people from dancing as a matter of human spirit,
24 human right and I dare say human necessity. It's the
25 oxygen that we need to survive and to thrive let

2 alone a protected constitutional right. Simply put,
3 they can't shut us up. New York City is diverse, it's
4 creative, it's alive. Let's encourage that as a
5 matter of social and economic power-policy. Let's
6 together make this even a greater city. Let this
7 August body, which is based upon a body founded in
8 New Amsterdam on February 2, 1653 let this city
9 administration, let each and everyone of us spend our
10 time and energy making this a better place. Instead
11 of quite frankly having the hearings over a law,
12 which is wrong let alone unconstitutional, let's
13 devote our energy to housing and human rights and
14 avoiding racism and healthcare and drug abuse and all
15 those issues rather than having a law on the books
16 that does nothing. Let's celebrate. Let's make us
17 diverse. Let's celebrate creativity. Let's
18 celebrate what makes us one, this. This city is the
19 progressive capital of the world, the heart and soul
20 of the so-called resistance. Let's not be that small
21 Midwest town, Mr. Chair, that you talked about and
22 force Keven Bacon--successfully I must add--to fight a
23 reactionary local government. As was said in
24 *Footloose*, now is the our time. Now, is all of our
25 time. Now is the time to dance free and live. Let's

2 do the right thing and get rid of this reactionary
3 racist unconstitutional and just plain stupid law.
4 We can deal with the necessary health, safe and
5 community—and community issues in a neutral and
6 lawful manner. I implore you follow your oaths of
7 office. Thank you member of the Council. Thank you,
8 Mr. Chair. Thank you for your time. Thank you for
9 your attention. Thank you most importantly for your
10 service to this city, and the constituents of your
11 particular district, and your concern over this
12 critical issue. And, thank you to those in the
13 audience who have taken the time from work and school
14 to attend these historic proceedings for both your
15 historic support and your anticipated comments, and
16 thank you, too, members of the Mayor's Office. Thank
17 you for approaching this with an open mind who I
18 expect in the end will do the right thing. I'll be
19 pleased to answer any questions.

20 CHAIRPERSON ESPINAL: Thank you so much
21 for all of your testimonies. We're going to—and my
22 colleague Antonio Reynoso has some questions but
23 before I—I pass the mic over to him, I'm just going
24 to just ask a few. Andrew, I know I've had
25 conversations with you in the past, and you told me

2 that your bar Muchmore has actually received a ticket
3 in 2013 for violation of the Cabaret Law. Can you—
4 can you talk about that story?

5 ANDREW MUCHMORE: [off mic] Yes, there
6 was one incident—

7 CHAIRPERSON ESPINAL: [interposing] Hit
8 the mic, hit the button.

9 ANDREW MUCHMORE: There was incident in
10 2013 where we cited for unlawful dancing. There was
11 a noise complaint from a neighbor based on people
12 conversing outside the establishment. I received two
13 summons, one for violation of the New York City Noise
14 Code, and one for violation of the Cabaret Law. I
15 paid the Noise Code violation, and took greater
16 measures to ensure that people stayed inside and did
17 not act to disrupt neighbors, and I intended to
18 challenge the—the Cabaret Law citation. The—at the
19 time that the police officers, there's a rock concert
20 happening. There was no dancing taking place, but
21 people were swaying, and that raises the question
22 what is the difference between dancing and swaying or
23 toe-tapping or head-nodding? If you're walking
24 through the bar, are you're required to beat this
25 natural footsteps from the music. [background

2 comments] It is impossible to comply with that. When
3 I finally arrived to contest the ticket, I was told
4 that they had no record of the summons at the
5 courthouse and it had either been thrown out or lost
6 for whatever reason. I did not have the opportunity
7 to contest it in court as I would have enjoyed, but
8 yes, that was my experience receiving a citation for-
9 -

10 CHAIRPERSON ESPINAL: Did—did you feel
11 any—did you feel that it was sort like an adversarial
12 kind of relationship between you and the city, and
13 maybe even the community while making these
14 complaints?

15 ANDREW MUCHMORE: It made me fearful
16 because there are so many laws and regulations on the
17 books that as Rachel explained it's almost impossible
18 to be always in perfect compliance with everything.
19 For instance, three people can start dancing in half
20 a second. If you don't have someone in that room
21 when it happens, by the time the police officers
22 arrive they would have been half a block down or a
23 block down the road having a slice of pizza. I was
24 called by the bartender and I came back, and saw that
25 the ticket was being issued. I had been there

2 earlier and saw only swaying. So, you can't—when you
3 have laws that are being consistently violated and it
4 could not possibly be enforced literally what you get
5 is arbitrary haphazard enforcement. It's a shortcut
6 in place of the actual laws that are on the books to
7 address reasonable concerns like the Noise Code and
8 the Fire Code.

9 CHAIRPERSON ESPINAL: Okay, thank you.
10 Brandon, just—just to go back to the complaint issue.
11 You know, you mentioned that your new neighbors all
12 these luxury development that's happened in the
13 community and around the restaurant that has really—
14 really built and adversarial relationship with
15 restaurant and kind of helped—helped create a problem
16 between you and city?

17 BRANDON HOY: Yeah, and I agree. I
18 think—I think a lot of this comes from a place of
19 fear. You try to build these relationships with your
20 community, and you want them to reach out to you
21 directly and let you know how you're performing in
22 the city, or with—with them, and it—and it—and it's
23 hard to communicate with them especially as new more
24 wealthy tenants start to move in. They feel like
25 they're—they're obligated to—to put this pressure on

2 these local business that have been there, you know,
3 making that community.

4 CHAIRPERSON ESPINAL: Do you have any
5 experience? Do you have any sort of heavy
6 enforcement tactics or anything that was taking upon
7 you because of those complaints?

8 BRANDON HOY: No, we have a great
9 relationship with the 90th Precinct, and—and I try to
10 maintain that relationship, and they're very—and
11 they're—they're very good about letting us know ahead
12 of time what the situations are, but again you have
13 no control over your neighbor call 311. They—they
14 can call an endless amount of times, and then it just
15 moves up to the community board, and at some point,
16 they're—they're forced to do something, and—and
17 there's just—it seems like there's no—no apparatus
18 there for us to talk directly to these people. We're
19 just bypassing each other, and—and it creates poor
20 communities and—and it's very hard for the operators
21 and the—and the small business owners to—to keep
22 pushing forward because they live in fear.

23 CHAIRPERSON ESPINAL: Would say that the
24 businesses in the neighborhood are willing to work
25 with residents--with the residents, and willing to

2 work with the city to find a way where we can find
3 common ground and—and understand that each component
4 makes up the ecosystem of the neighborhood?

5 BRANDON HOY: I—I've never spoken to
6 another operator who didn't feel like they were
7 willing to go outside and talk to the people of their
8 community about what their problems are. Very rare—
9 like I said, when you're—when you're young it's very
10 easy. This industry is a—is a gateway to
11 entrepreneurialship, and it's a very easy business to
12 get into at a very young age, and if you're a 25-
13 year-old and you're out there and you're trying to
14 operate your business, you may have blinders on and
15 haven't figured out yet how to communicate with your
16 community. And, I think that's what this is—that's—
17 that's what we're here to do is try to build some
18 sort of apparatus where—where small business owners
19 can communicate directly with the people of their
20 community, and say we're not here to be a problem for
21 you. We're here to be a resource for you, and an
22 amenity for you, and—and we just need to communicate
23 with each other and—and try to see eye-to-eye so we
24 can resolve these problems.

2 CHAIRPERSON ESPINAL: So, Chris, you—you
3 talked about musicians being victims of wage theft
4 and the workers needing representation. Can you
5 speak a little more to that and how you think they'd
6 be—the Office the Office of Nightlife or the night
7 ambassador or night mayor might be helpful with that.

8 CHRISTOPHER CARROLL: Absolutely.
9 [coughs] Absolutely, and thank you for the
10 opportunity. The vast majority of musicians come
11 into New York City at some point whether performing
12 in a bar at some point will be performing in a
13 restaurant a club and it is an industry where there
14 are a lot of—there are very few protections to ensure
15 that there's actually a way to make a fair living.
16 This is a—a workforce that or an industry where I
17 wish I were lying when I say the wage floor is zero.
18 It's not often we have someone come into a business
19 and you have to justify being paid in the first
20 place, and it's - Because of that, it means that
21 those places where you are finding yourself work, you
22 are doing it for exposure. It's great for the
23 Twitter feed. You often hear it is great for your
24 You Tube channel, but that's not going to feed you.
25 And because of that, the—the lack of protections that

2 are currently in place, help enforce this wage fraud
3 issue. The Cabaret Law, the opposite of night life,
4 the task force should be addressing these issues to
5 ensure that we are creating an environment, a
6 cultural environment, a small business environment, a
7 nightlife environment that actually supports these
8 people who are all too often exploited, all too often
9 under-represented.

10 CHAIRPERSON ESPINAL: Rachel, the last
11 question and I really want to talk about the DIY
12 scene, and I think this touches on a lot of issues
13 that were mentioned earlier, but one, you know, one
14 quote I want to take is from the owner of the former
15 space in Williamsburg called Zebulon, a space that
16 was very popular and actually was the space where
17 the-the Black American band on TV on the Radio
18 actually played one of their first shows. You know,
19 now they're a major hit and everyone remembers that
20 they came from Brooklyn and that really helped sell
21 the Brooklyn Grand as a place for artists to come. But
22 he shut his doors not too long ago, and he-he-and
23 what he was quoted as saying that the people around
24 us don't want us. I was told there were a lot
25 complaints. As the neighborhood turned, was the

2 venue--? He—he couldn't deal with the amount of
3 enforcement, the amount of fines that were being put
4 of—put upon him, and he shut his doors, right, and he
5 says why would you--? And then he—I guess his
6 question was to resident. He said why would you move
7 next to a music place, if you don't want some music?
8 But I see that as again the issue with the lack of
9 communication between the city and the residents and—
10 and the venues, right, and because of that, he shut
11 down, and I read recently that he's actually opening
12 up his same Zebulon Part 2 but in Los Angeles.

13 RACHEL NELSON: Okay.

14 CHAIRPERSON ESPINAL: Right and I have
15 that here that we're going to continue seeing that.
16 Over the past few years I saw the numbers, we saw 20%
17 of the—of small venues actually close. Bushwick in
18 Reynoso's district we've heard a lot of venues again
19 being hit by MARCH like a task force that—that brings
20 in all the—al the agencies. You know, I understand
21 there's a concern and—and—but the city and the fear
22 that these spaces may not—might not be safe, but what
23 I've been hearing is that all of the—all these
24 venues, all of the people who run these venues
25 actually want to run a safe space for their patrons.

2 What they want also to have is the opportunity to
3 allow artists and the local communities to showcase
4 their art, showcase their music and allow New
5 Yorkers—everything in New York is going to be part of
6 that social artistic movement as well. Can you just
7 talk about I guess some of the issues that DIY is
8 seeing—is seeing now, and then possibly how do you
9 think the—the Mayor Office will be able to help you
10 with that?

11 CHAIRPERSON ESPINAL: So, the DIY culture
12 is like a vibrant part of New York City's Brooklyn to
13 talk about TV on the Radio. We had Yeah Yeah Yeahs
14 play one of their first shows at our space back in
15 like the early 2000s and late 90s and so, the thing
16 is that I feel like there's an exploitive nature in
17 the relationship where like the city wants us because
18 we—we create this amazing culture that people from
19 all over the world come to but as a city like—or an
20 area like Williamsburg begins to gentrify, the rents
21 go up, the commercial rents go up, the resident
22 things go up, they no longer need us. So, then they
23 push us to the next neighborhood to help us do the
24 same thing to another under-utilized neighborhood.
25 It's really hard for DIY spaces. It's not like we

2 don't pay rent. It's not like we don't have things
3 and expense like we have insurance and what we are is
4 offering an alternative space to people who don't
5 necessarily fit into the sort of square of some of
6 the other venues that are, you know, Cabaret
7 Licensed. So, I think the—the task force or the
8 nightlife office would be amazing just so people can
9 have like the basic essentials of what it means to be
10 safe. Now, maybe not every space is going to be able
11 to get to get up the level of cabaret fire code, but
12 is there a happy medium in which there's enough exits
13 that aren't blocked. People know basic fire safety.
14 Like is there a way that we can bridge these things so
15 that these spaces that are vital that New York City
16 acknowledges is vital can continue to operate. I
17 think a lot of those are educational fire safety.
18 Some people, you know, sometimes you're doing
19 something wrong and you know it and you get away with
20 it, and sometimes you're doing something that you
21 don't know is wrong, and when you're told it's wrong,
22 it's like sort of shocking to you. Like I didn't
23 know you couldn't dance for a long time. [laughs]
24 Alright, and so you have a party and people start
25 dancing and you don't even know it's wrong until all

2 of a sudden an agency comes. But I think that there
3 is definitely a need for communication. I—one of the
4 first thing I do when I move into neighborhood is
5 contact the community affairs officers, and explain
6 to them exactly who we are because in the past we've
7 done really big events like we had at Bushwick, which
8 is a—a drag queen festival, you know, that gets
9 international press, international people. And I
10 always reached out to the community affairs office
11 and the police precinct and that was something that
12 was very helpful to me, and I think that just the—the
13 nightlife office might be something that actually
14 could sort of start to fill that role is to be a
15 place where you reach out and sort of gather
16 information where you know how you how you talk to
17 the police about these things, and just creating a
18 new dialogue. Because really what we need to do is—
19 is not like criminalize these places. More, we need
20 to make them safer and we need to make them better so
21 that people can continue to do that, and people
22 continue to come to New York.

23 CHAIRPERSON ESPINAL: Yeah, so you—so you
24 mentioned the Cabaret Law. The Cabaret Law you feel
25 is also in the ring in that community, and, you know,

2 I—I would say DIY is still more an alternative, more
3 independent, probably bring a different kind of type
4 of crowd and the more mainstream business. Do you
5 think that at point in history that the—the Cabaret
6 Law was being used to target those spaces because of
7 that alternative crowd that it might brought in?

8 RACHEL NELSON: I mean for sure. There's—
9 there's a definite tinge to it, but, you know, you
10 have artists that are weirdos. There's the entire
11 range of the queer (sic) community. There's the
12 Latino community that gets picked on endlessly and
13 it's all because of, you know, dancing, and so I
14 think it's—it's-it' really it's like the thing that
15 let's people in, right? It's the thing that the
16 police can say that they know they can get you on at
17 first.

18 CHAIRPERSON ESPINAL: Like a Trojan
19 horse?

20 RACHEL NELSON: Yeah, it is. So, it's
21 like—it's like the thing that like somebody is
22 dancing, therefore, we're going to come in and see
23 what else you're doing wrong, and like we've said in
24 this whole panel like you're always doing something
25 wrong. Like you, if you have the sign in the wrong

2 spot because you don't know where the sign is
3 supposed to go, then you're in violation of having
4 your sign displayed correctly. So, how can we ever
5 be legal? How can we ever—how can we ever conform or
6 have enough legality to—to satisfy the status quo,
7 you know.

8 CHAIRPERSON ESPINAL: Yeah, and those—
9 those fines are—are super owners especially when
10 you're already dealing with the real estate market.

11 RACHEL NELSON: Oh yeah, I mean--

12 CHAIRPERSON ESPINAL: Right and, you
13 know, we just heard recently the Shea Stadium story,
14 a great venue that's existed in Bushwick for a long
15 time to shut down because of the amount of violations
16 they received and they said it just wasn't—the risk
17 wasn't viable for us to continue doing business, and
18 when they were able to raise enough money to pay all
19 their fines, the landlord said well, we don't want
20 you in this place any more because we're—we're going
21 to open with a night club, right. So, I—I think
22 that's like the reality.

23 RACHEL NELSON: It's—it's a real thing.
24 I mean we're—we're being placed—displaced constantly.

2 CHAIRPERSON ESPINAL: Right, alright
3 thank you. Antonio.

4 COUNCIL MEMBER REYNOSO: Thank you,
5 Chair. This is a great topic. I'm so happy that
6 we're taking this on. As the Chair of the DCA
7 Committee I really feel like we're going to make
8 great strides in this—in this area and look forward
9 to repealing the Cabaret Law for sure. So, I
10 represent Williamsburg in Bushwick and Rafael Espinal
11 and I have a lot of things in common. We're both
12 young Dominicans that represent North Brooklyn
13 [laughter] but we're also—we're also—we're hardened
14 criminals where we—

15 CHAIRPERSON ESPINAL: I'm younger, I'm
16 younger.

17 COUNCIL MEMBER REYNOSO: He is younger,
18 [laughter] but we're hardened criminals or we're
19 dance outlaws. I see a couple of owners here and I
20 won't call out your establishments directly, but I
21 frequently break the law in their—in their location
22 or their establishment. [laughter] Yes. Pager, put
23 your hand down. Don't get yourself in trouble, but,
24 you know, it—for me what this legislation really
25 speaks to is—is building a system that works for all.

2 The City is very much interested in making sure that
3 our nightlife exists. I've had conversations with
4 the Administration within manufacturing districts
5 about the value of nightlife, and they are definitely
6 fighting to make sure that there is a space is for
7 it, and then when you look at their processes and
8 their laws and their policy, it doesn't speak to
9 that—that same advocacy I guess. So, it's about
10 finding a way to make that happen. I think this
11 nightlife may or—or just some type of task force that
12 can really get you to establish better communication
13 with communities, residents an opportunity to do more
14 right with a more practical approach than these
15 marchers and these random ways that they think
16 enforcement might work, and they could really put us
17 in a path to get to where we all want to be, which is
18 making sure we're lawful, making sure we're still
19 having fun, there's a place for fun, and that we're
20 doing things in the right place at the right time.
21 So, I'm very supportive of the legislation. I'm also
22 very supportive of the—the legislation to repeal the
23 Cabaret Law, and looking forward to that time. I do
24 want to say two things, though, very quickly just to
25 Roberta's. It's in my district in the—near the

2 manufacturing center. I just want you to be mindful
3 that there was a history in that part of the district
4 long before Roberta's was there. It's a
5 manufacturing district. So, when you say there was,
6 you know, no neighborhood, it was a manufacturing
7 neighborhood. So, you know, your right next to
8 Boar's Head that has over 2,000 employees, right, and
9 for them they get more—more fines and tickets and
10 calls from 311 regarding noise when they're
11 distributing, you know, Boar's Head meat in their
12 trucks, and they're like oh, the trucks are too loud,
13 and Boar's Head is—is thinking about leaving, too.
14 They don't want to be there because of the 311
15 complaints and—and this is exactly why I think this
16 is going to work because the complaints you're
17 getting, they're getting because of you because
18 there's more residents now that feel comfortable
19 living in a manufacturing district because there's
20 actual commercial spaces that could—

21 BRANDON HOY: [interposing] It is my
22 fault.

23 COUNCIL MEMBER REYNOSO: Exactly.

24 BRANDON HOY: I know.

2 COUNCIL MEMBER REYNOSO: So, you're—so
3 you're—so my thing is if we would have had this
4 nightlife mayor or taskforce or some establishment
5 with the Mayor's Office to look at how you can be
6 where you are in the—in the right context then we
7 wouldn't have this problem. You wouldn't fighting
8 away 311 calls, you wouldn't be fighting away these—
9 these tickets. I really think that there is a way we
10 can do this better, and we're falling short. If we
11 let it keep going it's only going to get worse. So,
12 again, just very happy that this is happening here.
13 We came from the Market Hotel. I remember we had
14 some folks there that are in Bushwick also in my
15 district. I just like to show Rafael that my—my—my
16 district is much cooler than his.

17 CHAIRPERSON ESPINAL: I—I spent a lot of
18 money at that rate.

19 COUNCIL MEMBER REYNOSO: Thank you.

20 CHAIRPERSON ESPINAL: Oh, yes.

21 COUNCIL MEMBER REYNOSO: Thank you.

22 [laughs] So, again, we think that this City Council
23 I'm hoping that when we pass this legislation
24 hopefully in the next coming months that we actually
25 have a big dance party in chambers when [laughter]

2 we pass the vote, and hopefully we can invite you
3 all. So, thank you again. Take care. Stop dancing.
4 [laughter]

5 CHAIRPERSON ESPINAL: Thank you, Antonio.
6 Okay, well—well thank you for the first panel. We
7 appreciate you guys coming out and sharing your
8 stories. Thank you.

9 MALE SPEAKER: Thank you.

10 CHAIRPERSON ESPINAL: I'd like to call up
11 the next panel. We have the adminis—administration.
12 [background comments, pause] We have Tamala Boyd, the
13 General Counsel of Consumer Affairs; Shira Gans, The
14 Mayor's Office of Media and Entertainment; Lindsay
15 Greene from the New York City Mayor's Office; and
16 Kristen Sakoda from the Department of Consumer
17 Affairs. Thank you all for being here. As soon as
18 you're ready, just state your name. Oh, but we're
19 going to take an oath first. [background comments,
20 pause]

21 So, will you please raise your right
22 hand. Do you affirm to tell the truth, the whole
23 truth, and nothing but the truth in your testimony
24 before this committee today, and to respond honestly
25 to Council Members questions?

2 PANEL MEMBERS: [in unison] I do.

3 CHAIRPERSON ESPINAL: Thank you. You may
4 begin.

5 SHIRA GANS: Good afternoon. For the
6 record, my name is Shira Gans. I'm the Senior
7 Director of Policy and Programs for the Mayor's
8 Office of Media and Entertainment. I'll be providing
9 testimony today on behalf of Commissioner Menin, who
10 is out of town and sends her regrets that she can't
11 join today. Good afternoon, Chairman Espinal and
12 distinguished members of the Committee on Consumer
13 Affairs. My name is Julie Menin, Commissioner of the
14 Mayor's Office Media and Entertainment. Thank you
15 for the opportunity to testify on Intro No. 1648.
16 The Mayor's Office of Media and Entertainment
17 encompasses the creative sectors of film, TV,
18 theater, music, advertising, publishing and digital
19 content. All tolled, these industries account for
20 over 300,000 jobs and an economic output of over \$100
21 billion. MOME is a one-stop shop for all television
22 and film production in New York City. In addition,
23 or office manages workforce and education
24 initiatives, public programming that supports the
25 media and entertainment sectors, and oversees the NYC

2 media, the largest municipal broadcasting entity in
3 the country. Last year when Mayor de Blasio
4 appointed me Commissioner he expanded our portfolio
5 to include music marking the first time the industry
6 has had a champion in city government. In the short
7 time since music was added to our portfolio, we
8 commissioned the first ever economic impact study of
9 New York City's music industry and found that the
10 sector supports nearly 60,000 jobs, accounts for \$5
11 billion wages, and generates \$21 billion in total
12 economic output. We helped secure the Grammys return
13 in 2018 making the first time the award show will
14 take place in New York in 15 years, and jus this
15 month launched New York Music Month, the first ever
16 citywide celebration of New York's music sector
17 featuring 30 days of events. As part of the month,
18 we have done everything from underwrite over 2,000
19 hours of free rehearsal space for musicians to
20 provide free music walking tours, to create a website
21 with a comprehensive calendar of all the music events
22 happening in June. I am pleased to share that last
23 Thursday as part of his New York Works Initiative,
24 the Mayor announced that MOME will expand to include
25 a nightlife ambassador. The position will serve as a

2 liaison to the music and nightlife community acting
3 as the central point for coordination between venues,
4 city agencies and communities. A community advisory
5 board that will include—include representatives from
6 each will support the Ambassador. We believe the
7 Mayor's vision for the role echoes the vision laid
8 out in your bill. As such, we support the intent of
9 the bill in consideration today. Over 30 cities
10 including London, Paris, Amsterdam and Berlin have
11 offices dedicated to nightlife. They have seen
12 reduced noise complaints and increased compliance.
13 Our goal is to produce similar results. MOME has
14 experienced that balancing the needs of government,
15 creative industries and communities necessary to
16 successfully manage the nightlife ambassador role.
17 For 50 years now, MOME has served as a one-stop shop
18 for film production within the five boroughs. We
19 focus on supporting this creative industry while
20 minimizing impact on residents. On any given day our
21 office is managing between 100 and 150 productions,
22 and each year process over 12,000 permits. We work
23 collaboratively with the productions and a variety of
24 city agencies to coordinate filming activity, ensure
25 compliance with permit requirements. To do this, we

2 send out field representatives daily to conduct
3 inspections on parking and safety. If a film
4 production is not a good neighbor, we work with them
5 to get them in line with best practices. This
6 formula for reconciling creativity with compliance
7 has been extremely successful. While filming in New
8 York City is at an all-time high with 56 episodic
9 shot last season, the number of complaints from New
10 Yorkers are low. Out of over 19 million calls to 311
11 this past year, only a little over a thousand, or
12 .005% were complaints about film or television
13 production. We attribute this in part to our
14 proactive policies that minimize the impact of
15 filming our community. My tenure as Commissioner of
16 the Department of Consumer Affairs also provides a
17 framework for establishing a nightlife ambassador.
18 At DCA over the course of one year, we reduced fines
19 of small businesses by more than half, and advocated
20 for curable violations. This required the creation
21 of the new infrastructure most notably the creation
22 of the legal ombudsman position focused on helping
23 businesses navigate complicated rules. At the same
24 time, DCA remains strong in protecting consumers in
25 matters of public health and safety such as the sale

2 of expired medication or tobacco product—tobacco
3 products to minors. The role of the nightlife
4 ambassador presents another opportunity for a
5 paradigm shift. Nightlife is both a cultural and
6 economic driver for New York City. Every year 56
7 million tourists visit generating \$61 billion in
8 economic activity. New York boasts over 26,000
9 eating and drinking establishments which employ over
10 300,000 New Yorkers. The city also boasts seating
11 capacity of over 400,000 seats for live music. Jobs
12 and wages for largescale concerts and venues are
13 growing at a rate of 7% and 12% respectively fast
14 outpacing the rest of the economy and local music
15 artist communities comprise roughly 12,000 jobs and
16 \$600 million in wages. That being said, there are
17 challenges. Our Music Economic Impact Study revealed
18 that in the past 15 years over 20% of small venues
19 have shuttered. These venues are centers are
20 essential incubators of talent, and crucial to a
21 vibrant nightlife. Give the economic and cultural
22 significance of the night time economy, New York
23 needs a nightlife ambassador. Announced last week,
24 the scope and structure of the position is still
25 being developed, but I can share with you the broad

2 vision. First, we intend to balance the needs of the
3 community and the businesses and patrons that
4 comprise the nighttime economy. As I've outlined, we
5 have done this successfully with film production, and
6 we expect to do the same the night time economy. The
7 Community Advisory Board that will complement the
8 nightlife ambassador is key to ensuring this balance.
9 Second, we believe strongly that venues and other
10 night time economy businesses can be brought into
11 compliance with health and safety regulations without
12 curtailing their creative expression or ability to
13 operate. We are open to assessing with our
14 counterparts in City government the merits of the
15 regulations that currently govern this community of
16 businesses. Third, we are open for dialogue.
17 Critical to the development of its office will be
18 feedback from industry and community. Though we are
19 in the initial development phases, we do plan to hold
20 town hall meetings throughout the five boroughs to
21 hear from both community members and businesses about
22 how the city can better support the night time
23 economy and help bars and venues be good neighbors.
24 MOME supports the intention of Intro 1648 and is
25 excited to usher in a new era in city government one

2 in which nightlife has an ambassador that champions
3 both the needs of the industry and the community.
4 MOMÉ intends to support the night time economy,
5 harness the creative entrepreneurial spirit that
6 defines New York's nightlife scene while ensuring
7 compliance with the rules and regulations that keep
8 New York safe and communities healthy. We look
9 forward to working collaboratively with the Council
10 as we define the scope of this new role. Thank you.

