

Regional Plan Association Testimony to the New York City Council Committee on Consumer Affairs regarding T2017-6287 and Int. 1648-2017

June 22, 2017

Arts and culture are vital to New York City’s position globally. Many tourists visit specifically for the wealth of cultural activities the city has to offer, but cultural expression is not limited to New York’s large museums and other cultural institutions in the heart of Manhattan. New York’s communities have long been served by a bustling underground of bars, clubs, and flexible event spaces that are selectively regulated by the city’s antiquated Cabaret Law. While one may argue that “cabaret licensing” is a way to ensure fire, building code, and occupancy safety for dance spaces, the law has been used to enforce political agendas or racial and cultural paradigms. The proposed legislation to repeal the Cabaret Law and establish an Office of Nightlife would allow better understanding of the city’s nightlife economy and lead to the creation of more thoughtful regulations to ensure the city’s spaces for social life are safely constructed and effectively managed.

The city’s Cabaret Law is rooted in racial discrimination, and has been selectively enforced, largely to the detriment of the city’s traditionally marginalized communities. Of the thousands of nightlife establishments in the city, only 133 hold the expensive and difficult to obtain “Cabaret License.” Without a license, no more than three people are allowed to dance at a time in an establishment. The prohibition-era law was established to regulate jazz clubs deemed “unruly” during the Harlem Renaissance. In more recent history, the law was used as a tool to break up DIY dance parties and carry out “broken windows” policing while Mayor Giuliani held office. Placing the enforcement of nightlife concerns – such as zoning, alcohol licenses, and building code – in the Office of Nightlife will allow the city to shift from the selective race- and class-based enforcement of the past to a more equitable way of ensuring the city’s nightlife is safe, fun, and at minimal nuisance to neighbors. Repealing the Cabaret Law and establishing a more comprehensive approach to the city’s nightlife economy can result in less politically-driven enforcement, and more spaces for expression in the city’s neighborhoods.

Reforming the way New York regulates nightlife is not only about equity and cultural expression, but is a matter of sound urban planning to create a more vibrant city. A mixture of day and night activities in a city provides the right balance of “eyes on the street” at different times of day, contributing to a safer streetscape even late into the night on streets with thriving restaurant, bar, club, and dance scenes. While regulations are necessary, taking a more holistic approach to the regulation of nightlife can ensure a more equitable process. If established, we would urge the Office of Nightlife to limit regulations on the size and floor plan of social spaces, and instead allow for more flexible spaces that encourage a wide range of social and creative activities.

To create a city that competes on a global stage and recognizes its wealth of locally occurring culture, New York must support spaces for the arts – including smaller, more informal spaces for nightlife and dance. By creating a Nightlife Task Force and Office of Nightlife, perhaps the city can better understand it’s valuable arts and culture resources, and therefore better serve them.