11 CHAIRPERSON ESPINAL: Thank you. We've
12 also been joined by Amit Bagga from DCA. So, from
13 the panel, and also by one of my great colleagues
14 from Brooklyn Steven Levin of Williamsburg. Thanks
15 for joining us. [pause]

16 LINDSAY GREENE: Good afternoon, Chairman
17 Espinal and members of the committee on Consumer
18 Affairs. I'm Lindsay Greene, Senior Advisor to the
19 Deputy Mayor for Housing and Economic Development. I
20 work closely with several agencies that are involved
21 with economic development, public space and business
22 opportunity including the Department of Consumer
23 Affairs, the Department of Small Business Services
24 and the New York City Economic Development
25 Corporation among others. I'm joined today by

2 several colleagues from various that touch-for
3 entertainment include Shira Gans, the Senior Director
4 of Policy and Programs at MOMÉ from whom you just
5 heard; Tamala Boyd, General Counsel as the Department
6 of Consumer Affairs; and Kristen Sakoda, Deputy
7 Commissioner and General Counsel at Department of
8 Cultural Affairs. Shira and I will be giving the
9 testimony today, and Tamala and Kristen are joining
10 us for Q&A. We are pleased that we are representing
11 Mayor de Blasio's Administration here today. First,
12 Chairman Espinal, I want to thank you for the work
13 you've already been doing with us nightlife issues
14 broadly. Second, let me echo Shira's statements that
15 this administration feels strongly that nightlife is
16 essential to the New York City economy and culture
17 and we want to help the industry flourish and ensure
18 all New Yorkers are safe and security while they are
19 enjoying the diversity of the city's entertainment
20 and nightlife offerings. We are excited to work with
21 you in reviewing these nightlife issues and to
22 discussing the specific of your bill in our recent
23 announcement as the nightlife ambassador and the
24 mayor's job friend. (sic) Briefly I want to speak
25 about the Cabaret Law, which has come up already in

2 the context of—of this current hearing [coughs] and
3 answer any questions you may have about current
4 enforcement. As you know, the Department of Consumer
5 Affairs has been issuing licenses under the Cabaret
6 Law, which was first enacted back in 1926. As you
7 are also aware, the city of New York is in active
8 proceedings regarding a challenge to the city's
9 Cabaret Law. As such, unfortunately, we are unable
10 to comment today on certain aspects of the Cabaret
11 Law that was into that litigation. As it relates to
12 the enforcement of current Cabaret Law, it is
13 important to note a few things. The enforcement of
14 Cabaret License is not the primary mission of the New
15 York City Parks Department. It is our understanding
16 that the New York City Police Department has enforced
17 this law under this administration, but it has been
18 infrequent, and we are aware of the historical issues
19 with the law's enforcement, and we want to be clear
20 that this particular administration has not taken
21 those controversial approaches to the Cabaret Law
22 under Mayor de Blasio. Furthermore, I would like to
23 point out that the Cabaret Law is an old law, and
24 that the Administration is having a number of very
25 active discussions internally amongst all the

2 relevant agencies regarding the Cabaret Law. These
3 discussion, however, are very ongoing, and given the
4 pending lawsuit, we cannot comment on the specifics
5 of those discussions at this time. Again, I want to
6 echo that the de Blasio Administration firmly
7 believes in the importance of nightlife entertainment
8 to the city's economy, culture and identify, and we
9 look forward to working with on your plans for
10 helping the industry flourish and expand in a safe
11 and responsible way. Thank you for inviting us to
12 testify. We welcome your questions.

13 CHAIRPERSON ESPINAL: Thank you. Thank
14 your for your testimony, and thank you for your
15 comments on the nighttime ambassador, and also on
16 the Cabaret Law. So, I guess my-my question, and I'm
17 going to start with the Cabaret Law. How many
18 Cabaret Licenses does DCA give out per year,
19 currently?

20 LINDSAY GREENE: I believe that number is
21 97 is the current number of licensed cabarets?

22 CHAIRPERSON ESPINAL: And-and what are
23 some of the-what do you feel are some of the
24 obstacles that businesses might incur obtaining that
25 license, if any?

2 LINDSAY GREENE: I know there's a number
3 of requirements to the license similar to many other
4 license and permit categories. I think and I can't
5 speak for some of the business centers that you heard
6 earlier, but I can say certainly the nature of
7 business regulation is something we take very
8 seriously. As you know, from our Small Business
9 First effort, we've—we are making a lot of efforts to
10 reduce that burden on businesses and sort of
11 streamline some of their points of contact, and we
12 expect to and look forward to doing the same in the
13 context of our nightlife ambassador.

14 CHAIRPERSON ESPINAL: So, does the—do
15 you—would you know if—if the Cabaret License is—oh,
16 sorry. Let me change my question. So, what—what
17 are—what are the major points of the current Cabaret
18 License that you feel is important for the
19 administration to keep in the books?

20 LINDSAY GREENE: As I—as I said
21 previously, we are reviewing the—the details of the
22 Cabaret Law currently, but in the context of the
23 current lawsuit, a lot of those specific aspects we
24 can't get into here today.

2 CHAIRPERSON ESPINAL: Were you able to
3 explain what the—the importance of the Cabaret Law as
4 it stands?

5 LINDSAY GREENE: Not to specific—I think
6 to what you're asking again there's a lot of things
7 we're discussing internally and unfortunately a lot
8 of those aspects related to the central pieces of
9 litigation.

10 CHAIRPERSON ESPINAL: Okay, would the
11 administration agree that we shouldn't have laws in
12 the books that have a history of being used and a way
13 to target establishments of color or establishments
14 that allow alternative folks or a different kind of
15 people, people who aren't in the mainstream to be
16 able to express themselves freely in the way they
17 choose to express themselves?

18 LINDSAY GREENE: We definitely agree
19 that we should not be using laws for any
20 discriminatory purposes and we don't intend with
21 anything that we do to go after any particular group
22 of people and the Administration particularly at the
23 Mayor's direction has made it a real effort to reduce
24 the burden on small business owners regardless of
25 their identity or background. So, it's something we

2 take very seriously, and we want to make sure that
3 whatever we do going forward with the nightlife
4 office, it definitely takes—takes those issues into
5 account.

6 CHAIRPERSON ESPINAL: You mentioned that
7 the law has been used infrequently, but infrequently
8 also means that it has been used in certain cases in
9 certain circumstances.

10 LINDSAY GREENE: Yes, that is my
11 understanding.

12 CHAIRPERSON ESPINAL: Would you be able
13 to point out circumstances where—where the law was—
14 where the law was enforced?

15 LINDSAY GREENE: I do not have those
16 specific stats. I know that it has been a downward
17 trend over—over the last several years, but
18 unfortunately I do not have those specific stats.

19 CHAIRPERSON ESPINAL: Okay, so my—my—my
20 full intention is to repeal the law from the books,
21 right. I want to repeal the law, and look at what
22 are the issues in the law that the city might have
23 trouble of—of letting, or taking—taking away from—
24 from the law itself and I—I know security is
25 important—is an important measure, right. We want to

2 make sure that venues have security guards. Make
3 sure that the cameras are in place and make sure that
4 they're not firetraps. So, would you say that those--
5 those points I just mentioned are--are very important
6 to keep on the books, or is this something that we're
7 looking to consider removing or just not talking
8 about only because--I say that because a lot of
9 business owners feel that--that the cabaret is also
10 duplicative, and a lot of the safety measures that
11 law calls for they already have to do and follow
12 with--with the appropriate agencies within--within the
13 Mayor's Office.

14 LINDSAY GREENE: Sure, we recognize that
15 there's a complex set of regulations that impact from
16 that industry, and a lot of those things do overlap.
17 It's among the things we're discussing, and we agree
18 with you that security and safety of the patrons and
19 the workers and the performers are important. So, we
20 are definitely looking at all those things.

21 CHAIRPERSON ESPINAL: How does the city
22 feel about dancing in any establishment across the
23 city that plays music?

24 LINDSAY GREENE: Well--well--

2 CHAIRPERSON ESPINAL: [interposing] How
3 does the city feel about dancing going on in
4 establishments or bars across the city that are not
5 in the heavily manufacturing areas?

6 LINDSAY GREENE: I can't speak to, you
7 know, where it takes place specifically and, you
8 know, as it relates to the specific aspects of the
9 type of dance and the type of venues that's—it goes
10 to the core of the lawsuit that we're currently
11 enacting proceedings on. So, I can't talk about
12 those specifics today.

13 CHAIRPERSON ESPINAL: Okay. So, I'm
14 going to—since it seems that we—we can't really talk
15 about the law because of the--

16 LINDSAY GREENE: [interposing] Yeah.

17 CHAIRPERSON ESPINAL: --what's going on
18 within the courts. I'm just going to state record I
19 am going to introduce a full repeal to the law, but
20 I—I—I want to have a conversation, a real
21 conversation once we do that on—on what the city
22 feels is important in order to make sure that the
23 nightlife industry is in a safe environment for its
24 patrons.

2 LINDSAY GREENE: Understood. Council
3 Member Espinal we would hope to be in apposition to
4 have that conversation with you.

5 CHAIRPERSON ESPINAL: Okay, great. When
6 it comes to the night ambassador, now a lot of—a lot
7 of what you mentioned in your testimony is very
8 similar to the bill I have in place, right. Where do
9 you see the overlap, and where do you see places
10 where we can make changes and work together pushing a
11 bill that—that would work for—for the Mayor's Office?

12 SHIRA GANS: As I mentioned in my
13 testimony, this was just announced last week. So,
14 we're excited to work with the Council
15 collaboratively to align the vision set out in your
16 bill, and the vision that we're developing. That
17 scope is currently being defined. So, we're happy to
18 work with you.

19 CHAIRPERSON ESPINAL: So, how long has
20 the Mayor's Office been working on this issue?

21 SHIRA GANS: Music was added to our
22 office approximately a year and a half ago in
23 February of 2016 when Mayor de Blasio appointed Julie
24 Menin as Commissioner, and so since then we've been
25 working to just understand the landscape. One of the

2 first things we did was hold a music industry
3 convening here at City Hall. We have over 75
4 industry stakeholder really for an open dialogue. As
5 I mentioned in the testimony, we're here to listen.
6 So, we spent most of that time just hearing from
7 stakeholders about challenges and opportunities and
8 ways maybe the city could be more supportive. We
9 also commissioned an economic impact study. That's
10 the first time the landscape has really been
11 evaluated or defined, and we felt that was important
12 as we start to do that work, and then we've begun
13 rolling out initiatives. One I mentioned is New
14 Yorkers Music Month, which is ongoing, and elements
15 of that initiative echo some of what we heard when we
16 had a convening, concerns around the costs for
17 musicians. So, we underwrote over 2,000 free hours
18 for musicians, access issues. We've underwritten
19 free programming for children in under-served
20 communities, in silos and a lack of dialogue. So, on
21 June 1st we held a conference of NYU bringing
22 together stakeholders across the industry as well as
23 folks in the real estate sector where over 200 people
24 joined. So, it's been a little bit over a year, but
25 we are actively listening and rolling out programming

2 that we hope will make it an easier place to do
3 business.

4 CHAIRPERSON ESPINAL: So, when you say
5 stakeholders across the industry, can you name some
6 of these industries and what sort of-- like is the
7 DIY space, people who work in the DIY spaces part of
8 that conversation?

9 SHIRA GANS: We're happy to send you a
10 list if you'd like of all the folks who attended. It
11 was last June. So, I wouldn't want to misspeak. We
12 speak to all the people who attended, but we're happy
13 to provide that list. I know we also said as we
14 develop the scope of this we do plan to hold town
15 halls across the five boroughs to hear from
16 communities and anyone who wasn't able, you know, to
17 fit in the blue room last June, we plan to open the
18 dialogue to a much wider tent.

19 CHAIRPERSON ESPINAL: Will you just
20 further explain what-how you feel the-the office of
21 the night ambassador what-how would it be instructed.
22 Do you have any information on what the vision is of
23 the Mayor's Office?

24 SHIRA GANS: Beyond what's in the
25 testimony the scope is really still being defined,

2 but we do see it as a central hub in the same way
3 that for filmed productions we serve as a one-stop
4 shop where we try to streamline permitting processes,
5 be a point of information, and be an entity that
6 listens to both businesses and community members.

7 CHAIRPERSON ESPINAL: Do you see any
8 issues in the way my bill is currently drafted that
9 the administration might have moving forward?

10 SHIRA GANS: Nothing that rises to the
11 level of this moment.

12 CHAIRPERSON ESPINAL: Okay. I'm trying
13 to get to something here. I just can't find it. So,
14 the reason I've—you know, I started working on-on the
15 idea of creating the Office of Night Mayor over a
16 year ago, and the reason I—I got—I looked into that
17 possibility is because of what—a lot of what's been
18 happening in Brooklyn, right, specifically. We have
19 a lot of these small venues who again as I mentioned
20 earlier have been encountering issues with—with—with
21 the city of New York. Right, they feel that there's
22 this interagency taskforce that comes on any given
23 night, and most likely they come in on one of their
24 hottest nights of the year, and ends up shutting the
25 business and closing the closing the doors in the

2 middle of the night. They've lost—they've lost
3 thousand of dollars on revenue. It has—have accrued
4 thousands of dollars in fines, and the city never
5 really played a role in helping them understand why
6 they're receiving all—all of these fines, and why
7 it's not—it's never been open for conversation on how
8 we can work together to make sure that their business
9 stays in place because we as a city should recognize
10 the importance of those venues, right. Because of—
11 because not only because of the financial capital or
12 the jobs it creates, but also because of the cultural
13 capital it creates for our city, right. Millions of
14 people come to our city every year because of how
15 great our music scene has been because how great our
16 restaurants scenes have been and our bar scene has
17 been as well. So, I—I think it's important that how—
18 that the Office works as a true liaison between our
19 venues and our communities and—and our
20 administration. What I would hate to see is perhaps
21 a night ambassador a night mayor that is beholden
22 more the Mayor's Office and less to the actual
23 community who understands all the issues that are
24 going on on the ground. I want to make sure that
25 this office takes the concerns of the venues first

2 before the city decides to go in and-and-and go into
3 the business with-with heavy enforcement tactics. Is
4 that something that you envision happening with this
5 office?

6 LINDSAY GREENE: Yes, Council Member
7 Espinal, I think we-we fully agree and one of the
8 reasons that we've talked about this office in the
9 context of the-of MOME is that that isn't an agency
10 that very by its nature exists to be that liaison
11 between different aspects of the entertainment
12 industry, and rest of the-the sort of city
13 infrastructure broadly. We definitely, as you will
14 see it in our jobs plan, think about nightlife as a-
15 as a central part of what makes the city a great
16 city, and it supports all the work we're doing other
17 from an economic ground perspective to create jobs,
18 and create vibrant commercial homes. So, we very
19 definitely want it to be at a place where there's
20 focus on understanding the business needs and
21 balancing those with what we hear from our colleagues
22 and other agencies regarding public safety.

23 CHAIRPERSON ESPINAL: So, I-I think this
24 industry as a whole agrees with the concept. They're
25 very eager to see this office, but again, I really

2 want to see his office truly work for those venues,
3 and not be a way where instead of having a night
4 mayor that's coming out to help us, they work as a
5 night mole coming into the venues and finding all of
6 the issues within the venues, and—and shut—and
7 finding reasons to shut them down. Aside from that,
8 I—I've been hearing a lot from local communities
9 they're concerned that if the city moves to help
10 bolster the night time economy that in some way or
11 another quality of life in their communities are
12 going to—are going to decrease and see a decline.
13 But, again, my intention with this office is to find
14 a happy medium between the community and the venues.
15 You know, we heard about 311 complaints coming into
16 Roberta's years after they opened, right. I told you
17 the story about Zebulon closing his stores because
18 new residents had issues with the music coming out of
19 his space. So, I think it's important that in these
20 town halls that we—we include the community so they
21 can understand that this is not office just to create
22 more jobs or-or-or things of that nature, but also an
23 office that will recognize the—the-the—again the
24 culture capital these space bring to their
25 communities and find that medium where the—where the

2 community can understand that, and also understand
3 that they have that they can have that open dialogue
4 with their venues. So, you know, any thought on that
5 on—on making sure we engage the community on a—on a—
6 with a court press and they and truly understand and—
7 and look at the numbers that we're seeing Amsterdam
8 where 30% of crime and noise complaints have gone
9 down because of this office.

10 SHIRA GANS: We 100% agree. I was
11 actually just going to echo those same statistics and
12 our conversations with the Amsterdam night mayor.
13 You know, he cited to us those reductions and so, we
14 see this. We are an agency that sits in the Economic
15 Development Portfolio, but we do understand the
16 importance to cultural landscape and that this isn't
17 just a jobs driver. And so we look forward to
18 holding large and it includes the town halls across
19 the five boroughs to hear from everybody who was
20 affected by this, and everybody should have a voice,
21 and that's something we believe strongly and the
22 commissioner has a track record of doing that.

23 CHAIRPERSON ESPINAL: Would the office be
24 willing to include my office in those conversations?

2 SHIRA GANS: We are happy to work with
3 you collaboratively as we roll out that schedule.

4 CHAIRPERSON ESPINAL: Okay, I think my
5 question for now before I hand it over to Steve is
6 my-my bill calls for the task force to be created.
7 That task force will have five appointments from the
8 Mayor's Office, and four appointments from City
9 Council. Does the Mayor's Office have any issues
10 with that-with that number?

11 LINDSAY GREENE: I think at this point
12 it's too nascent for us to commit to those specific
13 details, but we are happy to work with you
14 collaboratively as we define what that task force
15 will look like.

16 CHAIRPERSON ESPINAL: And I think that
17 number is important again because I want to stress
18 the-the independence or-or be able to make sure if
19 the--what the people actually feel as if this is a
20 very independent office and not motivated to after
21 venues that are not in compliance 100% with-with the
22 city's laws, but as the venue were at a space where
23 businesses and stakeholder can actually come in and-
24 and air out all of their concerns without any fears
25 of retribution?

2 SHIRA GANS: I think we're committed to
3 that kind of process.

4 CHAIRPERSON ESPINAL: I actually had a
5 conversation with Molik, the Night Mayor of Amsterdam
6 recently and he told me that he felt that it was
7 important here in especially New York City because
8 Amsterdam is a much smaller city in New York that we
9 have several stakeholders from each borough that
10 would be there—we will be—will be part of the task
11 force indefinitely as—as—as long as the night time
12 officer is there so that they continue having that
13 independent voice and be able to guide the nightlife
14 ambassador, the night mayor of New York City. Does
15 that make sense to you?

16 SHIRA GANS: Again, we're in the process
17 of defining the scope. We know that you've been
18 doing work on this for the last year and have a
19 wealth of ideas and insights, which we welcome and we
20 look forward to working collaboratively with you as
21 we define and finalize the scope--

22 CHAIRPERSON ESPINAL: [interposing] Okay,
23 so I look forward to continue working with the
24 Mayor's Office hand-in-hand, shoulder-to-shoulder and

2 we can champion this together. So, wit that said, I
3 want pass the mic to Steve Levin.

4 COUNCIL MEMBER LEVIN: Thank you very
5 much Chair Espinal. Just a couple of quick
6 questions. With regards to the Cabaret Law, does
7 this administration believe that the Cabaret Law
8 since 1926 has been used in a discriminatory fashion
9 over the years?

10 LINDSAY GREENE: We're certainly aware
11 of-of some of those issues that might have occurred
12 in the past. We know that in the de Blasio
13 Administration we have not followed with those
14 controversial approaches to the-again more limited
15 scope in which we've used the law.

16 COUNCIL MEMBER LEVIN: Okay, but-but you
17 don't dispute that in the past, as has been well
18 documented going back to, you know, the 20s, the
19 1920s, that-that-that it's been used for
20 discriminatory purposes.

21 LINDSAY GREENE: We're aware of those
22 issues yes.

23 COUNCIL MEMBER LEVIN: Do you see a
24 relevant application of the Cabaret Law as written
25 today?

2 LINDSAY GREENE: We—as I mentioned
3 before are having a number of internal discussions
4 about—about the law, and its place in the context of
5 our current regulatory scheme. A lot of the
6 specifics go to the hearing of the lawsuit that we're
7 in the midst of processing. So, we can discuss those
8 specifics here today.

9 COUNCIL MEMBER LEVIN: How many—how many—
10 I'm saying this might have been asked before. How
11 many violations under the Cabaret Law have been
12 issued over the last, you know, during the—during
13 the—the—this past term of the de Blasio
14 Administration?

15 LINDSAY GREENE: We can get you those
16 specific numbers. I do not have those here today. I
17 apologize.

18 COUNCIL MEMBER LEVIN: So, you don't know
19 how—how often the law has been—has been exercised?

20 LINDSAY GREENE: I don't have those
21 specifics at my fingertips. I'm—I can get it for you
22 later.

23 COUNCIL MEMBER LEVIN: Okay, and then
24 does DCA conduct enforcement of—of the Cabaret Law at
25 all?

2 LINDSAY GREENE: DCA issues licenses
3 related to the Cabaret License and there are, you
4 know, a little under 100 licenses currently active.
5 There is some enforcement of the Cabaret Law that
6 happens amongst other agencies for none of whom the-
7 the Cabaret law enforcement is their primary mission.

8 COUNCIL MEMBER LEVIN: Okay, and
9 obviously people--there are, you know, hundreds of
10 establishments around New York City that are not
11 observing the Cabaret Law that allow for dancing.
12 They don't have a Cabaret License. It's just kind
13 of--I mean it's--it's--but--but the reality and the law
14 are--are pretty out of whack at this point. Do you, I
15 mean, obviously it would--this administration's--I
16 guess there are--is this--is this administration
17 approaching it so that the--the law conforms to
18 reality or that reality conforms to an outdated law?

19 LINDSAY GREENE: Our perspective on our
20 internal conversations is--is trying to understand how
21 best to support nightlife in its various forms in the
22 context of how it currently exists.

23 COUNCIL MEMBER LEVIN: So--so in terms of,
24 you know, the--the facts, does this--does this
25 administration have a--a legal issue with the fact

2 that hundreds of establishments are-are actually not
3 abiding by the Cabaret Law?

4 LINDSAY GREENE: Again, that goes to the
5 heart of the pending lawsuit. So I cannot comment on
6 those specifics.

7 COUNCIL MEMBER LEVIN: Is this
8 administration fighting the lawsuit?

9 LINDSAY GREENE: The administration is
10 currently defending the lawsuit in court, yes.

11 COUNCIL MEMBER LEVIN: Okay, because it's
12 been-is it within the Administration's jurisdiction
13 to-to settle the lawsuit?

14 LINDSAY GREENE: The Administration is
15 currently defending it. There are a number of
16 discussions that are-that are happening. I'm not up
17 to speed on the pace or the specifics of how those
18 are proceeding. I just know from our talents (sic)
19 that it is ongoing.

20 COUNCIL MEMBER LEVIN: Is the-the
21 Administration is not under a legal obligation to
22 defend the lawsuit. In fact the Administration
23 could-could-could, you know, the defense of-of the
24 Cabaret Law entirely, correct?

2 LINDSAY GREENE: I do not know the
3 specifics of—of that position. I know we are
4 currently defending the law's scope.

5 COUNCIL MEMBER LEVIN: Okay. Okay, thank
6 you very much, Chair. Thank you, thank you.

7 CHAIRPERSON ESPINAL: Oh, we've been
8 joined by Corey Johnson from the meat packing and the
9 west side of Manhattan from Chelsea as well.

10 COUNCIL MEMBER JOHNSON: Why did you
11 mention the meat packing district? You going to do
12 some nightlife there?

13 CHAIRPERSON ESPINAL: [laughs]

14 COUNCIL MEMBER JOHNSON: Good to see you
15 all. I wanted to come by and voice my support for my
16 colleague Council Member Espinal's legislation today.
17 I wanted to just mention that before I was elected to
18 the City Council, I was chair of the Manhattan
19 Community Board 4. I sat on the Liquor License
20 Committee of that community board for almost eight
21 years, and I know that community boards throughout
22 the city. I see some staffs are here, the District
23 Manager of Community Board 3. One of the biggest
24 issues that community boards deal with on a very
25 regular basis, and work with our offices on are

2 liquor license and nightlife related issues. My
3 experience has been that there are some, of course,
4 bad actors that create problems in a community in a
5 neighborhood, and it becomes a very big issue, but by
6 and large most liquor license establishments, most
7 established in the Cabaret Law if they are managed
8 correctly, if they good ownership and good people
9 they are—they are fine in the community. They fit in
10 and they're okay. I wanted to just ask a little bit
11 more about the Cabaret License, the Cabaret Law. I'm
12 fully in support of Council Member Espinal's
13 legislation. I'm really glad we're glad we're having
14 this hearing. I'm glad he brought this to the
15 forefront to talk about all the issues that surround
16 night life. Usually these are issues that are being
17 talked about in front of the State Liquor Authority
18 and in front of community boards and not here at the
19 City Council. And so, I think it's a good
20 opportunity for us to have this discussion. The
21 Cabaret Law can you forgive me. I'm not a lawyer and
22 I don't remember it. It's defined as how many people
23 dancing would mean that someone needs a Cabaret
24 License?

2 LINDSAY GREENE: I'll—I'll ask Tamala
3 Boyd, General Counsel at Consumer Affairs to address
4 those specific on the requirements of the law as
5 currently written. [pause]

6 COUNCIL MEMBER JOHNSON: It's three—
7 that's three people. The number is three, correct?

8 TAMALA BOYD: Excuse me?

9 COUNCIL MEMBER JOHNSON: The number is
10 three people. If more than three people are swaying
11 or dancing, technically the police or a multi-agency
12 task force that comes in could say you're violation
13 the Cabaret Law by not having a Cabaret License. Is
14 that correct?

15 TAMALA BOYD: No, I would not—I can't go
16 with your characterization.

17 COUNCIL MEMBER JOHNSON: Okay, correct
18 me.

19 TAMALA BOYD: Okay, I can read you what
20 the definition of what a cabaret is?

21 COUNCIL MEMBER JOHNSON: [interposing]
22 Sure, that would be helpful.

23 TAMALA BOYD: Okay, so the definition of
24 a cabaret is any room, place or space in the city in
25 which any music for entertainment singing, dancing or

2 other form of amusement is permitted in connection
3 with the restaurant business or the business of
4 directly or indirectly selling to the public food or
5 drink, and that it is except eating or drinking
6 places that provide incidental music or dancing. So,
7 there is no definition that includes waiting or-or,
8 you know, what you just said.

9 COUNCIL MEMBER JOHNSON: So, how do we
10 define dancing?

11 TAMALA BOYD: I don't try to define
12 dancing.

13 COUNCIL MEMBER JOHNSON: I think that's a
14 big-

15 CHAIRPERSON ESPINAL: [interposing] Amit
16 Bagga, do you want to try to answer this.

17 COUNCIL MEMBER JOHNSON: [interposing] I
18 think-I think that's a big issue here. So, from-the
19 reason why I bring this up is this law as was I'm
20 sure stated earlier by the Chair and by other members
21 of the committee and of the Council was initially
22 written in 1926 during prohibition, and it seems
23 insane to me that there are certain venues across the
24 city where there isn't a Cabaret License and it's
25 very hard to get a Cabaret License now, given the

2 fact that a lot of community boards have concerns
3 about a Cabaret License and what that's going to mean
4 when an establishment gets one. And so, there's—
5 there's all sorts of places without a Cabaret License
6 where we go dancing, bars, restaurants, party spaces.
7 If we all started dancing here right now in this
8 Council Chamber, I just—I think that the—the point
9 I'm trying to make is the law needs to be updated.
10 It needs to reflect what is accurately happening in
11 New York City right now. Should there even be a
12 license that's associated with dancing? I don't
13 know. For me I think the answer is probably no, but
14 I also understand—but I also understand the fact
15 being a former chair of a community board that on the
16 west side of Manhattan the far west side west of 10th
17 Avenue, west of 11th Avenue where it's zoned
18 manufacturing, there are large spaces that are
19 regulated in a certain way because they are
20 predominantly dance spaces, and there are certain
21 regulations, building guidelines, sprinklers, egress
22 issues that are associated with this. We—we saw what
23 happened with tragic fires in the past, what happened
24 in Oakland not that long ago, what's happened in
25 other places. So, I'm just not sure the appropriate

2 mechanism on this is a license of more than certain
3 number of people dancing. And the reason why I say
4 this is because my good friend and colleague Chair
5 Espinal, and I know the Mayor talked about this in
6 his jobs press conference last week. The nightlife
7 industry is a crucial industry in New York City. It
8 creates lots of jobs. It's good for tourism and
9 depending on the operator and the management
10 associated, it can be good for a community and a
11 neighborhood. And so, to have an office, a night
12 mayor associated with nightlife I think would be a
13 really good thing. So, that we have someone that
14 talks to community boards, that talks to block
15 associations that talks to owners and operators to
16 the-to the industry itself and can bring all
17 together. I know that in the past when certain
18 incidents have happened whether it be grand larcenies
19 associated with iPhones or incidents of sexual
20 violence that have occurred in certain places. There
21 have been one-off times of the industry coming
22 together with government to look at these things. I
23 fully support this piece of legislation and the
24 effort to even have a broader more robust and
25 holistic conversation related to how we foster

2 nightlife in New York City and how we crack down on
3 bad actors and operators that are a problem in New
4 York City and to keep our city safe. So I just
5 wanted to come here and see today Deputy Commissioner
6 Bagga, who I like very much. You're happy to—you're
7 happy to respond, but I just wanted to come by and
8 lend my support to my colleague, and also say I think
9 that nightlife is very important in New York City.

10 CHAIRPERSON ESPINAL: Thank you, Corey
11 Johnson. Is there anything else the Administration
12 would like to add to this conversation?

13 DEPUTY COMMISSIONER BAGGA: If I—if I
14 may, and nice to see you, Council Member Johnson and
15 Chair Espinal. I'm Amit Bagga, Deputy Commissioner
16 at the Department of Consumer Affairs. I think
17 briefly I would say we very much agree with you. We
18 very much agree that nightlife is a great driver of
19 economic development in our city. We have always
20 been a city that has welcomed with open arms not only
21 nightlife but creative New Yorkers, and I think we
22 want to ensure that we are working very closely with
23 the Council to craft a solution that makes sense for
24 everybody. And that's why I think Council Member
25 Espinal's bill is so smart because for the first

2 time, it would give the city the opportunity to have
3 a dedicated individual that not only Andrew Rigie can
4 call, but also Susan Stetzer can call and say I have
5 issue X or issue Y with a bar or restaurant I
6 represent, or Ms. Stetzer can call and say I have an
7 issue—I have issue X or issue Y with that very same
8 establishment, and there would be a mechanism, a
9 tool, a framework by which the City could begin to
10 address some of those issue. And Council Member
11 Johnson to your—one of the points that you made I
12 think one of the key features of the discussions
13 we've been having internally in preparation for
14 coming to talk to you today was to ensure that
15 whatever comes out of this process that the public—
16 the safety of the public is maintained. We know that
17 that is really important to—not only to community
18 boards, but also to the average New Yorker when he or
19 she walks into a room. You know, I think we exist in
20 a space where we don't expect that the building is
21 going to catch fire and fall down around us. And one
22 of the reasons for that is that is because the City
23 of New York our colleagues at the Fire Department
24 have done an amazing job over the years of enforcing
25 code, et cetera, and what we want to ensure is that

2 when people are going out to enjoy themselves that
3 they are safe. We also want to ensure that they have
4 the ability to do that and that creative expression
5 and—and nightlife can thrive. So, we—we very much
6 agree with your view on—on this piece of legislation.

7 COUNCIL MEMBER JOHNSON: Susan Setzer is
8 a shrinking violet. I have never heard her call
9 anyone there. She's an amazing New Yorker, and is a
10 huge advocate for our community. I'm glad she's here
11 today because she has a lot of good insight on things
12 that the city could be doing better, and I vote for
13 Council Member Espinal to be the night mayor of New
14 York City though I know he's running—

15 CHAIRPERSON ESPINAL: Thank you.

16 COUNCIL MEMBER JOHNSON: --for re-
17 election, but—

18 CHAIRPERSON ESPINAL: There's a few
19 candidate with me. (sic)

20 COUNCIL MEMBER JOHNSON: [interposing]
21 But, you know, there's no law against be the night
22 mayor and council member. Thank you, Chair.

23 CHAIRPERSON ESPINAL: [laugh] Thank you,
24 Corey. Well—well thank you for your testimony. I
25 just have this final question and it's—it's in

2 regards to this task force. I've heard the words
3 MTF, the Mayor's Taskforce. I've heard the
4 Interagency Taskforce. I've heard of MARCH, but I
5 think they all represent the same thing, right. It's
6 this taskforce that comes in on any given nights and
7 looks for every single issue where--in establishments
8 from as little as may the couch in architectural
9 plans is moved two inches to the left, and--or--or just
10 other--other small violations that ends up shutting
11 down the establishment for the--for the evening, and
12 also it ends up with them accruing thousand of
13 dollars--thousands in fines that most likely or not
14 ends up impeding their business and not probably may
15 even be able to operate in the future. Can you shed
16 light on--in that agency and tell me how it works and
17 who has oversight over this agency. Because I think
18 it's very crucial that the--that Mayor's Office really
19 has a conversation with the tone that they--that they
20 take on these businesses. And these businesses still
21 there's a real adversarial relationship between the
22 business and the city of New York.

23 LINDSAY GREENE: Sure, Chair Espinal. We
24 are happy to talk with you about the--the MARCH task
25 force in detail a member of the agencies that are

2 involved, and it's an interagency task force. So,
3 primarily enforcement agencies many of whom are in
4 our internal discussions regarding night life in
5 general. We do know that this Administration's use
6 of MARCH operations has been on the decline in the
7 last several years. We can share with you those
8 specific stats at a later date. I don't—I don't have
9 the exact numbers to recite here, but we do know that
10 those have been in decline.

11 CHAIRPERSON ESPINAL: They—I've—I can't
12 speak to what is there on the decline map, but I can
13 speak to about five or six different business owners
14 from all across the city who have told me the same
15 exact story without me even asking the question of
16 this task force. A lot of these businesses have—have
17 been operating in a legal manner. They've gotten
18 clearance from the community board, from the—from
19 their local police precincts and they've done
20 everything to make sure that they're up to code and
21 doing the right thing by the law. But I still feel
22 that this agency comes in and really impedes the
23 opportunity for them to do their business, and really
24 demoralizes the—the—their—their plan to create these
25 cultural spaces or create these—these events that

2 really benefit the city of New York. And I think it's
3 really important that after we—we—after you leave
4 here today that you have that internal discussion
5 about what is the tone that this—that this group is
6 taking when they encroach our businesses. We're
7 going to hear, I'm sure from a few folks out in the
8 crowd later on in later testimony about their
9 interactions with the State—with this interagency
10 force.

11 LINDSAY GREENE: Thank you. That's one
12 of those—it's—it's one of the items we're discussing
13 and we certainly don't want businesses to be overly
14 burdened. So, we—we understand those issues. We
15 want them to flourish, and we also want everyone to
16 also feel safe and secure. So, it's—it's a balance
17 and we're focused on striking the right tone and the
18 right balance.

19 CHAIRPERSON ESPINAL: Okay, thank you.
20 Thank you.

21 LINDSAY GREENE: Thank you.

22 CHAIRPERSON ESPINAL: You're free to go.
23 [background comments, pause]

24 CHAIRPERSON ESPINAL: I'd like to call up
25 the next panel. We have Susan Stetzer from Community

2 Board 3; Melissa Chapman from Brooklyn Chamber of
3 Commerce; Andrew Rigie from New York City Hospitality
4 Alliance; Paul Seres from the New York City
5 Hospitality Alliance; Jimmy Rodriguez from Jimmy's
6 Bronx Café; and Don Conque (sp?) and John Barclay
7 representing himself. [pause] So, Jimmy-Jimmy
8 Rodriguez from Jimmy's Bronx Café is not here. We
9 have Pedro.[background comments] Pedro from
10 Mamajuana Café. [pause] Pedro, did you sign up on
11 one of these? Did you sign one of these cards? Yeah.
12 [background comments] I may just get them if the
13 sergeant-at-arms can pass.

14 SERGEANT-AT-ARMS: I'd be happy to do
15 that.

16 CHAIRPERSON ESPINAL: Yeah. Alright,
17 thank you. You may begin. Just state your name for
18 the record. [pause] There you go.

19 JOHN BARCLAY: Check. Hi. Thank you.
20 My name is John Barclay. I am a small bar operator
21 in Brooklyn. I don't want to name my bar because I
22 like many people are paranoid about further
23 enforcement. So, I am a bar manager who has
24 repeatedly been adversely affected by the cabaret
25 regulation and the MARCH task force. I support a

2 full repeal of the law, the Cabaret Law, which I
3 believe is absurd, antiquated, racist and dangerous.
4 I currently operate a small bar that in five year has
5 had literally zero noise complaints. It's in good
6 graces with our local precinct and community board.
7 We've had zero insurance claims, and we exist
8 peacefully with our neighbors. We have a certificate
9 of occupancy, a place of assembly, emergency
10 lighting, several egresses, regularly inspected fire
11 extinguishers. We employ licensed and insured
12 security guards who are also certified fire guards.
13 We've gone through dozens and dozens of Fire
14 Department, Department of Buildings, State Liquor
15 Authority, Department of Health, and NYPD
16 inspections. Yet, we live in constant fear and
17 paranoia of our city government. We have had—we have
18 received this cabaret citation, and know that if we
19 do not continuously enforce the no-dancing policy we
20 are risking our livelihoods. I believe firmly that
21 the city's safety argument in favor of supporting or
22 advising the Cabaret Law to be terrifyingly
23 dangerous. When New Yorkers are pushed out of hyper
24 regulated otherwise licensed venues on grounds of
25 Cabaret Law, they do not cease to dance. Rather,

2 they go further underground into completely unreg-
3 unregulated and often on times--and often times unsafe
4 buildings very similar to what happened in Oakland.
5 The government of New Yorkers is fully aware of this,
6 and thus willfully endangering its citizens by not
7 seeking out a practical solution. I believe the
8 inception of this law to be of racist intent. I know
9 more often than not the current enforcement protocols
10 are still weaponized against marginalized groups
11 particularly African-American, Latino and LGP--ooh,
12 there's a lot of letters in there. LGBTQ. The
13 safety and noise concerns occasionally discussed in
14 regards to Cabaret--Cabaret Law are already addressed
15 extensively through various governmental departments.
16 We insist that safety precautions should be applied
17 based on capacity and alcohol and not pertain to
18 dancing at all. I am asking NYC City Council and I
19 guess that's sort of repetitive. New York City
20 Council and the Mayor's Office for a full repeal on
21 the New York City Cabaret No Dancing Law. We will
22 settle for nothing less than the complete
23 decriminalization of dancing. [pause] Thank you.

24 SUSAN STETZER: Thank you. Hello, my
25 name is Susan Stetzer. I'm District Manager for

2 Community Board 3, which is Lower East Side, East
3 Village and Chinatown, and we--

4 CHAIRPERSON ESPINAL: [interposing] You
5 had all of the great music venues back in the days.
6 You still do have some, but you--

7 SUSAN STETZER: We've--we have, yes, we do
8 have a wonderful history. I'm--I'm thinking of stuff
9 like--

10 CHAIRPERSON ESPINAL: [interposing] I
11 know.

12 SUSAN STETZER: --Five Spot and places
13 like that. What I am submitting for testimony is our
14 current district needs statement. There are two
15 sections. The intro--well the introduction describing
16 our neighborhood and also the economic development
17 section and a Nightlife SLA Licensing section, and
18 I'm here to speak only about the Nightlife Task
19 Force. The Community Board 3 does not have a
20 position on it, but we have many concerns, and one of
21 the first is that there seems to be--we have a lot of
22 conversations and a lot of people involved, but not
23 the community boards and not the community. I very
24 accidentally found out about it I think it was last
25 Thursday. There is not a one-size-fits-all for

2 licensed establishments. You're not going to Times
3 Square is not the Lower East Side. A neighborhood
4 that has been resident for over 100 years is not the
5 same as one that is commercial or zoned for
6 manufacturing. Economic Growth is always good, but
7 putting businesses and residents in conflict is not
8 good. Some people want to party until 4:00 a.m. and
9 that's fine as long as residents and especially
10 children can sleep. The issue is we need balance.
11 The East Village and Lower East Side has lost their
12 local businesses, the ones that serve the community
13 including our local bars. We now have blocks of
14 storefronts that are closed all day creating a day
15 time blight, and no day time foot traffic because
16 they're either vacant or they're nightlife opening at
17 5:00. A task force must show balance for the
18 communities—for the communities and the nightlife
19 industry. We must work together to co-exist without
20 conflict. One community board member is not balanced
21 to representation. We need better representation,
22 and we need concern and focus protect—protecting
23 residential community quality of life, as well as
24 protecting our diverse small businesses. I have not
25 heard one concern about the overwhelming noise from

2 nightlife in the residential communities between
3 11:30 and 4:00 a.m. The task force should—this task
4 force is not about protect—protecting small
5 businesses because we have lost our small businesses
6 and what we have moving in is more corporate
7 destination night life. We have the second—my
8 community board has the second highest income
9 diversity gap in the city. We have many other needs
10 besides the night life. So, it's—it is an important
11 force, but we have many other needs besides that, and
12 I want to say when you ask why someone is living next
13 to a music venue or next to a 4:00 a.m. bar, maybe
14 you should find out who was there first? For
15 instance I have lived in my apartment in the East
16 Village since 1970. We were glad to have restaurants
17 and bars move in, but there is a balance. The East
18 Village has become richer and lighter. We are losing
19 our diverse community. It is the people that have
20 lived there that are being displaced and I just want
21 to say at the last page of what I submitted is
22 commercial noise complaints for every community board
23 in the city for fiscal year to date, and if people
24 wonder why we have so many concerns, you will see we
25 have 3,975. Way more than any other board. So, we

2 do have to deal with those issues, too. I think my
3 colleagues here will tell you that we always try to
4 work with them, and that's what I'm asking about, to
5 not have us focused and bias on one side, but to work
6 for everybody to not be in conflict. [background
7 comments]

8 ANDREW RIGIE: I'll go and then we'll
9 send it back to Paul. Good afternoon. First, I want
10 to thank the Council Member for introducing this
11 legislation. I know I can't ask everyone to give him
12 a round of applause, but definitely deserves one of
13 these. So, my name is Andrew Rigie. I am the
14 Executive Director of the New York City Hospitality
15 Alliance. We are a not-for-profit trade association
16 that represents restaurants, bars, clubs, lounges
17 throughout the five boroughs. We believe that it's
18 vital for New York City to allocate significant
19 resources to the nightlife industry or more aptly as
20 it's been referred to multiple-multiple times today
21 the night time economy. According to the last study
22 conducted, the city's night time industry generated
23 an economic impact of more \$9.7 billion. Annual
24 attendance and nightlife venues totaled more than
25 three times the attendance of all New York City sport

2 teams combined. This industry provides good paying
3 jobs and opportunity. Our industry's influence on
4 the local economy, culture, soul, music art and
5 social fabric of our city is undeniable. That's why
6 my colleagues like Paul Seres and others have been
7 calling on the city to create an office for support
8 of our city's night time economy. So, again, we're
9 thankful to Council Member Espinal for recognizing
10 the need, taking action and we're also now happy to
11 see and hear that the de Blasio Administration seems
12 to embrace this concept as well. So, I'm testifying
13 in support of the legislation to create an office of
14 nightlife within the city of New York. As proposed,
15 the legislation will also create a task force that
16 will make recommendations to the Mayor and Council on
17 ways to improve laws and policies that impact
18 nightlife. And after careful consideration instead
19 of creating a task force separate from the office of
20 nightlife, which as drafted would be dissolved after
21 it submits its recommendations, we suggest
22 establishing as we discussed a standing advisory
23 board to that nightlife office with a similar
24 mission. We believe that this ongoing collaboration
25 between the Office and the Advisory Board will allow

2 for a more informed and more impactful outcome for
3 all the stakeholders. Today, my colleague Paul
4 Seres, who is also the Hospitality Alliance's Vice
5 President and founding trustee is going to speak a
6 little bit more about the nightlife office because he
7 has extensive experience working with other cities
8 and people from around the globe on these issues.
9 Before I hand it over to him, I do want to address
10 oversight of the New York City's Cabaret Law. As
11 we've heard so many times today the Cabaret Law and
12 its enforcement is controversial. Over the years the
13 courts have rightfully struck down provisions of the
14 law as unconstitutional. Today, we have somewhat of
15 a skeleton of the original Cabaret Law, and in some
16 cases does less to prohibit various activities
17 related to dancing and acts more a license ensuring
18 that other zoning and public safety laws are adhered
19 to before patron dancing is authorized in a
20 commercial establishment. As such, by eliminating
21 the Cabaret Law, all bars, clubs and restaurants will
22 not be allowed to permit dancing. To allow patron
23 dancing the business would still have to be located
24 in the zone that allows dancing, and they must
25 install the public safety system required by the

2 building and Fire Department, and comply with other
3 laws and regulations as well. Therefore, while the
4 repeal satisfies people who are understandably
5 concerned with the history and the application of the
6 enforcement of the law, it will not effectively create
7 new locations and new businesses where patron dancing
8 may be permitted. So, I do want to say that we
9 believe that there is certainly a middle ground to be
10 found that could allow vibrant nightlife, people to
11 dance, public safety and balanced community needs,
12 and that's exactly the reason why we think that an
13 office of nightlife is so important. Because all of
14 the stakeholders will be able to work together to
15 ensure that nightlife dancing, economic development
16 can all occur, but in a way that allows for
17 expression but, also controlled so not to harm the
18 public. In addition to myself, my colleague Paula
19 and many others, we have a deep roster of people with
20 tons or experience in the areas of nightlife
21 operations, laws, regulations and familiarity with
22 what other cities around the globe are doing to
23 manage and promote their night time economy. So, we
24 would be honored to participate on a task force and
25 our advisory board will continue to work with your

2 officer and the Mayor's Office to ensure that our
3 nightlife can stay vibrant. So, I want to thank you
4 for supporting our industry. Your interest and
5 consideration of my comments and say that if we do
6 want to remain the city that never sleeps, this city
7 must, must the night time economy. So, now I'd like
8 to introduce my colleague Paul Seres who will share
9 some of his experience and expertise and nightlife
10 task forces and offices.

11 PAUL SERES: Great. Thank you Andrew and
12 thank you Chair Espinal for this. I've been waiting
13 for this hearing actually for about ten years. So,
14 I'm really excited to be here to testify on its
15 behalf. In 2004, the New York Nightlife Association
16 produced the first of its kind for any major city, an
17 economic impact study to understand the true value of
18 the hospital industry and what it means to New York
19 City. The simple idea that it--this simple idea that
20 had never been done prior for the industry was a
21 unique window into the economic value that the
22 industry provides to the city. Here are some things
23 we learned back in 2004. Nightlife back then was a
24 \$9 billion per year industry. At that time, we had
25 more admissions to our venues than all the

2 professional sports teams combined. We had more
3 admissions to all our venues than all the Broadway
4 theaters combined. Back then our workforce was over
5 20,000 and as we've heard today, it's approaching
6 well over 300,000. With other—with other industries
7 moving away from New York City due to the exorbitant
8 costs to operate, hospitality has been the only
9 growth industry our city has endured since the
10 recession of 2008. This can be attributed to several
11 factors one of which is the weak dollar compared to
12 the Euro, and other currencies that attract over
13 58,000 million tourists to our fair city every year.
14 Which in 2015, spent over \$70 billion. Our
15 restaurants, pubs, neighborhood bars, night clubs,
16 and lounges aren't there exclusively to serve the 8
17 million people living in the five boroughs, but they
18 are there for many visitors we have pumping more and
19 more money into our local economy. Since we did that
20 economic impact study in 2004, the number of licensed
21 establishments and destination hotels have increased.
22 This may be attributed to—this may be attributed to
23 commercial rents increasing, and alcohol being a
24 commodity business owners could offer to make those
25 high rents. If we are an industry that puts that

2 many people to work taking care of all of the guests
3 and visitors we have coming to the city, making them
4 feel welcome, don't you think it is about time we had
5 our voice in the city government. As with most
6 cities—as with most things our industry has evolved.
7 That is why in 2012 the New York nightlife
8 Association dissolved and we became the New York City
9 Hospitality Alliance, looking at hospitality as a
10 whole. This brings me to my first point of the
11 proposed legislation the name. The Office of
12 Nightlife is too limiting. We have day life, we have
13 other events going on during the day, and we believe
14 that this would all come under this one office. So,
15 we believe something that encompasses all aspects of
16 the industry will be more suitable. Therefore, we
17 proposed the Office of Hospitality be the Office of
18 Hospitality and Entertainment much more appropriate.
19 San Francisco in 2004 implemented the San Francisco
20 Entertainment Commission. This is probably the most
21 successful example of including hospitality in local
22 government that exists today. The commission holds
23 an office inside City Hall as part of the Mayor's
24 Officer. There are seven volunteer commissioners who
25 vote on licensing permitting and venue—for venues as

2 well as well as special events including outdoor
3 festivals. The San Francisco Entertainment
4 Commission is responsible for new legislation such as
5 the admin—such as the Administrative Planning Codes,
6 which—which deals with new residential and new hotels
7 or motels near places of entertainment. This ground
8 breaking legislation states the following:

9 1. Authorizes the San Francisco
10 Entertainment Commission to hold a hearing on any
11 proposed residential development located near a place
12 of entertainment and empowers the Commission to
13 provide written comments and recommendations to the
14 Planning Department and Department of Buildings
15 inspections about any noise issues related to the
16 proposed project;

17 2. Requires lessors and sellers and of
18 residential property near places of entertainment to
19 disclose to new lessees and purchasers the potential
20 for noise and other inconveniences potentially
21 association with nearby venues; and

22 3. Establishes that no place of
23 entertainment located near a residential development
24 shall be a public or private nuisance on the basis of
25 noise if the venue operates in compliance with

2 permits and appropriate laws. For too many years
3 opening a licensed establishment anywhere in New York
4 City has been anything but pleasant, but a pleasant
5 welcoming experience. The Not in My Backyard
6 Movement has empowered community boards and created
7 hostile encounters when any applicant must present
8 their case for the business they want to open. I get
9 the fact that these neighbors are upset that the
10 communities are losing a lot of the mom and pop
11 stores that helped create the fabric that is their
12 neighborhood. The commercial rents are only going up
13 and, therefore, the only businesses that can afford
14 them are big box chain stores—big box chain stores
15 such as Starbucks, Walgreens, Duane Reade, banks and
16 restaurants and bars. These problems are not
17 exclusively unique to New York City. In my travels
18 with responsible—Responsible Hospitality Institute, a
19 not-for-profit that has been around for more than 30
20 years helping municipalities who understand the
21 importance of a vibrant night time economy we see the
22 same problem no matter the size of the city. So how
23 do you balance the needs for residences with the
24 needs for businesses? In other cities they have
25 hospitality and entertainment districts similar-

2 similar to our met packing where the bulk of night
3 life establishments are all within a radius much
4 easier to manage. Traffic studies, pedestrian
5 safety, outlining areas of quality of life are all
6 issues that can be easily addressed. Why aren't we
7 as a city addressing these issues with stakeholders
8 so that we can get past the hostile rhetoric of
9 residents versus business owner? If you took away
10 all of the bars and restaurants in these
11 neighborhoods that feel like they are under siege -
12 under siege, what would happen when all of the-what
13 would happen with all of the unrented storefronts.
14 We should be working together as a city, not against
15 one another. This idea of an office nightlife for a
16 night mayor is nothing new. It started in Amsterdam
17 and blossomed from there. London, Toronto, Cali
18 Colombia, Edmonton, Sidney, Vancouver, Pittsburg are
19 just a few of the major cities that are bought on
20 this position of night mayor, night manager. Iowa
21 City and Orlando are two more U.S. cities that just
22 hired their positions and demonstrate that no city is
23 too small. Too many of my peers have decided that
24 opening up a new establishment in New York City is no
25 longer worth the trouble. So, they would rather open

2 up a new venue in a city that welcomes them. They
3 want to go where they appreciated and why shouldn't
4 they? I myself are no longer looking to open up
5 anything new in the city, rest easy. [laughter] But
6 I found a community that welcomes the—welcomes the
7 job and the business that I would bring them. We are
8 a complex city with complex issues. Far too long the
9 city agencies have looked at small businesses as the
10 city's ATM. At times there is a voice in city
11 government for an industry that provides so much in
12 the way of taxes, jobs and paying our fair share of
13 fines that help drive economy and keeps New York as a
14 Major destination for tourism. Thank you.

15 [background comments, pause, laughter]

16 ALYSSA CHAPMAN: Good afternoon, Council
17 Member Espinal and guests. I'm Alyssa Chapman,
18 Senior Vice President for Public Affairs at the
19 Brooklyn Chamber of Commerce and I'm delivering this
20 testimony on behalf of our President and CEO Andrew
21 Hoan. With over 2,100 active members the Brooklyn
22 Chamber is the largest Chamber of Commerce in New
23 York State. We promote economic development across
24 the Borough of Brooklyn as well as well as advocate
25 on behalf of our member businesses. The Brooklyn

2 Alliance is the not-for-profit economic affiliate of
3 the Brooklyn Chamber, which works to address the
4 needs of businesses through direct business
5 assistance programs. We are very supportive of this
6 committee's proposal to establish a nightlife task
7 force to identify common regulatory issues that pose
8 serious challenges to nightlife operators and
9 subsequently make recommendations to effectively
10 address them. This is exactly the type of forward
11 thinking support that small businesses need to thrive
12 in our city. According to the proposal, once the
13 bill is enacted, the nightlife task force must hold
14 one public hearing in each borough. We urge that a
15 special effort be made to engage the local chambers
16 of commerce as well as my colleagues on this panel
17 since we have direct connections to my nightlife
18 operators and we can be very effective in serving as
19 liaison between these establishments and the task
20 force. By extension, the Brooklyn Chamber also
21 agrees with the proposal to establish an office of
22 nightlife to further advocate for nightlife
23 operators. These--this--I'm sorry. The provision that
24 this office will monitor 311 complaints against
25 nightlife establishments, and assist them to navigate

2 city license requirements will prove to be very
3 valuable tools for small businesses who typically do
4 not have the time nor resources to challenge
5 frivolous accusations and address compliance issues
6 where needed. To increase the effectiveness of this
7 office, we highly recommend that the office of
8 nightlife include a mobile component in its outreach
9 efforts since small business owners find it very
10 challenging to leave their establishments and go to a
11 city office to get assistance. We encourage
12 utilization of the city's existing Chamber on the Go
13 program, which goes directly to businesses to save
14 them time and resources. On the subject of the New
15 York City's Cabaret Law we respectfully suggest that
16 it should be repealed because it poses stringent
17 limitations nightlife establishments and, therefore,
18 is bad for business. One of the sticking points of
19 this law is that it makes it illegal for three or
20 more people to dance at a nightlife establishment
21 with the Cabaret License, which is very difficult and
22 expensive to acquire. As such, at any moment
23 nightlife operators can face-face burdensome fines
24 and face closures. In the Brooklyn Chamber's 2006
25 State Member Issued Survey, 21% of respondents

2 identified government regulations, fines and
3 violations as a—as a severe obstacle to doing
4 business. Whereas, 25% said that there was a
5 problem. Nightlife establishments can contribute
6 greatly to job—job creation and economic stability in
7 our city. If they are to thrive, they will need more
8 support from government agencies and less red tape.
9 We applaud this committee—this committee's efforts
10 for inviting stakeholder to discuss proposals for
11 making this a reality and we look forward to working
12 with the New York City Council to create a welcoming
13 environment for businesses in our city with Chamber
14 on the Go being a significant component of this
15 process. Thanks.

16 PEDRO GOICO: Good afternoon. My name is
17 Pedro Goico. I'm a co-owner of Mamajuana Cafe up in
18 Queens, located in Woodside New York. I want to
19 first say thank you. I just found about this hearing
20 yesterday, and I couldn't sleep because I wanted to
21 be here so, to testify and I'm very happy that I have
22 the opportunity to do so. I'm a Dominican. I came
23 here when I was 14 years old and the first thing my
24 mom showed me was how to dance. She told me if you
25 don't dance—know how to dance as a Dominican I guess—

2 --Councilman you that it was a duty as a young man to
3 earn how to dance.

4 CHAIRPERSON ESPINAL: I still need some
5 lessons I would need to take.

6 PEDRO GOICO: And--and yesterday actually
7 was my birthday, and Father's Day and I was telling
8 my daughter because she's 8 year old that she must
9 learn how to dance. So, in the house I don't see I
10 will not tell my daughter that she cannot go to a
11 restaurant and stand up and dance. With that said, I
12 found today I am very lucky with business opportunity
13 because I actually cover a license. So I found
14 myself I guess in one of those hundred lucky people
15 and the State of New York that have a--or the City of
16 New York that have that privilege I guess it's
17 called. But at the same time next to my night club I
18 have a restaurant which one of my customer will walk
19 into my restaurants. They're dancing or back and
20 forward, they have to stop dancing in my restaurant
21 because of the Cabaret License--they cannot dance in
22 the restaurant, but they can dance next door through
23 a door that divide the club and the--and the
24 restaurant. So, with that said, I think that a lot
25 has been said today about the nonsense of the Cabaret

2 Law. I think that I'll be, you know, repeating
3 myself after so many professionals have spoken. I
4 want to talk a little bit more about the task force,
5 right, because that's my biggest concern. I think
6 Cabaret License thing should be announced and we
7 should move forward, and we'll be here supporting you
8 in anything you need from the business community to
9 make that happen. So you can count with our support,
10 but I also want to talk about—a little bit about
11 Washington. I think that we have certainly a lot of
12 opportunity today and I Brooklyn you have done a
13 great, great job on—on diversifying and creating, you
14 know, all this—the good business, but also Washington
15 eights have done the same, and I don't own a business
16 in Washington Heights, but I have a lot of Dominican
17 colleagues and from other—I hate to emphasize on
18 where we come from, but we are all the same. But,
19 you know, they have been suffering a lot because of
20 this. Washington Heights when they came from the
21 Dominican Republic, the first thing my father told me
22 don't even pass by there because you might get shot.
23 Today, it's a destination center is where people go
24 dance. The [speaking foreign language] Salsa, and I
25 do—I do agree that we have to respect our neighbors,

2 and I think when I—when Roberta's the—the owner of
3 Roberta's said that at 25 years old he didn't know
4 where to go. I had the same situation. You know,
5 when I was young I didn't—you know, I didn't
6 understand, you know, what—my focus was my business,
7 but then slowly started going to all these community
8 boards even the ones that are not in my neighborhood,
9 and I started understanding what the community, you
10 know, needed and I embraced them. I think that we
11 should respect the community, but we should work with
12 them. When—I forgot her name. She said they would
13 advise us about it. I think they will not. I think
14 our customers are so important to us in the
15 neighborhood. I don't see any—I—I don't—I wouldn't
16 understand any business owner that would not like to
17 work with the community. Dangerous, it's not a bit.
18 Whoever does that just does not have business sense.
19 Also we talk about money. Yeah, money is important,
20 you know, bringing jobs and everything, but we also
21 like to embrace the community. So, I'm very in favor
22 that this agency creates—have people in there. I
23 felt I wanted to stand up and leave when the—the city
24 department was here before because even you felt
25 that, you know, the tension on—on this, and that's

2 the same way we feel when this task force walk into
3 our business. The last that that happened to me,
4 when I walked down I saw some many police officers, I
5 think that a shootout happened or something, and they
6 were no we just came to check. They come like we are
7 criminals and we are not. We are business owners.
8 They came from different places. Some are born here,
9 and I think treating us like that is unfair. I do
10 agree that we have to respect the community. We have
11 to work with community boards and all this, but stop
12 treating us like criminals because we are not.
13 Again, I went to sleep last night at 4:00 in the
14 morning. I woke up today at 8:00 in the morning to
15 be here, you know, to testify. So we do that
16 everyday. There are some business owners that are
17 not here today because they went home at 4:00 in the
18 morning to their families, you know. The last thing
19 that I wanted to say also about—and I like to embrace
20 the community board a lot because, you know,
21 sometimes we have this kind of love and hate
22 relations, and I think it should be like that. But
23 I'm also—I also live in the State of New York. I'm
24 also a resident of somewhere and, you know, because I
25 guess I have my own business sometimes I hear a

2 little noise. It doesn't bother me. But I'm also a
3 resident and I like business to respect the law. So,
4 I just want my testimony to be that we are fully,
5 fully in cooperation to work with your office and we
6 use it to create this community board to respect the
7 community as business owners. We are not here to
8 make noise and let people sleep. I think we are here
9 to make good business and make New York better.
10 Thank you.

11 CHAIRPERSON ESPINAL: Thank you all for
12 your testimony. I—I would tell you guys all to clap
13 if we can but [laughs], but thank you. Thank you for
14 all of your stories and your testimony. I have a
15 question for the Hospitality Alliance. Can you tell
16 us generally what are the challenges from like a
17 mystery that you represent such space in New York
18 City? Is it flourishing? Is it declining? What are
19 the—how do you—what's the pulse sort of been like?

20 PAUL SERES: What we need to find is
21 flourishing. What we need to find is flourishing.

22 CHAIRPERSON ESPINAL: I mean is—is New
23 York still being seen as the place where you'd want
24 to go to--

2 PAUL SERES: Again, I think—I think—I
3 think we've had a boom in the hospitality industry
4 because I think of how our economy took a turn, and
5 the dollar got weaker where other currencies got
6 stronger. So I think in tourism. I think you still
7 young people, millennials even centennials coming and
8 moving into the city in higher and higher numbers
9 right out of college trying to make their mark and I
10 think they're moving into a city like New York City
11 because of the social elements. You know, what does
12 the city have to offer them? What does it offer
13 their peers? Where—where are they going to go
14 socialize, and when you hear from the diversity from
15 everything from the do-it-yourself community, the DIY
16 community in Brooklyn and what they are capable are
17 doing, and how they're able to organize their
18 communities all the way through to the destination
19 hotels that are—that are in Manhattan or now—now
20 lining the streets in Williamsburg. The
21 diversification of what hospitality is, is expanding
22 and it's going outwards because there are no more big
23 box clubs in—in—in New York City. You know you, I
24 think there's Webster Hall right now. Space I
25 believe is closing. I think there was a movement to

2 try to get Pasha reopened, but in terms of a large
3 dance, a night club n Manhattan, they really exist
4 any more. So, the industry is going through some
5 flux. I think day life, which I mentioned in my
6 testimony is a very important aspect to that. I
7 think there--there are people that would rather go out
8 during the day than rather go out during the night,
9 and then what are--what are those challenges? How
10 does affect the neighborhoods and communities. Those
11 are the issues.

12 CHAIRPERSON ESPINAL: Do you have any
13 suggestions for improving the legislation that we're
14 hearing today?

15 PAUL SERES: I don't. I agree with
16 Andrew that I don't know that the task force would be
17 necessary. However, I do think that there is an
18 ongoing committee that is making recommendations
19 where you get all the stakeholders.

20 CHAIRPERSON ESPINAL: But they--but if the
21 task force was put in place in definitely, then it
22 will make sense?

23 PAUL SERES: It makes sense rather than
24 to do it just--

2 ANDREW RIGIE: [interposing] The full on
3 year.

4 PAUL SERES: --on what the office is,
5 yeah. I think Susan Setzer makes--makes a very, very
6 good point, and it's something that we've been
7 preaching all along is that you've got to get the
8 stakeholders involved. You have to get the
9 community, the communities that are there involved
10 because, you know, the interesting thing about the
11 San Francisco legislation that I mentioned is that it
12 was designed so that if a venue--if a new building
13 goes up, you know, I-I have two venues in a district
14 that's getting I think 1,600 new apartments or
15 something crazy like that, and I guarantee you there
16 is not one ounce of double insulated window in any of
17 those steel and glass buildings. So, now I've been
18 there operating, okay, and now they're going to come
19 along and the 311 complaints are probably going to go
20 through the roof because nobody bothered to think
21 about the fact that well, wait a second, why are the
22 developers coming here, you know? Gentrification in
23 Manhattan starts with manufacturing needs. Warehouse
24 districts are--are available and guys like me will
25 want to open up because we can get cheaper rents, and

2 we think it's a really unique idea. It's the same I
3 think with what's going on in Brooklyn with the—the
4 DOI movement. Once that occurs, then you get a
5 developer who says oh, wait a second this becoming a
6 trendy neighborhood. Maybe there's a gallery, maybe
7 there's a shop or two. Now, I've been operating my
8 business there for two or three years, and now all of
9 sudden I've got a high-rise building. So, they're
10 paying all sorts of crazy rent or they spent millions
11 of millions of dollars on their apartment, and now
12 they're going to complain even though the property
13 value—it was like the Roberta's thing. Even though
14 the property value increased because of us being
15 there and being the—the pioneers then, you know—then
16 it falls on us. Then the burden becomes on us, and
17 that's not really fair.

18 CHAIRPERSON ESPINAL: I would just -
19 sorry.

20 SUSAN STETZER: I just would like to say
21 about those—this area, what we're actually doing is
22 working with the developers, with the licensed
23 establishments in this—this new area. So we are
24 planning where people are leaving, where, you know,
25 and how this affects the residents, and I think

2 that's—I think we all agree that that's what's needs
3 to be done. It needs to be planned for everybody.

4 ANDREW RIGIE: You know, I would—I would
5 add to that. I mean to your initial question is the
6 industry flourishing or not. I mean we're New York
7 City so you have people from all around the world
8 coming here with a passionate dream and they're
9 working hard, nights, weekends, holidays trying to
10 make it, and one of the biggest challenges is it
11 doesn't matter what neighborhood you go to you hear
12 people are just frustrated because there are
13 unnecessary burdens and unnecessary challenges that
14 do not need to exist that are making it so difficult
15 and people need to express their frustration. I
16 think what you will see no matter what neighborhood
17 you're in whether it's noise, whether it's perm, it's
18 licensing they may be a little bit different in
19 neighborhood to neighborhood, but there's common
20 themes and there's issues. And by having an ongoing
21 advisory board with a nightlife office or hospitality
22 officer, you're able to think of these issues in a
23 macro and micro way to really get to the heart of the
24 problem and then propose and put forward solutions
25 that will fix it. Whether it's, you know, triple

2 paned glass in bedrooms only facing, you know, the
3 interior of this—of the space, transportation and all
4 of these different issues. So, again it's just an
5 opportunity for the city to hear directly from the
6 regulating community and the people that are being
7 impacted instead of just not talking about it,
8 situations are created, nothing is done, and they
9 continue to bloom and bloom. So, at least we're here
10 now to diffuse that and take it on in a positive way.

11 CHAIRPERSON ESPINAL: So you—so you do
12 believe that city should take planning into
13 consideration when—when—well, to take the venues into
14 consideration when they're doing neighborhood
15 planning making sure that you move the development?

16 PAUL SERES: [interposing] I—I would look
17 at it as—kind of look at it as who's there first type
18 of situation. I think that's kind of the very—the
19 most interesting way to look at because I think in
20 Susan's case, which was kind of, you know, her—in her
21 situation, you know, she's been there for a long
22 period of time. She was there when the—the
23 neighborhood was kind of not what the neighborhood is
24 today. So, she's being put out by all these
25 businesses. So, I think when you look at this new—

2 now if take a look at East Village it's all new
3 development, and there are new buildings and even
4 though they're not getting the heights that some of
5 the--the skyscrapers are getting in--in Williamsburg,
6 Green Point, Long Island City, Manhattan, they are--
7 there are--there are condos. They're--they're a high
8 rent--they're high rent rentals. So, you're going to
9 have people that expecting a thing--what their quality
10 of life should be even though they're moving into the
11 area that they want to be in because it's got all of
12 those aspects.

13 CHAIRPERSON ESPINAL: And those 311
14 complaints most likely the MARCH to come in--

15 ANDREW RIGIE: Yes.

16 PAUL SERES: It doesn't help.

17 CHAIRPERSON ESPINAL: It doesn't help.

18 PAUL SERES: No, it doesn't help at all.

19 CHAIRPERSON ESPINAL: Right.

20 SUSAN STETZER: Not so much any more.

21 CHAIRPERSON ESPINAL: Yeah, yeah.

22 PAUL SERES: Whether it's--look, whether
23 it's housing or schools or any of these other major
24 issues that are vital to our city, they're planned
25 for. People think about them. Nightlife

2 traditionally has grown organically, and we're in the
3 situation we're in because there just has not been
4 enough attention. So, that's why going back
5 commending you to look at this issue we know people
6 have been talk about and take action on it, and I
7 think everyone in the room is ready to give good
8 ideas and, you know, make positive changes if and
9 when needed.

10 ANDREW RIGIE: Let me just add one real
11 quick thing with regards to MARCH. You know, prior
12 to the MARCH that's going into our venues, we had
13 these things called nuisance abatements, which were
14 far worse than MARCHes. A nuisance abatement law was
15 left over from a law that was left over in the '70s
16 about dilapidated buildings, or built-or businesses
17 operating not as they're supposed to. So, a-a body
18 shop becoming a chop shop or a massage parlor
19 becoming a house of ill repute. Those are the types
20 of things that were-were going on. Well, Giuliani
21 used the Nuisance Abatement Act to come down hard on
22 any-on any nightlife venue. It used to be that you
23 couldn't become a member of the Nightlife Association
24 until you got nuisance abated, and that's what
25 happened. All of our board members were ultimately

2 nuisance abated and we didn't want to do something of-
3 we wanted to something about it. By work with the
4 NYPD, there are no more nuisance abatement against
5 nightlife establishments. There might be one or two
6 a year and those are the bad operators that nobody
7 wants around. Those are the ones that are promoting
8 a culture of drug-of-of drug, of selling drugs on
9 their venue or other illicit activities. MARCH was
10 originally designed as multi-area-multi-agency
11 response to community hotspots, and it used to be
12 that the 311 complaints. Now, I think they take into
13 account how many grand larcenies you have and all
14 those other things, and-and I think noise complaints
15 I think have a lot to do with it, and it and it-and
16 it's-it's invasive and it's intrusive and it's scary
17 if you're a business owner going through it for the
18 first time.

19 CHAIRPERSON ESPINAL: Yeah, and I have to
20 add to that I heard a story, well a business owner
21 told me a story that, you know, this is-this is a bar
22 up to code and regulation. No issues ever. Someone
23 who spent the evening at his bar was assaulted a
24 block and a half away from his bar. But because the
25 story recounted that they were at the bar at a

2 certain time MARCH actually came on a Friday night at
3 midnight, and just pretty much shut the place, and
4 had them go through all these checklists.

5 PAUL SERES: MARCH doesn't work any other
6 night than Friday night, just so you know.

7 PEDRO GOICO: And, Chairman, if I may
8 interact as well, I had the same situation where for
9 example there was a kid that was breaking windows,
10 cars parking in our-in our own venue, and we actually
11 hired a security camera to go around, but as soon as
12 like two complaints went to the precinct and it had
13 Mamajuana on it, MARC went to our-to our business,
14 but-and, you know, the window went in. They don't go
15 about-like I'd rather have the precinct. I had to
16 raise it with the precinct. You must have one, and
17 where the cops go around where we were happy to see
18 them. I actually called them sometimes at 3:45 to
19 make sure that our Cy and everybody get home safe.
20 But when MARCH come in they come with this attitude
21 that you can't even them they're wrong, because they
22 do, and something that always happened is that even
23 though you're 100% right, some of them will tell you,
24 yeah, I came here empty handed. I'm sorry. Here's a
25 ticket, and that is something that happened all the

2 time and, you know, sometimes I look at him and say,
3 do you really have the moral values to do this? You
4 know, I'm—I'm not a criminal. I'm a business owner.
5 I have a family. I'm going home to my family right
6 now, you, know, and that's where we feel bad and to—
7 and to finish, I want to tell you that you have the
8 professionals here. You hear from both sides. We
9 have the ideas. We have the—they're willing to do
10 it. Just put a task force together. These gentlemen
11 here have all the knowledge and I guess you're not a
12 business owner, but they have all the data,
13 information and willing to put this together with the
14 community, with the police, with the government.
15 Let's make it happen.

16 ANDREW RIGIE: You need to be there, too,
17 helping on this.

18 CHAIRPERSON ESPINAL: John, real quick.
19 MARCH. Would you say that in Brooklyn, does MARCH
20 come into play with Cabaret Law currently in place?

21 JOHN BARCLAY: Yeah, for certain. When I
22 received a Cabaret citation it was via MARCH.

23 CHAIRPERSON ESPINAL: Via MARCH.

24 JOHN BARCLAY: But I think one thing that
25 really needs to be pointed about MARCH and Rachel

2 mentioned it earlier. She said it's like a--it's like
3 a SWAT team. Yeah, I thought it was like a counter-
4 terrorism raid. I think they--

5 CHAIRPERSON ESPINAL: Black sprinter and
6 horns (sic) with it.

7 JOHN BARCLAY: [interposing] The horn
8 often made them tick. It was like they found El
9 Chapo in my bar or something. [laughter] It's
10 terrifying. You do--everyone freezes and it's over
11 nothing, dancing, but they don't just do it for night
12 clubs. They don't just do it for bars. They did it
13 for a--a brunch spot up the road. Like the place
14 serves Eggs Benedict [laughter] and they sent a--a
15 task force raid in there with the vests and stuff.

16 CHAIRPERSON ESPINAL: Would you say that
17 MARCH is also getting in the way of DIY scene in New
18 York?

19 JOHN BARCLAY: Certainly, absolutely.
20 Yeah.

21 CHAIRPERSON ESPINAL: Alright.

22 JOHN BARCLAY: Every weekend.

23 CHAIRPERSON ESPINAL: Alright, well thank
24 you guys. I don't have any more questions--

25 PAUL SERES: Thank you.

2 CHAIRPERSON ESPINAL: --unless you have
3 anything you want to add.

4 SUSAN STETZER: Thank you.

5 CHAIRPERSON ESPINAL: Well, I just want
6 to add on e more. CBGB's was in your area, right.
7 Does the neighborhood miss CBGB?

8 SUSAN STETZER: We—we miss it and there
9 was never a complaint. [laughter] I'm serious.

10 CHAIRPERSON ESPINAL: And t allowed
11 people like the Ramones and bands like the Ramones to
12 actually showcase their art and become who the
13 Ramones were—are today, right?

14 SUSAN STETZER: Yes. We—we—we advocated
15 for it very much, and you also have to look at where
16 it is and the location. It's—it's on Bowery, and it
17 makes a different.

18 CHAIRPERSON ESPINAL: Right.

19 SUSAN STETZER: But yes, it was very
20 beloved.

21 CHAIRPERSON ESPINAL: [interposing] Now
22 you have a clothing shop there.

23 MALE SPEAKER: Yes.

24 SUSAN STETZER: A very expensive one.

25

2 CHAIRPERSON ESPINAL: Right. Well, thank
3 you guys.

4 SUSAN STETZER: Thank you.

5 CHAIRPERSON ESPINAL: I'm going to take a
6 two-minute, a bathroom break. I'm be back. So,
7 we're going to pause the hearing just for a second.
8 [gavel] [background comments, pause]

9 SERGEANT-AT-ARMS: May I have your
10 attention. We're going to continue so everyone
11 please have a seat. We are going to continue with
12 the committee hearing. So, everyone please have a
13 seat. Thank you very much and put your cell phones
14 on vibrate or silence. Thank you. [pause]

15 CHAIRPERSON ESPINAL: Just for
16 housekeeping purposes, is the administration still
17 here? I know we have DCA. Anyone else besides DCA?
18 No. Okay. Raise your hand if you're testifying
19 today. Okay, so for the interest of time at some
20 point I'm going to put the clock—I'm going to put a
21 clock up, but again, I want to hear from everyone.
22 It's 4:00 p.m. So, you can keep in mind this timing.
23 Okay, so I'm going to call up the next panel.
24 [pause] So, the next panel we have Abram Turner. We
25 have Greg Miller from Dance Parade; Jonah Boroff

2 (sp?) from Squares New York; Olympia Kazi from New
3 York City Artist Coalition; and Del Renke Kyan (sp?)
4 [pause] and we have Rue Morales and Arelia Taveras.
5 [pause] You want to start? Okay. [gavel] So,
6 before you begin, state your name for the testimony.

7 ARELIA TAVERAS: Hello, Arelia Taveras
8 from the Latino–New York State Latino Restaurant, Bar
9 and Lounge Association. I just wanted to say for
10 Susan Stetzer that quality of life is important to
11 Latinos in all districts and in all Council areas.
12 We want to be part of the conversation. The Liquor
13 Authority changed the licensing laws jus recently and
14 they didn't have Latinos participating. We're one of
15 the biggest consumers of alcohol. So we don't want
16 that to happen here. We want to be part of the
17 conversation as Latinos and we represent all
18 minorities because we're mixed with African-American,
19 Asian, Caucasian. We're all business owners and it's
20 of concern that these laws are enacted this way, and
21 they are affecting our business. And, I heard a lot
22 about how people feel and the laws, and how about we
23 talk about the numbers. The Liquor Authority is
24 collecting half a million dollars in fines a month
25 and the majority are cabaret licenses.

2 CHAIRPERSON ESPINAL: Is that in New York
3 City?

4 ARELIA TAVERAS: That's in New York City.
5 That's half a million dollars, and that's lot of
6 money that's in the five boroughs. At first I looked
7 at it. I did a spreadsheet, which I'm going to
8 forward into the testimony tomorrow. I'll email it
9 to the City Council this evening. I looked at it and
10 it was \$278,000, \$230,000 and then I said wait a
11 minute they have—they have two hearings. That's
12 double the number. They collect almost half a
13 million dollars a month. One of those, you know, the
14 restaurant, bar and lounge and hospitality industry
15 is a job creator, a major job creator. Forty percent
16 of a restaurant's income is derived from the sale of
17 alcoholic beverages. At this point, the Liquor
18 Authority is enforcing the Cabaret Law that is a DCA
19 law. Because they are enforcing it, we are losing
20 licenses left and right. I want a case study to be
21 taken on by—I ask that Council Member Espinal who is
22 the proponent of this repeal of the Cabaret Law take
23 on the Made in Puerto Rico on East Tremont. I went
24 for the hearings on Made in Puerto Rico. Made in
25 Puerto Rico was fined \$8,000 for dancing. Then they

2 were fined \$10,000. The chairman said if I see you
3 dancing and a DJ again, I'm going to take your
4 license. Sure enough, Made in Puerto Rico lost their
5 license last month. They're hurting. The Latino
6 community in Washington Heights we're hurting.
7 Latinos we're here for you. [Speaking Spanish] We
8 are present. We want you to know that even though
9 you're not here for whatever reason today, Latinos
10 are here representing because we can't take it any
11 more. In Washington Heights they knew we were doing
12 it ages ago. Latino—I—I even said in one of the
13 hearings, I said Chairman Braddon (sp?) if we don't—a
14 Latino restaurant without music. What are we doing?
15 [laughter] It's part of our culture. It's part of
16 lifestyle and dancing is a major part. We ask that
17 if this law before it be repealed that it stayed so
18 that the Liquor Authority stops enforcing it. We are
19 getting find. It's not \$1,000. It's not \$2,500.
20 It's \$5,000, \$10,000 and \$20,000 for the bigger
21 establishments and a little small restaurant like
22 Made in Puerto Rico serving Puerto Rican food and it
23 broke my heart. It hurts me to this day, and I would
24 love this study to be take on because what happened
25 was he was willing to pay \$40, \$50,000 to get a

2 Cabaret Certificate of Occupancy on East Tremont, but
3 guess what? East Tremont in the Bronx, they
4 requested a commercial overlay. A commercial overlay
5 in a residential district the residents were saying
6 we need commerce, we need commerce. Then we get a
7 commercial overlay, and you give us a zoning of C-1
8 to C-2 and C-3. If you're not over C-4 or C-6, you
9 can't get a certificate of occupancy for a cabaret.
10 So, even if he wanted a cabaret he couldn't do it.
11 Even if he wanted to spend the money, he couldn't do
12 it because it's illegal. The Liquor Authority
13 considers an establishment, and everybody has it.
14 So, the liquor—they're using their jurisdiction to
15 enforce the DCA law. We ask that the Liquor
16 Authority stop it that this be stayed immediately
17 until further conversations about the repealing of
18 this law stops. You know, we—Mayor de Blasio,
19 Council Member Espinal. I know Espinoza was here and
20 everybody who supports this repeal. We will follow
21 100%. The Latino community, and I speak for all. I
22 know I speak for the majority. We will support you
23 because this law is unfair, and it's killing our
24 night life. We're a \$10 billion industry, and we are
25 a major component of it. There are 97 Cabaret

2 License in the state of New York. Can I tell you how
3 many liquor licenses there are? 55,000 in the whole
4 entire state of New York, and 22,000 in five
5 boroughs. So, you're telling me that this law only
6 benefits those 97--those 97 businesses because they
7 can dance and they can take in that income. So, it's
8 not only a racial, cultural, it is an economic
9 because they're the ones who got, or it could even be
10 people who were there first. They got it
11 grandfathered in. So, it's not fair for us. We are
12 finally--the nightlife ambassador I don't want one
13 ambassador. I want many. I want one from every
14 borough that--that--I mean, you know, we got Jimmy
15 Rodriguez. He should be the ambassador if we're
16 talking Don Coque (sp?), Sapitos (sp?) a consultant
17 to some of the major restaurants and Spanish
18 restaurants in New York. So, we can't single out one
19 person. We have to do it as a committee, and one for
20 each borough with the community, a representative
21 from the community boards. We ask that it be a tax
22 force--task force. Maybe in another country one in
23 one ambassador would work.

24 CHAIRPERSON ESPINAL: [interposing] Can--
25 can we wrap up--wrap up the comments. Just--

2 ARELIA TAVERAS: Yes.

3 CHAIRPERSON ESPINAL: --for the sake
4 time.

5 ARELIA TAVERAS: But it doesn't really
6 work just for the city because we have so much
7 diversity. [bell] So, again, kudos to you. I think
8 that you are doing a fantastic job. This is a major
9 issue, and a major job creator and thank you for your
10 support.

11 CHAIRPERSON ESPINAL: Thank you so much.
12 I appreciate it.

13 DOMINIQUE KEEGAN: My name is Dominique
14 Keegan former owner of Plump Bar in Alphabet City. I
15 think we're just announcing ourselves, right, or
16 shall I go ahead and make my statement?

17 CHAIRPERSON ESPINAL: No. Announce
18 yourself and give your testimony.

19 DOMINIQUE KEEGAN: Okay.

20 CHAIRPERSON ESPINAL: Yeah.

21 DOMINIQUE KEEGAN: So, I opened Plump
22 (sic) Bar under which actually the name was 217 East
23 Restaurant Corp in 1999, and we were a local bar. We
24 didn't intend it to ever be a DJ or a music driven
25 bar, but because the two principal owners, myself and

2 Marcus Lamkin were DJs, we naturally gravitated
3 towards that. We became I think a very important
4 fixture in the New York music scene. Some of the
5 people who worked at the bars were members of young
6 bands in New York at the time, and it was kind of a
7 hotbed of music. One thing that goes hand-in-hand
8 with music is often dancing, and we received two
9 citations during my time as owner of Plump Bar, the
10 first of which they were both for dancing violations.
11 The first of which allowed us to continue doing
12 business and pay a small fine. The second of which a
13 number of years later was more serious. The marshals
14 came a week after us getting the ticket and padlocked
15 the bar, and in order to re-open our business, we had
16 to sign a very comprehensive document saying that we
17 would not have any DJs aside from myself and Marcus
18 as owners playing in the venue and would not promote
19 any DJ driven events. I tried to change the nature
20 of the bar to fall in line with these—what they asked
21 me to agree to, and it didn't work. I had to close
22 the bar and sell it within a year. I had what was a
23 very, very successful business. I never had any
24 complaints from my neighbors. I actually lived
25 upstairs from the bar, and we were basically put out

2 of business. My livelihood was taken away from me.
3 I continued to work a little bit in nightlife, but no
4 longer do so. It is kind of heartbreaking to me that
5 that happened over what I think most people who are
6 in this room would agree is an antiquated law, and is
7 poorly enforced, and it was enforced to benefit—
8 benefit some and not others, and you made reference
9 earlier to CBGBs, and the Ramones and Plump Bar in
10 its own way was a similar time and a similar place.
11 James Murphy from LTD Sound System played his first
12 ever DJ set there. Luke, the lead singer of the
13 Rapture a very popular band at the time was a
14 bartender there, and I can name countless other
15 places that thought of it as a cultural mecca of its
16 time. Maybe we wouldn't be existing now either
17 whether we'd have those cabaret violations, but I
18 think that would have and should have been our call
19 as the owners of such a significant place, and, you
20 know, I support any—any change in—in the Cabaret Law
21 in this city because I think we all realize that
22 they're ridiculous. Thank you.

23 ALICIA KAZZI: [coughs] Hi. My name is
24 Alicia Kazzi (sp?), and I'm here to read the
25 statement from the New York City Artist Coalition.

2 [coughs] Thank you for holding the hearing, and I
3 want to thank Council Member Espinal for the
4 leadership and commitment that he's been showing. I
5 deviate shortly from my written testimony just to say
6 that I'm really happy after all the work that we've
7 been doing in the past few months about the comments
8 that we've heard so far, and to reveal that I am the
9 person who invited Susan Stetzer. I live in her
10 district. I believe that in all the right things
11 that we've been doing, it's very important that we
12 target the community members. And that once they
13 understand the real issues that we're talking about,
14 they are with that actually. She didn't say anything
15 about the Cabaret Law. I think we have a very good
16 chance even to do a ULURP if we needed to. Now,
17 going back to my testimony, in a sense it could just
18 so dancing is not a crime. Venues to the Artist
19 Coalition advocates for the safety and preservation
20 of the former cultural spaces such as DIY music
21 venues. These spaces are critical to our city
22 cultural production, as we've heard repeatedly today
23 and vital to the people they serve and support. Such
24 venues are often victims of arbitrary enforcement of
25 the Cabaret Law, and as a result, several of them are

2 being shattered. (sic) The Cabaret Law process
3 affect communities underground (sic) and leads to an
4 unsafe environments. So, it is nonsensical. In New
5 York we have a de facto band on social dancing. It
6 is nearly impossible to receive the Cabaret License
7 especially for DIY venues, non-profits and small
8 businesses due to a combination of out-of-scale
9 permitting requirements and processes as we were just
10 hearing. New York City has less than 100 licensed
11 cabarets leaving many neighborhoods without any legal
12 venues for dancing. That is depriving of cultural
13 New Yorkers their fundamental right of cultural
14 expression. It's also affecting the livelihood of
15 many. [coughs] There is a lot of confusion on what
16 the Cabaret Law actually regulates beyond social
17 dancing. The license of building, fire and noise
18 codes as well as other requirement such as
19 certificates of occupancy, public assembly permits,
20 an SLA licensing ensured already the safety of all,
21 and protect the public from disturbance. The
22 requirements regarding the recordings and the
23 security guard are actually associated with a venue's
24 capacity, and not whether somebody is dancing there.
25 So, to be honest, we really feel that someone who

2 spends their nights on, you know, on this sweating
3 dancing floor is not most likely to disturb of be
4 violent as someone who spends the night just
5 drinking. The Cabaret Law we heard repeatedly has,
6 you know, a homophobic and racist legacy and, you
7 know, today people are not enforcing it across the
8 board. But that is not actually good news. That
9 actually tells us that this law should not be in the
10 books because they enforce it occasionally based on
11 what? We are all supposed to be the same in front of
12 the law, and this is not the case right now. So, we
13 really need to get rid of this because it is used to
14 discriminate and especially targets marginalized
15 groups. So, we believe strongly that there is no
16 place for the Cabaret Law in any contemporary city or
17 society, and definitely not in 2017 in New York that
18 has, you know, a progressive administration starts
19 this message, and then a progressive City Council.
20 So, regarding the nightlife of this and task force we
21 believe it's a great idea, but we have a few
22 recommendations to give you. We would really,
23 according to the proposal, we heard that there are
24 only going to be two representatives of nightlife,
25 and we want to ask assurance that it will include

2 members from the informal cultural spaces, and that
3 it will be responsive to the needs of all New Yorkers
4 of all incomes and backgrounds. It's very important
5 for us. Also, the Office of Nightlife it's a
6 strategy that's should be implemented in European
7 cities to address the needs of the nightlife
8 industry, important economic engine, as we've heard,
9 but it's often at odds with the quality of life
10 standards of densely populated metropolises. So, we
11 believe that it will only be successful only if it
12 achieves the gaps (sic) between all the different
13 stakeholders. And that's why I think it should be
14 successful so far today because we heard from many
15 different stakeholder. We also want you to-to
16 consider for the office to respond to the needs of
17 24/7 urban life. For instance, we have many artists,
18 writers and all sorts of creative New Yorkers who
19 spend their day earning a salary while living in time
20 shared spaces, and would be highly an organization if
21 in this nightlife, you know, considerations that you
22 are doing you think also for other kinds of services
23 like, you know, public library or a public community
24 space where someone can go and, you now, write a
25 piece or compose something or a theatrical piece.

2 Whatever they want to do. In conclusion, we would
3 like for each of you to consider including in the
4 purview of the Office of nightlife a task force of
5 confidential task force liaisons [bell] that would
6 work--I'm almost done--with stage managers for
7 informal cultural spaces, and work in connection with
8 all city agencies to facilitate permitting processes
9 and access to grant and programs and help them
10 overcome for tragic difficulties, and then an urgent
11 repairs fund, a pool of matching funds to cover the
12 cost of urgently needed safety maintenance work that
13 could make affordable the cost of simple and yet life
14 saving safety work for many DIY spaces. So, once
15 again, social dancing is not a crime, and lets repeal
16 the Cabaret Law. Thank you.

17 CHAIRPERSON ESPINAL: Thank you.

18 GREG MILLER: [off mic] Hi, my-- The mic
19 is here? Good. [on mic] Hi, my name is Greg
20 Miller. I'm the Executive Director of Dance Parade
21 that is a non-profit, and I'm a member of
22 legalizeddance.org. The Parade on Broadway features
23 10,000 dances. It goes to the Eat Village. It's been
24 running 11 years. It's the United Nations of dance,
25 and I feel like I represent a lot of the dancers.

2 Many of them are here today. They want to move. I
3 felt it in the break. You could just feel the
4 tension. People need to move. I'm here before you
5 today to support the proposed Office of Nightlife—the
6 Nightlife Bill on the grounds that the City
7 Administration repeals the Prohibition Era Cabaret
8 Law. And, you know, we started the Dance Parade
9 basically as a reaction to the 2007 Festo case. A
10 lot of people don't know that, but there was a State
11 Supreme Court case that said you couldn't consider
12 social dancing as expressive movement, or that wasn't
13 protected under the First Amendment, and so the suit
14 was brought on by five groups of dancers: Ballroom,
15 swing, country dancer. I know a lot of tango dancers
16 are here today, House, Goth and Latin forms. And the
17 decision was upheld. The Cabaret Law stays on, and—
18 and we need to change that. Our efforts with the
19 Dance Parade was then to present to the public
20 expressive forms of dance found throughout the city.
21 We are amazed at the turnout, the diversity in ages,
22 cultures, dance styles. They dance in the streets
23 because they simply could. They were not shy. It
24 was amazing. [coughs] The freestyle dances of House,
25 Techno. Urban cultures were represented by Danny

2 Tenaglia, Cool Herc, Victor Calderon and others along
3 with African, Asian, Central, South American cultures
4 who came together in such beautiful traditional
5 costumes. Popular dancers of Ballroom, Tango, Swing,
6 Salsa were all out along with forms of dance we had
7 no ideas existed in both folkloric and urban dance
8 populations. Sufi Whirling Dervishes, Zouk, Ki-
9 Zumba, Zydeco, the Melbourne Shuffle, Clown and
10 Crumping, Babelling, Locking, Popping, Vogue and
11 Whacking. [laughs] As New Yorkers we were proud and
12 honored to present so many forms of dance that were
13 founded in New York City. We came to know that Salsa
14 in Spanish means mix and began as a fusion between
15 Puerto Rican and Cuban Mambo beats that about after
16 the mass immigration from the Communist Cuba in the
17 late '60s and early '70s. The Hustle grew out of
18 Salsa and became Disco and a decade later Hip-Hop was
19 birthed in the Bronx as a measure—and measured by
20 music sales the most popular form of dance worldwide.
21 This is a city of dance. It's a big reason why
22 people come here, non-profits, students, businesses,
23 consumers, tourists from around the world, and we
24 can't dance because of the Cabaret Law. Okay, I'm
25 going to—I'm trying to get it here. Movement has

2 been always a key form of expression. Historically
3 moralists are always trying to stop people from
4 dancing. People don't know that the Waltz used to be
5 banned in Europe, and the Charleston, which was in
6 the 1920s, you can just imagine in Harlem, you know,
7 dance was—jazz dance was blowing up, and we've
8 already heard about the—the racial implications, but
9 we need to support dance. The gentrification is
10 making the situation worse. Since 2006,
11 legalizeddance.org has been a watch dog and
12 organization that tracks Cabaret Law issues. They
13 have a petition. They have 3,000 signatures today.
14 I know that Dance Liberation Network has another
15 3,000. There's a lot of people that really are
16 harmed by not being able to dance, and they have
17 cited that in the 1970s over 12,000 venues were
18 available to dance with Cabaret Licenses. That
19 number has shrunk to 400 when we started Dance Parade
20 a dozen years ago, and it's a steady decline to 300
21 to 200 and now it's 97. I know. I looked it up in
22 NYC Open Data. That number is correct, 97 places to
23 dance, and guess what, a lot of them are in—in the
24 meat packing area. It's kind of a monopoly. I have
25 to just say that. It's—it's very hard for small

2 businesses to endure the enforcement. They can't
3 dance, of course, night club music but also Tango,
4 Ballroom, Swing, Salsa, Free Style dance. These are
5 all, you know, dances that have—should have the right
6 to—to be in our city, and to try respond-- Okay.
7 Well, I just want to say we're—we're bringing dancing
8 to schools and community centers because people can't
9 dance in—in—in night clubs. And a really key point
10 is, and on behalf of the thousands of dances, I feel
11 like I represent today, the benign act of dancing is
12 the wrong reason to regulate nightlife. Let's get
13 that out of the bill or make—really addressed to
14 take—take the seven words in the zoning text, take
15 that out. Even the Hospitality Alliance today said
16 that that is the issue. No matter what we do with,
17 you know, the Administrative Code, you have to change
18 the zoning text. And just to conclude, okay, just
19 basically thank you. Council Member Espinal, you've
20 been amazing to get this going. The task force is—is
21 interesting. In five cities in Europe it works. I
22 just hope that it doesn't take over, and we—we need
23 to get rid of the Cabaret Law and, you know, I know
24 Muchmore and I know—I know him as a person, and he
25 doesn't want money. He just wants, you know, to be

2 able to dance anywhere, and so let's—let's get the
3 administration going on that.

4 CHAIRPERSON ESPINAL: Thank you, Greg. I
5 know everyone keeps thanking me, but really it's all—
6 I thank all of you for really taking the lid off the
7 issue, and—and making it—First making sure that this
8 percolates to a point where the city is actually
9 listening. I can't do my job without you all. So,
10 continue your advocacy and continue pushing.

11 JAMES BORA: Hi, everybody. A long
12 afternoon. I know a lot of you guys have been here
13 the whole day. So, that's pretty cool to see how
14 many people are supporting this. I won't thank you,
15 but thank you. My name is James Bora. I run a small
16 to midsize night club. I think I'm the only person
17 that runs in Manhattan a small to midsize nightclub.
18 So, my place is literally where people come
19 specifically to get drunk and to dance. That's it.
20 That's all we do. We sell two things. We sell a
21 beautiful room, and we sell alcohol and people dance
22 and they have a good time. So, by the nature of what
23 I do it's completely illegal, right? So, let's talk
24 about it. What's the Cabaret Law in 2017? We heard
25 about the historical nature of it, but in 2017, what—

2 what is it? Well, it's about money. It's about
3 collecting money for the city in some instances, but
4 if the numbers, we've heard \$8 billion, \$9 billion,
5 \$10 billion. Whatever the number that nightlife in
6 New York City generates, we're talking about \$700
7 million to \$900 million in sales tax. So, whatever
8 the city collects in summonses is that going to be
9 comparable to the sales tax we're collecting by
10 keeping venues open? No, not at all. What else does
11 a Cabaret License do? Not actually in the Cabaret
12 Law to-- It targets crowd demographic, okay. So,
13 my venue is very small, but we had a hip-hop night
14 recently and because we started doing that I got a
15 lot of unwanted NYPD attention, and I serve a pretty
16 affluent crowd. I have no problems in my place. No
17 one is getting anything stolen. There's no
18 complaints, very little noise complaints. There's no
19 residential near where I am, but we he had a lot of
20 NYPD presence, and the MARCH raids came in recently,
21 and I was threatened with the abatement, which we
22 heard doesn't even happen any more. The company I
23 work with my club is a rather large company. I'm not
24 going to say what company it is, but the fact that,
25 you know, we're talking about DIY venues. It's not

2 just DIY venues that get affected by this. It's-it's
3 venues of all shapes and sizes. You know, we need to
4 make amends to the Cabaret Law because it's affecting
5 everybody. Yes, the DIY venues need help, but let's
6 bring me the next one. By the way, my speech died
7 with my cellphone. So, I apologize. This is all
8 adlib. Let's move to the Nightlife Advisory Board
9 because I think these go hand-in-hand. Okay, the
10 Nightlife Advisory Board or the Night Mayor, and it's
11 not a one-person job. A mayor is an elected
12 position, and if we do an elected position as Night
13 Mayor it's going to be a popularity contest. Someone
14 could run because they have a bunch of Instagram
15 followers. We don't want that. I think that we
16 talked about having representation from multiple
17 sections of the city, and people talking and coming
18 together for one collective whole I think is better
19 than one person doing it. So, I'd just say that, but
20 the Nightlife Advisory Board, which I'm going to
21 call, connecting businesses, community boards and-
22 excuse me-and the authorities together I think
23 that's-that's the importance of that. Creating a
24 checklist for opening nightlife venues I think that
25 that would be great. So, if someone wants to open a

2 bar or a nightlife venue that operates after 10:00
3 p.m. what do I need? Who do I need to talk to? Who
4 am I communicating with? Safety is obviously a major
5 issue. You know, we're talking about people
6 dancing. That's what we're talking about. Dancing
7 is not the problem. The problem is egress, getting
8 in and out of the venue. That's what the authorities
9 want to see. Okay, that's what we need to talk
10 about. That's in the conversation. If we can solve
11 that, and make our places safe for people who go
12 attend, then there should be no problem with dancing.
13 Dancing is freedom of expression. You know, it's a
14 right as we all have been saying all day, and that's
15 really it. I mean I think we all are here for the
16 same reasons at this point. It's just going to be
17 keep pressing the issue. We've obviously started the
18 conversation again, and hopefully get-get some regs
19 this time. That's all. Thank you, brother.

20 AUBURN TERKEL: Good afternoon. My name
21 is Auburn Terkel. I'm an attorney, live in and New
22 York born. I practice here in New York City. From
23 the years 2003 to 2005 I was the Legislative Director
24 to City Councilman Gersin of Lower Manhattan.
25 Together with many of the good people you're hearing

2 from today, Council Member Gersin's Office spent
3 considerable time and energy attempting to move
4 forward the repeal of New York's Cabaret Laws in
5 order to implement a fair and more just regulatory
6 framework, one that would not limit dancing for its
7 own sake, but will permit small venue owners to come
8 into compliance with the law, and while still
9 protecting mixed-use residential communities from
10 safety and quality of life hazards without completely
11 disconnecting them from one of the city's more
12 significant sources of cultural capital and economic
13 revenue. This hearing is a long time coming, and the
14 Council should be congratulated for it. The so-
15 called Cabaret Laws are truly many made one. You've
16 heard it here multiple times now. The regulatory
17 framework is a amalgam of laws and code and rules and
18 zoning that regulate whether any venue may feature
19 and allow social dancing. The city's most important
20 and existing building penal noise and fire code serve
21 to ensure the safety of patrons and customers, the
22 east of operating neighborhood business, and the
23 quality of life of neighborhood residents. However,
24 the city's Zoning Code and particularly one section
25 of the Zoning Code called Use Group 12 unreasonably

2 and really comprehensively restricts venues from
3 legally featuring dancing in neighborhoods of New
4 York City that are zoned as what we call mixed-use,
5 which is residential and commercial. Truly, you've
6 heard on that already today. Truly, when a venue is
7 not zoned Use Group 12, it cannot feature legal
8 dancing under any circumstances, but when a venue is
9 in a mixed-use district, it cannot obtain a Use Group
10 12 zoning. The regime is unreasonable and inequitable
11 to neighborhood bars and restaurants and the local
12 patrons, and the only repeal is to amend the zoning
13 text, and Use Group 12 Zoning is what actually makes
14 dancing off limits and illegal in our small
15 neighborhood venues. Use Group 12 was specifically
16 intended and I quote, "...for fairly large
17 entertainment facilities, with have a (1) a wide
18 service area and generate considerable pedestrian
19 automatic-automotive truck traffic, and (2) are,
20 therefore, appropriate only in secondary and major of
21 called-or central commercial areas. That's New York
22 Zoning Resolution, Article 3, Chapter 2 at 32 and 21.
23 The zoning is intended to keep these types of venues
24 away from residential and mixed-use neighborhoods.
25 Nevertheless, Use Group 12 applies to all

2 establishments with the capacity of over 200 persons
3 or of any capacity with dancing. Large clubs such as
4 those in the meat packing districts are built to hold
5 capacities of over 200 persons, right. Thus, Use
6 Group 12 would apply to them whether or not they had—
7 they featured dancing. Those venues do not need
8 repeal and are properly regulated based on their
9 scale. However, a neighborhood bar or restaurant
10 likely has a capacity of under 200 persons, and is
11 already in the mixed-use district. That same venue
12 is, nevertheless—is nevertheless restricted from ever
13 featuring dancing at all because it cannot be zoned
14 Use Group 12. The city has, therefore, regulated
15 small local venues as it would large destination
16 venues even though the activities and needs are so
17 different in scope as to be different in kind. In
18 order for the city to create a pathway towards
19 legalized dancing in all of its precinct, Use Group
20 12 Zoning must be amended to remove that clause of
21 any capacity with dancing. Amendments of Use Group
22 12 text would also be particularly just because its
23 practical effect is preserving a de facto monopoly on
24 social dancing for large clubs by criminalizing what
25 would otherwise be lawful social dancing in

2 neighborhood venues. The city should not stand
3 behind any zoning that gives an economic advantage to
4 so few while limiting the free enterprise of so many.
5 Certainly not when there is no causal connection
6 between a venue featuring dancing and increased foot
7 and motor traffic, which is the stated purchase of
8 use-stated purpose of Use Group 12. Not when the
9 proper regulation for safety and quality of life
10 issues such as noise—such as noise and not for
11 zoning. Not when communities benefit from small
12 business that cater to local taste, not when it is so
13 many communities for whom the Cabaret Laws were
14 originally intended to stifle who are still not given
15 equal access to legalization because of the zoning
16 code. Use Group 12 regulates dancing for its own
17 sake. It serves no purpose and pernicious in its
18 effect. This Council would be right to amend the
19 Administrative Code concerning the Cabaret Laws, but
20 should also consider that the zoning regulations must
21 be altered in order to truly repeal. Thank you.

22 ELVIS SILVERIO: Good afternoon. My name
23 is Elvis Silverio I'm the President of the New York—
24 New York State Latino Restaurant, Bar and Lounge
25 Association. Most of the points that I wrote in my

2 speech have covered. So, the only point that I see
3 out here is MARCH madness. I called it madness
4 because it is madness. Why? They come in. They ask
5 me to turn on the lights, show me your license, move
6 everyone aside, stop taking pictures. What happens
7 next? You pay your bill and you go. Sometimes you
8 don't pay. I lose out. What happens next, I go to
9 court and I lost my license. What did I do? I sat—I
10 had to sit down with Chairman Bradley, and I asked
11 him, the only key evidence that I had was the video
12 at hand showing no one was dancing, but if you bop to
13 JC 99 problems, you're dancing. If you dance to
14 [speaking Spanish] you're considered dancing, and
15 that's exactly what happened. I'm a Dominica
16 immigrant. I came here for a work course only. My
17 parents brought me over here to educate myself, and
18 so far I have done it, but if the laws are not
19 amended, and if they don't show as what the course
20 of—the future is how do I stay in business? How do I
21 continue opening my doors to my patrons? The only
22 bad thing that I do right now is tap my patrons on
23 the shoulders and say look you can't dance. Okay,
24 I'll pay the bill and I'll leave. I'm losing money.
25 How do I pay my taxes? How do I pay my mortgage?

2 How do I pay my kids? I can't do this if this law
3 does not go into effect and we change every aspect of
4 it. MARCH madness for me is ridiculous. Most of
5 these people don't know what the hell they're doing.
6 How are you going to tell me that one of my bottles
7 are contaminated? Are you a chemist? No. So, how
8 are you telling me that it is? Unless you show me
9 proof that it's contaminated and then you give me a
10 fine, I fight it, I won it. I go to the Liquor
11 Authority and I lose, but I already won this side,
12 but that I lose by a fine of \$8,000. How do I stay
13 in business? I want to stay in business. Help me
14 stay in business. I represent 275 restaurants. Help
15 me, help them stay in business. Thank you.

16 CHAIRPERSON ESPINAL: Thank you, sir. I
17 think in this panel it became evidently clear that
18 everyone is affected by the old regulations and the
19 over enforcement from our city. We hear from the
20 Dominicans. We hear from the DIY spaces. We hear
21 from the more affluent spaces, and while the more
22 affluent spaces are able to pay these fines and
23 battle this in the hearings, the less affluent and
24 also artist run spaces and/or even smaller Dominican
25 or Puerto Rican places don't have that same power to-

2 to fight these fines, and what happens to them is
3 they end up closing, right. They end up closing and
4 losing these important cultural spaces in our
5 communities. So, thank you all for testifying here.
6 It was great to hear all of your stories, and I'm a
7 big fan of James Murphy and also the Sound System.
8 So, thanks for sharing that story as well. Again,
9 another New Yorker and New York bands, right. It's
10 the New York bands that came out of New York because
11 of these spaces. I'm sure there's a lot of great
12 Latino spaces, a lot of—lots of fiddles that are out
13 there that can credit New York City as well. So,
14 it's important that we continue doing more for these
15 spaces and making sure that the city understands the
16 value of these spaces. It seems as if there's a
17 signal that's coming out of—out of the Mayor's side
18 if they're—they're interested in—in tackling this
19 issue. So, let's just see where the conversation
20 goes. So, thank you for being here. Thank you.
21 [background comments, pause] We're going to—we're
22 going to cut the clock down to two minutes. Next we
23 have Mahanna Landone from Dance Parade; Diego Vargas
24 from House Coalition; Allie Coleman from House
25 Coalition; David Rosen from the BAR (sic), the

2 Brooklyn Nightlife Coalition; and Todd Patrick from
3 Trans Pecos Market Hotel. [background comments,
4 pause] Raise your hand if you're here. David Rosen,
5 Allie Coleman, Diego Vargas, Mahanna Landone, and
6 Todd Patrick. Okay. So, you may start.

7 MAHANNA LANDONE: Hello, my name is
8 Mahanna Landone, and I'm here as a board member, a
9 founding board member of Dance Parade, a dance
10 activist and an interactive artist. Please legalize
11 dancing, overturn the New York Cabaret Laws. I like
12 that overturning Group Use 12 as well. I want to
13 encourage the city to interact and be physically
14 expressive. We all have so much to offer each, and
15 dance allows us a change to communicate healthy
16 across culturally. The Cabaret Law I've been
17 fighting them since 2005 as I know many people here
18 have even before that. They are causing us to be
19 less expressive, and people have so much ability to
20 express themselves. So, I want to encourage the
21 establishment and ability to have ourselves be more
22 expressive. When we were first doing this—this shirt
23 is from that campaign from then, and we went—we did a
24 24-hour dance marathon to raise awareness of the
25 Cabaret Laws because a lot of New Yorkers didn't know

2 about it, and I'm so happy today that so many people
3 are coming out and speaking about it. People were
4 scared to talk about it then. The restaurant owners
5 that we would go to try get information from were
6 afraid of the Liquor Authority, and did not want to
7 speak to us for that reason. We gave up when we came
8 up against how much the Liquor Authority was the
9 actual enforcement behind the Cabaret Laws, and so
10 after that we went into Dance Parade and forming that
11 and the social expressions just exploded for that
12 parade, but we can't do it indoors, and we want to do
13 it everywhere we can. Thank you.

14 ALI COLEMAN: Happy Monday, everyone. My
15 name is Ali Coleman. I have 23 years of party
16 organizing here in New York City going out, going out
17 in New York City since I was a teenager since 1979,
18 and a DJ as well. So, I've been affected by this law
19 in all three of those things. As a dancer being in a
20 club and the lights coming on, and as someone said
21 earlier and everyone is just standing to the side
22 wondering what's happening, why we're not dancing,
23 why-why is it not just he police here, the Health
24 Department is here. It's this whole-it's not
25 official this task force to some of us. We don't

2 know if it's official or not, but we know it exists.

3 So, why are we not dancing right now? They're saying

4 it's because of this reason or that reason, but

5 that's not the real reason, and as a DJ, I—in the DJ

6 booth I—I have no idea what's going on. I'm just

7 there to get paid and have people dance, and the same

8 thing happened. As a party organizer in these small

9 places that a lot of people are talking about in

10 Bushwick, in, you know, all these areas that this law

11 is being enforced, it has made me personally lose

12 money where I booked a venue, I sold tickets, I hired

13 my DJs, and a week before my event, the club gets

14 cited for dancing. Yeah, we're supposed to dance in

15 a club aren't we? So, it has affected me and I—I

16 wasn't going to say a lot today. I looked up on the—

17 on the walls, on the roof of where we are. They

18 wrote some very interesting things that those are 200

19 years ago, and we're—I think that the laws of the

20 land should evolve with the people of the land. When

21 these laws were written there wasn't an Espinal.

22 There was all these different names on the City

23 Council. Now, we have those names on the Council,

24 and the reason we're thanking you so much is we know

25 that you're in our corner. That's all I got to say.

2 We know that now there is movement forward in this.

3 So, thank you guys for letting me speak.

4 TODD PATRICK: Hi. My name is Todd
5 Patrick. First, I want to say thanks to Chairman
6 Espinal for putting this all together. I think it's
7 so great that we all have an opportunity to speak. I
8 have a prepared testimony, most of that's been spoken
9 of already by most people here. So, I'm going to
10 keep it short. You know, what I feel like? I-I, you
11 know, I operate a couple of spaces in Brooklyn and in
12 Ridgewood, Queens, and I have been involved in a lot
13 of spaces for a lot of years as well as putting on
14 events for 16, 17 years here in New York City. You
15 know, enforcement should never be arbitrary. It
16 should never be—it should never be a subjective
17 experience based on how the enforces choose to—to
18 interpret the law. We have laws that are—that are
19 supposed to be predictable. You know, you hear
20 complaints about why people don't want do this and in
21 let's say Communist China in the current day, and
22 it's because it's arbitrary. You don't know what
23 you're going to get. You don't know what kind of
24 enforcement is going to be thrown at you. You don't
25 know what kind of situation you're going to have, and

2 there is no reason to invest your time or your money
3 in a situation where, you know, it-it can just
4 arbitrarily go blow up in your face. I feel like
5 opening a space in this city in this day and age has
6 a lot in common with that, and I can tell people from
7 my own experience that it doesn't take much for
8 somebody to get put on that baddie list that-that
9 John Barclay was speaking of earlier tonight. And
10 once you're there, you can't get off it, and it is
11 arbitrary, and it's based upon individuals wanting
12 to-to make sure that-that somebody has a hard time a
13 lot of times, and that's not the only reason it
14 happens, but the fact that's even a possibility means
15 that there's an inherent issue in the way that these
16 laws are being enforced. As has been said before,
17 the main issue with the Cabaret Law is not that
18 people are getting little tickets for a cabaret.
19 That's minor. It's that it leads to the State Liquor
20 Authority pulling someone license. The State Liquor
21 Authority has a policy that if you don't abide by all
22 local code, you cannot hold a liquor license in New
23 York State. Law enforcement or whomever who might
24 want to see a space shut down is aware of this.
25 These tickets may not hold up in a court of law, but

2 they're held to a civil-a civil standard of evidence
3 instead of a criminal one when they're in front of
4 the State Liquor Authority. So, to start proceedings
5 to someone's away is quite simple, and that any kind
6 of accusation that—that has been made by law
7 enforcement in one of those MARCH program raids, can
8 be used to shut down a venue by pulling its liquor
9 license or by saddling it with terrible fines.
10 Thanks.

11 DIEGO VARGAS: Hi. My name is Diego
12 Vargas. One of the things that no one has mentioned
13 about quality of life is I've notice that I've lived
14 already in four of the five boroughs of New York
15 City, and when you don't have proper places to dance
16 [coughs]-excuse me-people are going to make places to
17 dance, which is going to affect your quality of life
18 in another way no one has thought of. In Queens
19 there's not enough places to dance. So, guess what,
20 people will create a club like environment within
21 their apartment building, which (1) is not legal. No
22 proper exits. There is only one door in and out.
23 There's children present. You have no control of who
24 comes in, who goes out, and it affects everybody in
25 the neighborhood. So, not having enough places to

2 dance legally is actually creating a bigger problem
3 because I'm going to dance whether you like it or
4 not. People are going to dance whether you like it
5 or not. Either I'll dance in a club or I'm dancing in
6 his apartment or her apartment, which is going to
7 affect everybody else and create fights because
8 people are going to come to the apartment, hey, shut
9 that noise and then fights break out. So, if I had a
10 place to dance, that wouldn't happen. The other
11 thing about having a club people think it's an island
12 unto itself. It's a spider web. You close down a
13 club, you close down the guy who supplies the liquor,
14 the soda, the napkins, the straws the toilet paper
15 the food, the cleaning people who clean the joint and
16 the suppliers who supply the cleaning supplies. So,
17 it's not just a little island. It feeds off hundreds
18 of other businesses. So, that's why we have to get
19 rid of this law. It will create more money, more
20 jobs and at least you'll get a good night's sleep
21 because I'm not dancing in your neighbor's apartment.
22 Thank you.

23 DAVID ROSEN: Hi. My name is David
24 Rosen. I respectfully ask for a little more time if
25 that's at all possible. I represent 150 businesses

2 from Brooklyn as well as the Brooklyn Nightlife and
3 Restaurant Coalition with Brooklyn Borough President
4 Adams who was specifically invited here if that's
5 okay.

6 CHAIRPERSON ESPINAL: Yeah, he was
7 supposed to testify. So, I'll give you a little time
8 to speak on his behalf as well.

9 DAVID ROSEN: Yeah, sure. So, thank you
10 again. I'll try to go from my remarks and cut it
11 down as much as possible, but I need to provide a
12 background in terms of the work we've been doing over
13 the past few years because I think it's just going to
14 set the tone for some recommendations I have.
15 Specifically, I'm here to talk about the Nightlife
16 Task Force and the Office of Nightlife. My name is
17 David Rosen. Before I delve into speaking about the
18 proposed legislation, I need to provide a summary of
19 my background since my name and reputation certainly
20 don't proceed me. I'm a bar and restaurant operator
21 having operated six establishments over the past 13
22 year in Brooklyn and in Queens. Two of those
23 establishments failed, but the remaining four are
24 fortunately still operating. I am also the co-
25 founder of Brooklyn Allied Bars and Restaurants

2 affectionately know as BABAR. BABAR was formed in
3 2011 as a local industry association within the
4 geographic confines of Brooklyn Community Board 1,
5 which represents Williamsburg and Greenpoint. A
6 handful of owners like myself formed BABAR because
7 recognized that our industry needed to build a
8 tighter bond with our community beyond simply serving
9 neighborhood patrons on a daily basis. As an
10 organization, BABAR's mission is to represent our
11 industry in a hyper-local basis. We always
12 understood that the citywide associations like the
13 Hospitality Alliance and the New York State
14 Restaurant Association were doing great work with the
15 big ticket items that affect all establishments
16 regardless of location. But we felt that that local
17 issues that were unique to our neighborhood were
18 naturally missed by the citywide focus. Over the
19 past six years, we have grown and maintained BABAR on
20 a completely voluntary basis without any staff or
21 operational budget. We used [bell] a group as the
22 main needs of organizing and staying touch with each
23 other. We now have well over 130-150 participating
24 BABAR members. Our group is inherently cooperative,
25 and we use our online form to help each other with

2 such interesting topics as plumber recommendations,
3 the merits water cooled versus air cooled ice
4 machines and waring each other about a spree of
5 counterfeit bills. And literally, as I was just
6 sitting here, I got an email from an operator about
7 his stolen phone and I forwarded that to the two
8 local police precincts because that's how we share
9 information, and that's how we add value. We also do
10 our best to host a few in-person meetings a year with
11 examples like local police precinct meetings and the
12 forums on tip-tipping within the industry, and
13 sessions with the Health Department. Beyond working
14 to educate each other, we have strived to build
15 relationships with other local stakeholders including
16 the community board, local NYPD precincts, non-
17 profits, elected officials, other industry
18 associations and prominent local figures. I've
19 served on Community Board 1 myself from 2012 to 2014,
20 and we presently have three BABAR members who
21 continue to serve on the board. We have strong
22 relationships with local groups like Churches United
23 for Fair Housing, Neighbors Allied for Good Growth,
24 the Open Space Alliance, Evergreen and the Grand
25 Street BID. I am proud to say that we have helped

2 raise nearly half a million dollars for the Northside
3 Town Hall Community Center through the Annual Taste
4 Williamsburg Greenpoint Event. Ultimately, the
5 reputation of our industry within our community
6 hinges upon respect for our neighbors. BABAR has
7 placed a tremendous focus on encouraging and helping
8 our members operate responsibly and build good
9 relationships with local residents. But this isn't
10 easy, required ongoing maintenance and attention.
11 When I served on the Community Board, I was
12 dispatched for the SLA Committee to help resolve
13 noise complaints from residents about individual
14 establishments. The 90th and 94th Precincts have also
15 requested my assistance in the same manner. I have
16 attended literally dozens of meetings at various bars
17 with their immediate neighbors to address complaints
18 and concerns. I'm confident in Steven that we have
19 succeeded [bell] in resolving conflicts in those
20 circumstances. I think we have achieved success for
21 two reasons: First, we have been able to share
22 information about successful operational strategies
23 to mitigate noise and other problems, and these
24 strategies are often simple. For example, simply
25 training your bar back staff to pay attention to the

2 volume level while you're taking the trash outside.

3 Secondly, and more importantly building personal

4 relationships between people is often the best way to

5 resolve conflict. In other words, we have—we have

6 been able to improve situations simply by helping to

7 facilitate constructive conversations between

8 residents and nightlife operators, and as I will

9 reference later in my remarks, this is why it is

10 critical for the legislation at hand to include a

11 local organizational component. With that said, I

12 think it's reasonable for me to say that 100 or so

13 business owners would agree that the title of

14 nightlife mayor is appropriate for my work in

15 Williamsburg and Greenpoint. I've noticed since the

16 terms night mayor and nightlife ambassador have been

17 thrown around recently in the press and social media,

18 that there's a sense that the disposition isn't

19 served as the official New York City party animal.

20 But, I think you can rest assured at least in my—in

21 my experience there is nothing glamorous about the

22 disposition. It doesn't involve stepping out of the

23 limousine each evening and being whisked away to a

24 dance floor. It does, however, involve things like

25 serving hot dogs and hamburgers to community resident

2 at the NYPD National Ride-Out in 90 degree August
3 weather for six hours; attending Citizens Police
4 Academy for 14 weeks; braving a community board SLA
5 meeting for nearly seven hours to get through a full
6 docket of applications; attending audio trade shows
7 to learn more about sound proofing methods and
8 technologies; sitting in the street for hours handing
9 out pamphlets for local non-profits; and ironically
10 getting a ticket while parking in the NYPD spot as
11 the guest of the NYPD. I'd like to also highlight an
12 initiative that evolved from BABAR, which is a the
13 Brooklyn Nightlife and Restaurant Coalition, which I
14 formed with Brooklyn Borough President Eric Adams a
15 couple years ago. The idea of the coalition is to
16 expand the focus of BABAR by creating similar
17 industry local groups throughout other community
18 board districts.

19 So, with all that said, I would like to
20 thank the Council Member for proposing legislation to
21 create a Nightlife Task Force and Office of
22 Nightlife. I cannot begin to express how excited I
23 am by this legislation after having worked for the
24 past six years on industry advocacy. Despite that
25 excitement and my unwavering support for these

2 measures, I do think we need to go further and be
3 bolder, and I think that we should do this now since
4 instead of revisiting the legislation in a few years.
5 Fundamentally, I think we need to expand the dialogue
6 around the nature of nightlife and the context of
7 nightlife within our city with-in three key ways.
8 First, and I think this has happened over the past
9 few panels, we need to openly recognize that
10 nightlife in New York City is incredibly expansive
11 and diverse. This may seem as a given, but it is
12 crucial that we don't take diversity for granted
13 within nightlife, and I'm not only talking about
14 diversity in the traditional sense. I think we
15 recog-need to recognize diversity in the business
16 operational sense in terms of the different
17 experiences that our spaces have provided like a
18 large dance club versus a live music venue, a strong
19 warehouse versus a basement lounge, and a large
20 hospitality group versus a mom and pop operator.
21 Second, we need to pose--

22 CHAIRPERSON ESPINAL: Mr. Rosen--

23 DAVID ROSEN: Yes.

24 CHAIRPERSON ESPINAL: --just for the sake
25 of time, we have your testimony--

2 DAVID ROSEN: Yeah, okay.

3 CHAIRPERSON ESPINAL: --and it will be on
4 the record.

5 DAVID ROSEN: Sure.

6 CHAIRPERSON ESPINAL: So, if you want to
7 wrap it up.

8 DAVID ROSEN: Okay, sure.

9 CHAIRPERSON ESPINAL: [interposing] I
10 allowed you to be--

11 DAVID ROSEN: I just want to get to my,
12 you know, my last. I apologize that I just spend a
13 lot of time.

14 CHAIRPERSON ESPINAL: I know. I have it
15 here and I've been reading through it--

16 DAVID ROSEN: [interposing] Sure.

17 CHAIRPERSON ESPINAL: --so we're going to
18 really take this seriously.

19 DAVID ROSEN: Yeah, okay, so I think with
20 all that said, I just want to propose an addendum to
21 the proposed legislation regarding the nightlife
22 council, and the nightlife office, and what I would
23 propose is the--a permanent nightlife council be added
24 to the structure proposed by the existing
25 legislation. The council would be comprised of 59

2 local chapters representing each community board
3 district. Each local chapter would include one
4 community board member, one industry member, and one
5 representative from each local NYPD precinct. The
6 proposed nightlife office would be tasked with
7 facilitating the establishment of this council and
8 local chapters and the local chapters would be
9 responsible for addressing neighborhood issues and
10 building community relationships and will report to
11 the nightlife office and task force to share results
12 and hopes of building citywide best practices.

13 CHAIRPERSON ESPINAL: Thank you, sir.

14 So, I just have one-one question for everyone. I
15 know we've talked—we spoke about quality of life.
16 Would make the argument that venues actually improve
17 quality of life. You know, if we had zero venues in
18 our city, and would that will decrease New Yorkers'
19 quality of life?

20 AUBURN TERKEL: I've lived in places with
21 zero venues and they have a terrible quality of life.
22 [laughter] In fact, there are more of those places
23 than there are place that have them.

24 TODD PATRICK: I—I think people forget
25 that we're, you know, in the business of having fun

2 and bringing people together, but we're also in the
3 safety business, and I think if you can imagine a
4 world where people are just running around drinking
5 and without venues and without trained bartenders,
6 without trained security staff what that would mean
7 for the city, and I think as this gentlemen was--was
8 stating that we don't licenses or places where people
9 can easily dance without problems, they're going to
10 find other ways to go about their business that can
11 be much less safe.

12 CHAIRPERSON ESPINAL: Aight. Thank you.
13 Anything else here on that.

14 ELVIS SILVERADO: And I also wanted to
15 say, night mayor is a couple of letters away from
16 being nightmare. [laughter] So, let's try keeping
17 it the night mayor not make it into a nightmare. WE
18 already live in a nightmare.

19 AUBURN TERKEL: I wanted to add, you
20 know, one of the things I think hasn't been touched
21 on too much that will definitely come out of this
22 hearing, and I assume as much media as were here
23 earlier, there's going to be newspaper articles about
24 this meeting. Every time the world and the media hear
25 about the fact that New York City still doesn't allow

2 dancing, the world laughs at us. It's pretty
3 obvious. It's embarrassing and, you know, the truth
4 be told there's going to be pieces eventually in the
5 Guardian and other European newspapers about how New
6 York City is still behind and is still for no good
7 reason regulating people, getting together and
8 moving. It doesn't make you less safe. There is no
9 reason to have safety regulations on dancing. There
10 is no safety reason for dance—for having dance
11 regulations.

12 CHAIRPERSON ESPINAL: [thunder rumbling]
13 That's thunder. I checked the forecast this morning.

14 AUBURN TERKEL: Is that since—since we're
15 voting.

16 ELVIS SILVERIO: [interposing] One thing
17 I want to add—

18 AUBURN TERKEL: [interposing] One thing—
19 one thing it's an international embarrassment to this
20 city that we still have his law on the books, and the
21 only reason it exists is because certain people don't
22 want to get a hold—get—let go of the power they have
23 to arbitrarily enforce against people they don't
24 like.

2 ELVIS SILVERIO: True. New Yorkers need
3 to let off steam. Otherwise we'd be blowing each
4 other up and throwing each other onto the train
5 tracks. [laughter]

6 MALE SPEAKER: Sir, are you cutting
7 deals? (sic)

8 ELVIS SILVERIO: It's the truth.

9 MAHANNA LANDONE: Everyone has this
10 creative ability and we're suppressing it in
11 ourselves and each other if we don't allow this to be
12 legal.

13 CHAIRPERSON ESPINAL: Okay, thank you.
14 [thunder rumbling] Again, it's thunder. You have
15 nothing to worry about. Alright, thank you guys. I
16 appreciate it.

17 MAHANNA LANDONE: Thank you.

18 CHAIRPERSON ESPINAL: Yeah, thanks for
19 coming. I'm going to call the next panel up. We
20 have James Berkhart, Nancy Fanella, Jonah Levy,
21 Crasnie—sorry—Lucille Crasnie if I have that
22 correctly and Allen Sugarman. [background comments,
23 pause] [thunder rumbling] Just as soon as you're
24 ready you can start and give testimony. I know this
25 meeting is about enforcement so I'm going to strictly

2 enforce the two-minute rule here now just so we can
3 all get home, and—and dodge the rain.

4 ALLEN SUGARMAN: Hello, I'm Allen
5 Sugarman. I'm an attorney here in New York City.
6 I'm here as a social partner dancer. My dances are
7 Tango, Swing, Lindy Hope, West Coast Swing and Salsa.
8 From time to time I have run big events including one
9 in Roseland Ballroom, which at the time it closed a
10 few years ago amazingly did not have a Cabaret
11 License. Now, I could sit here and go on for a long
12 time listening. All the venues in New York City
13 where I have danced that do not have Cabaret
14 Licenses, and it is a shaming to me as an attorney of
15 the corrupt--and I use the word in many contexts—but
16 of the corrupt enforcement of the Cabaret Law by the
17 Department of Consumer Affairs. I don't know if
18 there's actual corruption. There could be, but the
19 way in which they ignore the law is distressing to me
20 as an attorney and officer of the court. Now, there
21 are \$2.4 million Latinos in New York City, which I'm
22 sure the chair knows, and dance is an integral part
23 of their culture, and as a social dancer, I have been
24 able to learn something about the music and the dance
25 and the food of Latinos, and, what this law is doing

2 to a major part of our population is absolutely
3 disgraceful. Yes, I've heard stories of alleged
4 racism in 1926, but let's look at what's going on
5 today, and in that regard also the Cabaret Law
6 equally affects people of all races in this city.
7 So, racism is fine but let's look at what's going on
8 now. [bell] Now if—one thing I wish people do is look
9 at the list of the 99 or 97 holders of the Cabaret
10 Licenses, and when I look at them, and I look at the
11 law, it occurs to me that most of them really do not
12 need licenses. A concert hall does not need—it has
13 no patron dancing, and I wonder why it has a license,
14 and then there are the gentlemen strip clubs. A
15 large proportion of these licensees are strip clubs
16 and music halls. Why does the Village Vanguard have
17 a license? I've never seen a dance space there. Do
18 people dance there? So, they are doing this just to
19 maybe buy insurance. I don't know what it's about.
20 So, I want to keep my comments brief. I've provided
21 a much longer and thorough statement. I want to make
22 a couple of points. There are 55 references to
23 dancing in the zoning resolution. I disagree with
24 people who say there is a three-person rule, the
25 three persons have to do with musicians, and that was

2 struck down in 1988 by the second TS zone (sic)
3 decision, and the City Council has failed to amend
4 the Cabaret Law to be consistent with that decision.
5 I also think you should not accept the refusal of the
6 DCA to respond to your request for factual
7 information about what's going on, and the basis of
8 an ongoing lawsuit. I can see they are maybe
9 refusing when you asked their position, but really I
10 think that that is also extremely disgraceful.

11 CHAIRPERSON ESPINAL: Mr. Sugarman, I'm
12 going to ask you to please wrap up.

13 ALLEN SUGARMAN: Can I get 15 seconds?

14 CHAIRPERSON ESPINAL: Sure.

15 ALLEN SUGARMAN: I work with a group
16 called Dancing Classrooms. I know they were *in Mad*
17 *Hot Ballroom*. The documentary was about them, and
18 over the last 20 years they have trained 500,000
19 children in the city of New York schools to do social
20 partner dancing, and they have no place to do it.
21 And next week at Mid Summer Nights Dream at Lincoln
22 Center, and I urge you to attend, you will see a 15-
23 night festival of social partnered dancing, which is
24 attended by 2 to 3 to 4,000 people a night, and for
25 the Latinos, they are amazing nights. Please attend

2 and I think you need their support to get the support
3 of other city-members of the City Council around the
4 city. Because you can pass this, but that doesn't
5 mean they'll pass it. Thank you.

6 LUCILLE GRESLEY: [background comments]

7 I'm Lucille Gresley. I'm here by as an advocate of
8 circumstances, but I think I might be here on an
9 extraordinarily important and historic time because I
10 think that this wonderful new Council we have, and
11 our leadership of our Councilman Espinal. I think
12 we're facing a new tomorrow and I think with this—I
13 think—I look forward to the support of a—a
14 progressive mayor. So, I'm going to read the words
15 of a person who doesn't want to read it himself
16 because of the problems of being illegal in the city
17 when—when you do some organizing event. I've
18 organized schools and been an avid Argentine Tango
19 dancer for 22 years and an organizer, and I know I've
20 lost lots and lots of places and possibilities
21 because of this law. And let me now go to these
22 wonderful notes by somebody who is a passionate tango
23 dancer, but I think I can speak for him in the sense
24 that we are—we are also passionate about dance and
25 about the arts coming out of art experiences and

2 dance experience and what this city is really about.
3 So, let me read his words. As many producers of
4 dance events fear, I fear enforcement of the city's
5 Cabaret Law, which is why I am submitting my
6 anonymous written testimony. I'm an American
7 citizen, a New Yorker. I have been a Tango dancer
8 for over 22 years. Tango has been a transformative
9 experience for me and many people I know. It is a
10 major part of my cultural identity and its how I
11 relate to other people. Social Tango dancing is a
12 subtle communication between the partners and between
13 couples on the dance floor. It welcomes people of
14 all ages and cultures. It is a popular art of great
15 cultural significance declared a treasured heritage
16 of humanity by UNESCO. It has been shown to have
17 numerous health benefits among them preventing
18 Alzheimer's Disease and parenthetically, it is one of
19 the most effective ways to deal with the problem of
20 Parkinson's Disease in terms of any kind of social
21 dance. It's more powerful. By contrast, the stage
22 Tango does not involve any art, but here's this
23 noiseless and calm couples move around that floor
24 gently in harmony with each other to beautiful music
25 that is played at a much lower volume than an average

bar or club. Tango dances in New York City attract anywhere from 20 100 or on weekends 200. Affordable spaces have been rapidly disappearing, and on top of that the enforcement of the art came Cabaret Law has made it next to impossible to have a tango dance in a public space that serves food and drink. Most public spaces such as restaurants and bars, which have a dance floor and pay for the Cabaret License charge upward of \$3,000 per night, which is far beyond what our small scale Tango events are able to perform—to afford. [bell] The few venues—venues that have some space to dance and are willing to rent it to Tango events at a lower rate are either unable or—to obtain a license or do not consider it worth their time and expense. Lately the New York City Tango Committee has suffered several closings of the long running events by city inspectors because places where they were held did not have a Cabaret License. Tango events are being increasingly forced to close or go underground for survival of a popular dance form having—having advanced in public spaces that serves food and drink is essential, though Tango dancers never drink very much as it is a dance requiring balance and precision.

2 CHAIRPERSON ESPINAL: Lucille, can I ask
3 you let's--let's wrap it up, but--but I appreciate your
4 testimony.

5 LUCILLE GRESLEY: Sure, I just feel
6 responsible to the--

7 CHAIRPERSON ESPINAL: [interposing] And
8 you can--you can submit to us as well when you're
9 done.

10 LUCILLE GRESLEY: Yes, it has been
11 submitted. Thank you very much. I'm--I'm grateful to
12 you.

13 CHAIRPERSON ESPINAL: I'm grateful to
14 you, too, Lucille. Thank you. [pause]

15 LUCILLE GRESLEY: Am I over? Am I
16 thought? Okay.

17 NANCY MILLER: Hi. My name is Nancy
18 Miller. I'm here representing New York Artists
19 Coalition. I'll be as brief as possible. What could
20 we say--said that hasn't been already say a million
21 times today. As a native New Yorker and
22 quote/unquote club kid of the '90s, I was there first
23 hand to watch--to watch Giuliani decimate dance and
24 arts culture city, and even though this current mayor
25 seems to be on board, I fear that should this not be

2 appealed, I don't know if we would, you know, the
3 City -New York City would survive another sort
4 Gestapoesque mayor, and [coughs] as Jerry Goldman
5 said earlier, it is impossible not to dance. You
6 might as well tell us not to breathe, not to blink.
7 Tell our hearts to stop beating. You know, we
8 consider ourselves a sanctuary city, but how can we
9 do that when, you know, this racist law is allowed to
10 sit on the books targeting our most vulnerable and in
11 America where the disenfranchised are becoming
12 increasingly under attack, what better, more
13 courageous and defiant way to show the rest of the
14 world that dance, the heart and soul of the city will
15 no longer be put into jeopardy. Greed and culture
16 are incompatible. That was earlier someone was
17 talking about this very thing. The Palladium is now
18 NYU dorm. The Limelight okay this was a church but
19 now it's a mall. Electric circuits is a chipotle,
20 the Fillmore East, which, you know, hundreds of
21 Jefferson Airplanes. On women (sic) launched their
22 careers are now an Apple Bank. The wetlands of a
23 socially and environmentally conscious nightclub is
24 now a luxury mattress shop. The Iconic Danceria,
25 which launched the careers of Madonna, Rand and CeCe

2 (sic), Senor Robert (sic) and El Cool Jay is now a
3 high end granite and marble shop. And when Giuliani
4 shut down the Tunnel that 80,000 square foot dance
5 hall that housed over 7,000 dancers and turned it
6 into a police station, and one of the most
7 influential and famous clubs of all time the Paradise
8 Garage is now an actual garage owned by Verizon.
9 [coughs] So, as Mr. Muchmore said earlier, Giuliani
10 single handedly sapped the culture—the cultural
11 morality of New York City, and you cannot be a native
12 New Yorker and not know at least a little Yiddish,
13 and there's an expression which I keep thinking of:
14 As it begins so it ends. The origins of this law are
15 steeped in systemic racism and oppression, and
16 division, and we can never really be the New Yorkers
17 that we truly want to be. So, as long as it's on the
18 books. Here we are 91 years later having the same
19 conversation and it is still being used to those
20 ends. Thank you Council Members for the right to say
21 this, and as the famous musical states even in—even
22 in and especially in the face oppression: *Life is a*
23 *Cabaret*. Thank you.

24 CHAIRPERSON ESPINAL: Thank you. Next.

2 JAMIE BURKHART: [off mic] How are you,
3 Council Members.

4 CHAIRPERSON ESPINAL: You might want to
5 hit the mic button and just state your name--

6 JAMIE BURKHART: [on mic] [interposing]
7 There we go.

8 CHAIRPERSON ESPINAL: --before your
9 testimony.

10 JAMIE BURKHART: My name is Jamie
11 Burkhart. I'm a member of the New York City Artist
12 Coalition. I am asking New York City Council to
13 repeal the Cabaret Law. The Cabaret Law was created
14 in 1926 to halt interracial dancing in jazz clubs.
15 It was used by Mayor Giuliani in the '90s to target
16 and shut our gay bars decimating culture. This civil
17 rights issue law was used time and time again. It's
18 still on the books and it's prejudicial history is
19 still felt today. Because of the Cabaret Law there
20 are no legal places to dance to Bed-Stuy nor El
21 Barrio for instance. There are zero cabaret
22 licenses in Council Member Cumbo's district where I
23 live nor in Speaker Melissa Mark-Viverito's. Today
24 there are fewer than 100 active cabaret licenses in
25 all five boroughs. There is nowhere legal to dance

2 in the vast majority of New York's neighborhoods.

3 Everywhere our communities gather, at a friend's
4 performance, at a coffee shop or at a wedding in a
5 restaurant, it's almost certainly illegal to dance.

6 My life as an advocate began with the loss of
7 another. My good friend Nico Marshal (sic). He was
8 one of 36 people killed in the Ghost Ship tragedy
9 earlier this year. From the minute I heard that he
10 was missing, I knew he was gone. They all were. I
11 was filled with shock and grief. Our first response
12 was safety. We facilitated fire safety walk-throughs
13 and workshops. Our study groups for the Fire
14 Department's Fire Guard Certification exam have a
15 100% acing on pass rate. Working directly with
16 spaces we found that though they were up to code,
17 some were afraid to engage with the Fire Department
18 because they knew that they didn't have a Cabaret
19 License and feared retribution. For those who claim
20 the Cabaret Law is about safety, we know what makes
21 community spaces safe, and it is not a ban on
22 dancing. Improve the relationship with trust to save
23 lives. Repeal the Cabaret Law. [bell] Give low-
24 income communities spaces seats on the nightlife task
25 force. For those who say the Cabaret Law is not

2 being enforced, it can easily be used in the future
3 by extreme conservative groups to arbitrarily shut
4 down spaces. In the past few months there have been
5 targeted outright attacks against community spaces in
6 New York. They use the Internet to incite others to
7 call authorities on spaces anonymously. They posted
8 my home address on their website. At least one space
9 I know of was visited by authorities. A teen-age
10 prankster in Wyoming can shut down spaces in New York
11 with this outdated law. Repeal the Cabaret Law,
12 legalize dance. Don't Ask Don't Tell isn't good
13 enough.

14 CHAIRPERSON ESPINAL: Thank you all for
15 your testimony, and thank you for sharing that—that
16 very personal story.

17 JOHN LEVY: Good afternoon. My name is
18 John Levy. I represent the NYC Artist Coalition. The
19 notes that I prepared you have been basically touched
20 on the in so many different ways by so many people
21 that have an incredible history in, you know, all of
22 these conditions have been going on the past few
23 decades. But, you know, I want to talk about a
24 running joke in the DIY arts community and that's a
25 statement that they safety third, and that, you know,

2 after December 2nd last year it was no longer
3 funning. And I really want to just, you know, try to
4 reinforce that this thing—that task force that you
5 bring on should really need to focus on safety in a
6 big way. There are people who are doing a lot to
7 try to provide alternative spaces for all ages to
8 come and enjoy themselves without designer drugs,
9 without, you know, drinking to excess without getting
10 behind the wheel. They're providing an alternative
11 space for these young people, for people of
12 incredibly diverse communities for inside New York,
13 from Outside New York to enjoy themselves, and there
14 needs to be more awareness and more communication
15 about very dangerous, you know, sexual violence
16 that's occurring on dance floors I think in
17 underground communities where there's not enough
18 awareness about consent, and I think the nightlife
19 task force needs to address a lot of these issues.
20 Thank you.

21 CHAIRPERSON ESPINAL: Thank you all.

22 Thanks for coming again. I appreciate your
23 testimony.
24
25

2 Would it be possible to say one more
3 thing, you know, to add something. [background
4 comments, pause]

5 CHAIRPERSON ESPINAL: Excuse me.

6 I wondered if it's possible to say one
7 more comment.

8 CHAIRPERSON ESPINAL: Sure.

9 LUCILLE GRESLEY: I just—it's been
10 interesting for me that this—the entire thing has
11 been absolutely fascinating. The comments have been
12 so extraordinary, and I—I love what Frankie said. I
13 thought this was extraordinary that we got this
14 racist law today. It seems unbelievable, but what I
15 want to say is there's been rare—very little comment
16 about if everything is the Cabaret Law, the Cabaret
17 Law. An awful lot of this is—is due to an absolutely
18 uncontrollable real estate industry that we can't
19 control. So, we turn all of our attention to this
20 law and, of course, it must be—it must be gotten rid
21 of. But I'm fascinated by—by so little attention or
22 angle or fury about all these displacements because
23 they can't afford to stay there. They haven't just
24 been closed down by the Cabaret Laws. I just wanted
25 to say that.

2 CHAIRPERSON ESPINAL: Thank you. I'd
3 like to call up the next panel. We have Julie, Emily
4 Edwards-Malnig, sorry, yeah. Emily Edwards, Rick
5 Lechton (sp?) DJ Straight the Navigator, and Emily
6 Bar-Bartonian. (sp?)

7 FEMALE SPEAKER: She left.

8 CHAIRPERSON ESPINAL: Okay, Brendan
9 McGlynn; Ariel from Pearling.org and Julio Salazar
10 from Cliff NYC. Julio if you're still here.
11 Alright, you can begin.

12 JULIE MALNIG: [off mic] Good afternoon.
13 [coughs] [on mic] Good afternoon. My name is Julie
14 Malnig and I'm a Professor of Dance History and an
15 author of books about social dance and popular dance.
16 I'm actually reading a testimonial by my esteemed
17 colleague Sally Sommer who couldn't be here today
18 unfortunately. She's also a Professor of dance
19 history and theory, a dancer and a filmmaker. I just
20 want to say that we both feel passionately about this
21 subject and are in full agreement. I am in full
22 agreement with her statement. So, I have condensed
23 this, but I'd like to address what I consider the
24 most crucial issue underlying the latest ruling
25 uphold the 1926 Cabaret Law. Social dancing was not

2 an expressive activity protected by the First
3 Amendment. We've, of course heard this discussed a
4 lot this afternoon. But if social is not an
5 expressive activity, what is it? The entire world
6 dances. Dancing is an essential cultural identifier.
7 I dance this way because I believe and come from this
8 country, this group, this family or even this
9 neighborhood. There is no legal definition of
10 dancing. In the most general definitions that try to
11 be as simple as possible dance had been defined as
12 rhythmic movement performed to music or formal
13 mobilized rhythmic movement. Other rhythmic
14 movements done to music or mobilized movements would
15 be parades, marching bands, football games, half time
16 entertainment and even church choirs. All of these
17 movement based practices done to music are protected
18 under the First Amendment because they represent
19 instance of freedom of expression. Why are these
20 activities protected and social dancing is not? In
21 1926—in New York City since 1926 dancing whether the
22 waltz, the Charleston, the Turkey Trot, Hip-Hop
23 dancing and House dancing has been banned using the
24 Cabaret Law to shut down clubs. The real issue is
25 not dancing but noise, drugs and real estate

2 development. Dancing itself is not noisy. In fact,
3 dance is very quiet. Loud music should be controlled
4 by the laws already in place and the drug laws should
5 be enforced. Real estate is the actual culprit, as
6 we've heard. Manhattan clubs were shut down to make
7 way for high-rise development, which paralleled city
8 intentions to approve quality of life and gentrify
9 Manhattan. In conclusion the serious dancers I know
10 do not have the money to go to those clubs and they
11 don't buy high priced drinks. Serious dancers don't
12 care about who sees them. Serious dancers go to
13 dance and go home. For them, dancing is their
14 quality of life. For me as a writer as a professor
15 as filmmaker dancing is what makes life worthwhile.
16 My question is why are dances and dancing being
17 penalized. They are not the problem. Thank you.

18 EMILY EDWARDS: Hi. My name is Emily
19 Edwards. I am one of those serious dances. [bell]
20 [laughter] I have been a professional dancer and
21 choreographer in the city for the past 14 years, and
22 there is nothing so disheartening than to be enjoying
23 an evening with friends as a means as a release from
24 the stresses of the day only to be told that the joy
25 must be contained because the establishment we are at

2 dose not have a Cabaret License. Dance is our chosen
3 form of expression and to repress it is a violation
4 of our First Amendment rights. Dancing is also an
5 expression of love and joy, something we don't have
6 enough of in this world right now, and I think that's
7 something that hasn't been brought up enough today.
8 Keeping an antiquated law that is rooted in racism
9 and that regulates and reduces the joy and happiness
10 of the citizens of this great city of New York is the
11 wrong decision for a city that wishes to grow and
12 continue being the symbol of American freedom. Thank
13 you.

14 BRENDAN MCGLYNN: Thank you for providing
15 this platform for us to express ourselves. My name
16 is Brendan McGlynn and I'm representing the
17 Dysfunctional Swingers Dance Company. We celebrated
18 the city's local folks dance, Lindy Hop. I also
19 represent Pearling.org. We create improved dance
20 performances in unexpected places. Both of these
21 organizations create a lot of smiles on New Yorkers'
22 faces, but they also create a lot of nervous venue
23 owners, and I've been asked to step down because of
24 this law so many times my friends bought me a T-shirt
25 that says *Dancing Is Not A Crime*. I feel that

2 dancing is a natural right. It's a healthy past
3 time, and it's something enriches the cultural fabric
4 of the city we all love. For that reason, I think
5 this law be repealed and if a nightlife task force or
6 night mayor are to be created, I think they should
7 not only have the right social dance, but actively
8 promote it. Thank you.

9 AYEL: Hi. My name is Ayel. I also
10 represent Pearling.org and I would be brief and
11 address a couple of things that I don't believe have
12 been discussed. I think one of the main problems for
13 me personally as a dancer and as an artist is that
14 the Cabaret—the Cabaret Law relegates dancing into a
15 prescribed context. It is allowed as a performance
16 not as just dancing or however you want to define it.
17 I think this cultural—this culture in this day and
18 age we're obsessed with labels, but I think that
19 often times labels can be unhelpful and unhealthy as
20 artists. A lot of times when I'm dancing with my
21 partner, we have had the most amazing artistic high
22 points when we were having a very spontaneous
23 performance usually in an illegal context, and a lot
24 of people are watching, and they're appreciating and
25 it art what we are doing. It may be considered

2 social dancing which is distinct from concert dance,
3 which we also do, but I think the point is that when
4 you're an artist and you are creating art you need to
5 be able to take inspiration where you find it. If
6 that be at a live music event where we are going to
7 say instance a jazz jam session where the musicians
8 are blowing off steam. They are improvising. We are
9 improvising to them, and they are responding to us.
10 So, we have the opportunity for collaboration, but if
11 we're thinking oh, my goodness this is illegal, then
12 that is actually cramping the development of art
13 itself, and the development of us as artists. We
14 also are able to—I would mention also the noise
15 factor when we're going to clubs and things like
16 that. When we're actually dancing, we are providing
17 a lot of stimulus and that is what a lot of people go
18 to for a dance experience, and when you're allowed to
19 dance, you do not have to have the volume at such a
20 high level [bell] because when you are able to use
21 your entire body you are going to be much more
22 fulfilled than if you have to just to just sit there
23 or stand there and drink, and have to have the
24 entertainment blasted at you to achieve maximum
25 amount of stimulation. Thank you very much.

2 DJ STRAIGHT THE NAVIGATOR: Hi. Good
3 afternoon and thank you everybody for the opportunity
4 to be here. Councilman Espinal, you're a brave man
5 in pushing this legislation to have this Cabaret Law
6 repealed and it should be repealed immediately at the
7 first session when the Council convenes. I just want
8 to quickly go over who I am. I am Reese Manuel
9 Lavino, and I go by my moniker DJ name as DJ Straight
10 the Navigator for Straight Blade Productions, and on
11 behalf of my company, Straight Blade Productions, I
12 wish to see this law repealed permanently forever out
13 of the mind and out of the universe because it has no
14 place in New York City. In such a place where we
15 have local DJs like myself that are looking for
16 venues to play, if I cannot play, you know, my
17 underground and lounge music, and my people cannot
18 dance, they are mentally and physically challenged
19 because we are making our patrons sick. And dancing
20 is to me the most healthiest thing that one can do in
21 one's life. If you can dance, that means you are
22 alive, and when I played music, I played music that I
23 not commercially based because to me commercial music
24 is garbage, and I have as one of many DJs have
25 committed myself to the underground deep house scene

2 that has real quality artist. Some of them are not
3 household names. People like, you know, that are
4 like from Eastern Europe or—or some place in Croatia
5 and their music is soulful and I want to expose it in
6 the public arena, but I need to know if I live in a
7 city where dancing is not a crime because if it's a
8 crime then I'm outlaw for promoting the dance music,
9 and I got the good stuff. And I'm one of many DJs.
10 Like Carey Jama, Louie Vega they got the good stuff.
11 We are one of many. We want this law repealed
12 immediately.

13 CHAIRPERSON ESPINAL: Thank you. Thank
14 you again for your advocacy, and thank you for being
15 here. Your testimony is very helpful. Appreciate
16 it. Thank you. The next panel. We have Gail
17 Madera, Molly Martinez, Robin Sokoloff, Gerald Dolan
18 and Julia Senokova. [background comments, pause] So,
19 we have Julia, Gerald Dolan.

20 GERALD DOLAN: Garrold.

21 CHAIRPERSON ESPINAL: Oh, Gerrold Dolan,
22 Sorry about that. Robin Sokoloff, Molly Martinez,
23 James Dia (sp?), Dr. Derek Leon Washington. Okay,
24 you may begin.

2 JULIA SAMONIKOVA: [off mic] I'm Julia
3 Senokova.

4 CHAIRPERSON ESPINAL: Just hit the button
5 on the mic. Yeah.

6 JULIA SAMONIKOVA: [off mic] I'm Julia
7 Samonikova [on mic] Hello. My name is Julia
8 Samonikova, and I'm a freelance event organizer, and
9 visual artist. My mother escaped Soviet Russia via
10 Israel shortly before I was born so my ability to
11 make a career in the arts in a free society is never
12 lost on my any day. I'm here today to urge NYC's
13 representatives to protect the city's artistic and
14 inclusive legacy by repealing the Cabaret Law
15 immediately. This law is rooted racism and has all-
16 has been used to target LGBTQ venues. In this
17 political era, keeping our community spaces free and
18 open to show the world that New York is still a
19 beacon for diversity has never been so important. I
20 moved to New York almost a decade ago and have been
21 artistically inspired by, employed by, and protected
22 by Queer Alternative Spaces in Brooklyn. I met
23 people of all races and backgrounds who were
24 passionate about strengthening communities through
25 art. None of these spaces could afford or obtain a

2 Cabaret License, and this time I've also witnessed
3 first hand how LGBTQ and black community spaces and
4 clubs are invariably the most frequent and the most
5 vulnerable spaces to be shut down by the NYPD. I've
6 seen the No License to Dance ticket some promoter
7 friends of mine have received. Certain favorite
8 legal bars and venues some of whom the venue owners
9 testified today can no longer advertise dancing
10 oriented events or DJs for fear of having their
11 liquor licenses revoked and being raided by MARCH.
12 In the post Ghost Ship fire era, I have had events
13 that I have personally planned for months with my own
14 time and money, cancelled last minute for fear of
15 enforcement for fear of the safety of people who
16 participate in my events that we've had to cancel
17 events preemptively knowing the atmosphere. So, New
18 York City legislators please give us the tools to
19 provide safe spaces and end this racist law, which
20 defunds and destroys culture. Instead—instead, fund
21 our spaces and fund young artists who are the
22 architects of our future, and of technological
23 solutions. Let New York dance.

24 MOLLY MARTINEZ: Hi, good afternoon. My
25 name is Molly Martinez and I'm here representing part

2 of the Tango community and speaking partly on behalf
3 of Gail Gibbons who had to leave. I actually wanted
4 to reaffirm one of the points brought up by a woman
5 wearing a pink shirt about the concept of
6 sanctuaries, which is the sexiest buzz word in the
7 press yet, and New York is a sanctuary city and
8 academic institutions are affirming themselves as
9 sanctuary institutions. Religious organizations are
10 sanctuary houses of worship, but this legislation is
11 in contrast in sharp contrast and opposition to
12 embracing that diversity. Everyone here has already
13 articulated the—the racial and homophobic foundations
14 of the law so I'm not going to restate it, but I did
15 want to unpack what that diversity actually means
16 because we've been speaking about it in broad terms,
17 and we've alluded to jazz and the African-American
18 community and the Latin-American community, and as a
19 Latin-American myself, I'm originally from Puerto
20 Rico when I go to a Tango event, we actually take
21 bets—no money bets as to how many countries will be
22 represented at each event, and usually after post-
23 rehearsal dinners, there will be at least 15
24 countries represented at a table. Just to name the
25 ones I can remember by diversity I'm referring to

2 Argentina, Colombia, Uruguay, Russia, France, Canada,
3 Spain, Italy, Khuzestan, China, Japan, Turkey, UK,
4 Australia, South Africa, Lithuania, Greece Bella
5 Vous, Syria Belarus, Syria, Lebanon, Ukraine and
6 Switzerland, and those are--

7 CHAIRPERSON ESPINAL: [interposing] Which
8 ones aren't on the list?

9 MOLLY MARTINEZ: Pardon me. [laughs]
10 These are just the ones I can remember and I'm sure
11 it doesn't comprise the complete list of people that
12 I meet on a weekly basis at Tango events. I'm so
13 proud to be part of the dance community, and I
14 really, really hope this law gets repealed. [bell]
15 Thank you.

16 GARROLD DOLAN: Hi, my name is Garrold
17 Dolan, and I'm an immigrant from Ireland and arrived
18 here in New York almost 30 years to the day today,
19 and I've been deeply involved in the New York club
20 scene for 30 years, and one of my first shocks coming
21 here was finding that you can't socially dance
22 legally in all venues. Coming from a poor
23 impoverished country one of the few things that poor
24 people can do is go out and dance and sing in their
25 local bar. So, it seemed completely incongruous to

2 be able to do—just go out and go to bars, socialize
3 and not be allowed to do the one thing that you would
4 want to do, and would drive the community to be
5 together. I'm a performance artist, a musician, a DJ
6 and an arts educator, and all of those things
7 involved dance in some way, and not being able to
8 express yourself is an impingement on your ability to
9 live you life to the full. So, I—I feel like as a DJ
10 the only way to find your way in the world and to
11 express yourself and to find that if you're any good
12 and to actually practice it is to be able to see the
13 reaction of the people that are dancing to your
14 music. So, if people can't dance, you don't get any
15 feedback, and you can't become better at your craft.
16 So, this sort of impingement on your ability to
17 expand your possibilities is wrong, and for the
18 dancers are the people who want to dance, it's wrong,
19 too because for me when I hear the beat I just want
20 to shake my ass. I'm sorry. That's that just the
21 way it is. It's natural and it comes out of you, and
22 we should not be legislating how people move, how
23 people can express themselves whether it's physical
24 or—and verbally, and that's all I have to say. Thank
25 you.

2 JAMES DEER: [coughs] Hi, thanks for
3 having me speak. My name is James Deer (sp?). I've
4 been a DJ and throwing events in New York for over 20
5 years, and I have been fighting this law for a long
6 time. I was basically first hand when Giuliani
7 really was enforcing it in the late '90s, early
8 2000s. I DJ'd at a number of venues, including
9 Dominique's venue plan, and just witnessed basically
10 harassment, and it's just, you know, I mean obviously
11 so many people brought up the racial implications of
12 the origins of the law and how it targets certain
13 venues especially [coughs] small venues. It's true.
14 That's why everyone keeps bringing this point. It's
15 real. It happened and even if you have like
16 Bloomberg with that kind visibility (sic) would
17 elapse or de Blasio that is at least trying to model
18 something a little more like for language, which I
19 think is smart. They should. It's—it make sense.
20 You know there's so much culture that's come from New
21 York that, you know, New York needs to grow up and
22 actually accept that this a big part of the city, and
23 that as other people are saying about [coughs], you
24 know, how you can have like all this tax revenue.
25 Why is that? Why are you trying to push these places

2 out of business when you can create a whole scene.
3 That's why people go to Berlin and, of course, that
4 should be how New York should be, too. You know, I
5 mean it's just—it's terrible. It's a terrible law,
6 you know, and I've witnessed it for years, and I'm—
7 I'm really, really happy that this is happening
8 today, and I just, you know, that's why we're here.
9 We're here to kind of push. I mean someone who owned
10 this club the Cooler, which is a defined club in the
11 meat packing district I mean he had a really good
12 analogy, which is basically saying like it's like
13 having a comedy club, but then you have to tell your
14 patrons they're not allowed to laugh. I mean it is
15 that ridiculous. That's like when Todd P. brings up
16 that people are laughing at us, they are. It's
17 ridiculous. So, that's all I have to say.

18 DEREK LEON WASHINGTON: Good afternoon.
19 Buenos tardes. My name is Derek Leon Washington.
20 I'm a Culture Anthropologist, Dance Anthropologist,
21 and Curator. I have prepared statements. I urge you
22 to repeal the Cabaret Law, a de factor NYC ban on
23 social dancing that has decimated live Latin music in
24 NYC beginning in the 1990s. A city that was known as
25 a center of Latin music is now a shadow of its former

2 self. The increased enforcement of the law since the
3 1990s has negatively affected the cultural, artistic
4 and economic health of Latino communities and NYC.

5 Since the 1940s, NYC has been known as one of the
6 most important centers of Latin music in the world.

7 It was instrumental in the proliferation of Mumbo,
8 which is a music and a dance since the 1950s with,

9 of course, the Palladium Ballroom on Broadway and
10 53rd Street. This movement brought New Yorkers at

11 different regions, ethnicities, races, and economic
12 status together. In the last 1960s New Yorkers,

13 mostly Puerto Ricans and Cubans mix different genres
14 to create a form of music and dance called Salsa.

15 This music has become the most popular Latin music
16 genre, a multi-billion dollar industry, and also a
17 vehicle for solidarity for Latinos and other people

18 from around the world. In the 1990s, Giuliani's
19 enforcement of the law was a direct cause and the

20 closing of countless Latin music venues that

21 connected communities in East Harlem El Barrio, South
22 Williamsburg, Los Sores; the Lower East Side Losiva

23 (sp?) the South Bronx and, of course, Washington

24 Heights. This has broken down the artistic output

25 and draws music, and dance lovers from around the

2 world do not come to these places any more. Even the
3 Latin record store in the subway, Record Mart, was
4 closed. I ask to repeal the law since many musicians
5 have left NYC, ceased to play or have become
6 destitute. Lastly, it's hurt our Latino communities
7 artistically, socially and economically. Gracias.
8 Thank you.

9 CHAIRPERSON ESPINAL: Thank you all and
10 thank you for the history.

11 DEREK LEON WASHINGTON: Can I just add
12 one more thing?

13 CHAIRPERSON ESPINAL: Sure.

14 JAMES DEER: I just want to also mention
15 that the task force because people were talking about
16 how people enforce. I worked at a place where I was
17 a Saturday night resident DJ, and they would
18 basically come every other week usually at midnight
19 or 1:00 a.m. prime time with a whole gang of people
20 have the lights up, check to see if the sprinklers,
21 check to see if the milk is outdated like—and it's
22 like why are they doing this at Friday at 1:00?
23 Because even if they can't find something, which as
24 someone said, they always do, well we got to—you
25 know, but even if they can't, they've still cost the

2 venue thousands of dollars because you're talking
3 about no one is going to hang out in a club and try
4 to hang out and meet someone or dance if you have 20
5 cops and Fire Department all through the place, and
6 then, of course, even if they got no tickets, they
7 don't get that money back, you know, and so that is
8 what-kind of like what they're trying to show these
9 businesses in terms of harassment is we don't want
10 you open, and if you're going to stay open, you're
11 not going to make money and people aren't in this for
12 charity. So, it's like for the city their rep is not
13 good.

14 CHAIRPERSON ESPINAL: Okay.

15 JAMES DEER: So, it's like if you want to
16 kind of have like a less advertorial or just have
17 people kind of view the city as trying to help, then
18 it needs to change for sure, you know. That's all.

19 CHAIRPERSON ESPINAL: Thank you.

20 GARROLD DOLAN: I have one more
21 statement. I-I used to run in ABC in 1987, '88 and
22 '89, which was on Rivington Street in the Lower East
23 Side, and we had no problem with this sort of
24 enforcement. It was pre-Giuliani time. In the '90s,
25 I used to run a club called Jungle Nation, which

2 moved all around the West Side and the East Village,
3 and that's when we started to feel the enforcement,
4 and it feels like this is just continued since then.
5 So there was time when this law wasn't enforced and
6 was basically ignored. It was considered an archaic
7 thing from the past that was just on the books and
8 the forgot to get rid of it, but when Giuliani came
9 in and he used it as a tool to oppress the people
10 that and the communities that he didn't like, that's
11 when it came back into the fore-in-into effect and it
12 hasn't been dropped since. It's continued to be
13 using that method as a tool. Thank you.

14 CHAIRPERSON ESPINAL: Thank you all.
15 Thank you all for your testimony. I really
16 appreciate you waiting all day, and staying here and
17 showing your support for-for these bills. Thank you
18 guys. We have Reanan (sp?) Catalyst, and correct me
19 again if I'm wrong if I'm mispronouncing your name.
20 Leah Lonzo and Brenda Neville from Neville Dance
21 Theater. [background comments, pause] Alright, as
22 soon as you're ready, you can just state your name
23 for the record and give your testimony.

24 LEAH LONZO: Hi. My name is Leah Lonzo.
25 Should I go?

2 CHAIRPERSON ESPINAL: [off mic] Yes.

3 LEAH LONZO: Hi, my name is Leah Lonzo,
4 Should I go? Thanks for waiting. I am a Mexican-
5 American. I have come—I came to this country and to
6 this great city of New York to develop as an artist.
7 I write original music, sing and dance professionally
8 here and abroad. I'm here to tell you today that
9 there's not enough places to dance in this city.
10 There are many more—there are many more venues for
11 dancing where I come from in Mexico City, and I have
12 come to know that the reason for this is the racist
13 and outdate Cabaret Law that limits social dancing to
14 large corporate entertainment businesses like strip
15 clubs, hotels, and a few large night clubs. I
16 participated as a social dancer in warehouse parties
17 and love the Dance Parade as my favorite event of the
18 year because people from all over the world come
19 together to express themselves. There is so much joy
20 in the air. I understand that Dance Parade started
21 because a court ruling said that dance wasn't—said
22 that dance wasn't considered expressive. I much
23 prefer smaller audiences and community where I can
24 dance comfortably with my straight and LGBTQ friends.
25 The places where I express myself as an artist best

2 are the intimate venues. I hesitate to name them
3 because they don't have dancing licenses. They
4 shouldn't need to have a license to dance. Nobody
5 should. Dancing is free and it's a form of
6 expression that we all share and we all should be
7 able to enjoy in this beautiful city. Please don't
8 kill the culture of this city. Please repeal the
9 Cabaret Law so art and culture can prosper. Thank
10 you.

11 CHAIRPERSON ESPINAL: Thank you. [pause]

12 BRENDA NEVILLE: My name is Brenda
13 Neville. Thank you for allowing me to testify today.
14 I am a dancer living in New York. For 14 years I've
15 studied dance at Milwaukee ballet school, four more
16 years at Butler University in Indianapolis, and then
17 I promptly came to New York to pursue both a career
18 and to be able to dance socially in what was-what is
19 considered I still hope and believe New York City is
20 a dance mecca of both America and the world. I am
21 also a dance teacher at the Ailey School and Covenant
22 Ballet School of Brooklyn and the Artistic Director
23 of Neville Dance Theater, a non-profit dance
24 organization that has been in operation for the past
25 12 years in Brooklyn, Queens, Manhattan and the

2 surrounding areas. We present contemporary ballet
3 infused with Tango, Flamenco, and many other social
4 dance forms, which I studied and learned during my
5 time as a dancer. We perform in studios and on
6 stages. We danced on Broadway in Dance Parade at
7 festivals and in bars and in social places. We do
8 struggle to find both affordable and legal places to
9 continue to present dance both professionally and
10 socially. As an individual, a dancer and a
11 choreographer the way I express myself both
12 professionally and socially is through dance, and I
13 am not alone. Through my company's endeavors I
14 express myself professionally. Personally and
15 socially, however, this law directly limits me and me
16 and many others from expressing ourselves fully in
17 the way in which we do best through movement and
18 dance. Dance is a means of cultural and self-
19 expression as well as a sacred art form and needs to
20 be protected by the laws for the benefit of all New
21 Yorkers not threatened regularly or criminalized by
22 the city's current Cabaret Law. Venues should not
23 be penalized by the fact that people want to dance--
24 I'm wrapping it up--or that dance is taking place
25 there but instead by capacity, safety standard

2 regulations. If that is followed, dance will be more
3 available, accessible in more locations, situations
4 and activities throughout the city, which I think
5 will be a wonderful thing, and will allow both myself
6 and many others the ability to assemble and fully
7 express themselves freely, safely, professionally and
8 socially. Thank you very much.

9 CHAIRPERSON ESPINAL: Alright, I think
10 we're good. Thank you so much for everyone, and
11 thanks for all the testimony that we heard today.
12 It's 5:46 in the evening but, you know, it was—it was
13 really insightful and not only for me but for the—for
14 the city to hear from all of the advocates, all of
15 the business owners on why it's important that we
16 seriously look at repealing the Cabaret Law and also
17 installing an office of nightlife. You know, we made
18 it clear, you know, nightlife while some might see it
19 as impeding on quality of life, it actually adds to
20 quality of life. Nightlife is important and also for
21 the cultural—for the cultural capital that it creates
22 for our city. You know, New York City is known for
23 its nightlife. It known as the city that never
24 sleeps because of that, and we can't as a government
25 get in the way of that, and also we can't set an

2 example and say that you are not allowed to dance,
3 you know, in parts of our city, and that especially,
4 you know, given the history of that law, I think it's
5 important that we repeal that law, and move forward
6 and—and seriously look at what are the real issues
7 that we need to be focused on and its safety. This
8 Wednesday, we just got word that we're going to be
9 introducing the repeal to the Cabaret Law. So,
10 really excited about that, and let's continue the
11 conversation, and it's going to—it's going to be a
12 conversation that we'll have all throughout the
13 summer. So, if you have testimony that you want to
14 submit for the record, please email it to my office,
15 and we'll—we'll make sure it's in for the record.
16 So, again, thank you all. Have a good evening, and
17 we'll continue the conversation and let New York City
18 dance. [gavel]

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date July 13, 2017