Committee on Cultural Affairs, Libraries and

International Intergroup Relations

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## THE COUNCIL OF THE CITY OF NEW YORK

# COMMITTEE REPORT OF THE LegisLative Division

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

**INTERNATIONAL INTERGROUP RELATIONS**

*Hon. Chi Ossé, Chair*

#### May 25, 2023

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| **Int. No. 590-A** | By Council Members Rivera, Ossé, Cabán, Louis, Hanif, Joseph, Hudson, Nurse, Gutiérrez, Won, Sanchez, Narcisse, Stevens, Restler, Velázquez, Kagan, Schulman, Krishnan, Avilés, Williams, Riley, Hanks, Menin and Richardson Jordan |
| **Title:** | A Local Law to amend the New York city charter, in relation to the open culture program for art and cultural institutions |
| **Res. No. 550** | By Council Members Hanif, Farías, Restler, Marte, Hudson, Ung and Avilés (by request of the Bronx Borough President) |
| **Title:** | A Resolution recognizing May as Lupus Awareness Month in NYC |

1. **Introduction**

On May 24, 2023, the Committee on Cultural Affairs, Libraries and International Intergroup Relations, chaired by Council Member Chi Ossé, held a hearing and vote on Resolution Number (Res. No.) 550, sponsored by Council Member Shahana Hanif, recognizing May as Lupus Awareness Month in the city of New York; and a vote on Introduction Number (Int. No.) 590-A, co-sponsored by Council Member Carlina Rivera and Council Member Chi Ossé, in relation to the open culture program for art and cultural institutions. The Committee previously held a hearing on Int. No. 590-A as part of an oversight hearing on *CreateNYC: The NYC Comprehensive Cultural Plan*, on October 26, 2022. Witnesses at that hearing included administrators from the Department of Cultural Affairs (DCLA), members of the Cultural Institutions Group (CIG),[[1]](#footnote-2) various arts and cultural groups and organizations, academic institutions, and other interested parties. No members of the public testified about the resolution.

On May 24, 2023, the Committee on Cultural Affairs, Libraries and International Intergroup Relations passed both pieces of legislation by a vote of seven in the affirmative, zero in the negative, and zero abstentions.

1. **Bill Analysis**

*Int. No. 590-A*

This bill would make permanent the Open Culture program that was established temporarily by local law during the COVID-19 pandemic, and pursuant to which eligible arts and culture institutions obtain permits to use roadways for events. The City would be required to establish the permanent program by August 1, 2023. There would be no fee for eligible institutions to participate in the program; however, the City would be permitted to charge a $25 fee for application to the program. This bill would also require the City to submit a report regarding the Open Culture program by November 1, 2023, and annually thereafter.

Since introduction, this bill was amended to clarify several definitions, expand eligibility criteria, and add a reporting requirement.

This bill would take effect immediately after it becomes law.

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| Int. No. 590-A    By Council Members Rivera, Ossé, Cabán, Louis, Hanif, Joseph, Hudson, Nurse, Gutiérrez, Won, Sanchez, Narcisse, Stevens, Restler, Velázquez, Kagan, Schulman, Krishnan, Avilés, Williams, Riley, Hanks, Menin and Richardson Jordan    A Local Law to amend the New York city charter, in relation to the open culture program for art and cultural institutions    Be it enacted by the Council as follows:  Section 1. Chapter 67 of the New York city charter is amended by adding a new section 2509 to read as follows:  § 2509. Open culture program. a. Definitions. For purposes of this section, the following terms have the following meanings:  Artistic or cultural event. The term “artistic or cultural event” means an event or programming sponsored by an eligible institution, including, but not limited to, cultural performances, rehearsals, and classes, that is open to the public and offers services or information to the community.  City artist corps. The term “city artist corps” means the initiative established by the department in May 2021 to provide funding to the arts community during the COVID-19 pandemic.  Cultural institutions group. The term “cultural institutions group” has the same meaning as set forth in section 2507.  Eligible institution. The term “eligible institution” means a person or entity that:  (i) is an art or cultural group, organization, or institution within the city that is a member of the cultural institutions group or that is eligible to apply for a grant through the cultural development fund administered by the department;  (ii) provides documentation of funding from a borough arts council or the city artist corps, or that would have been eligible to apply for funding from such sources within the 2 years prior to the date on which such person or entity submits an application to the office for participation in the program; or  (iii) has fiscal sponsorship from a person or entity that meets the definition set forth in (i) or (ii) of this definition.  Office. The term “office” means the mayor’s office of citywide event coordination and management established pursuant to executive order number 105, dated September 17, 2007, or another agency designated by the mayor to perform the functions set forth in this section.  Program. The term “program” means the open culture program established pursuant to subdivision b of this section.  Roadway. The term “roadway” means that portion of a street designed, improved or ordinarily used for vehicular travel, exclusive of the shoulder and slope.  b. Open culture program. By August 1, 2023, the office, in consultation with the department of transportation, the department of cultural affairs, and any other agency designated by the mayor, shall establish an open culture program for the purpose of authorizing an eligible institution to conduct an artistic or cultural event in a roadway. The office shall establish eligibility and use guidelines and policies for such program in consultation with such agencies, and promulgate any necessary rules. Such program shall include the following elements:  1. There shall be no fee for participation by an eligible institution in such program, except as provided for in subdivision c of this section; and  2. An eligible institution utilizing a roadway for an artistic or cultural event pursuant to such program shall conduct such event at no charge to an audience.  c. Allowable fees. 1. An application fee of $25 may be imposed for the processing of each application to participate in the program. An applicant who requires a permit to use or operate a sound device or apparatus shall pay any applicable fee in accordance with subdivision h of section 10-108 of the administrative code.  2. Nothing in this section shall preclude the imposition of any civil penalty or fine authorized for violation of any applicable rule or law.  d. Reporting. By November 1, 2023, and annually thereafter, the office shall submit to the mayor and the speaker of the council and post on the office’s website a report on the activities of the program in the prior fiscal year. Such annual report shall include, but not be limited to:  1. The number of artistic or cultural events hosted through the program in the prior fiscal year, disaggregated by borough and council district;  2. An overview of any outreach conducted by the office or other agencies related to the program; and  3. The total number of eligible institutions that applied to the program, disaggregated by the number of such applicants whose request to use a roadway was granted or not granted.  § 2. This local law takes effect immediately.          BM  LS # 7107/8389  5/17/23 9:10pm |

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| Res. No. 550    Resolution recognizing May as Lupus Awareness Month in the city of New York.    By Council Members Hanif, Farías, Restler, Marte, Hudson, Ung and Avilés (by request of the Bronx Borough President)                         Whereas, Lupus is a chronic autoimmune disease that can cause inflammation and pain in any part of the body, and which most commonly impacts the skin, joints, and internal organs; and                       Whereas, Although there are multiple types of lupus, including cutaneous lupus, drug-induced lupus, and neonatal lupus, systemic lupus is the type most commonly discussed; and                       Whereas, Because lupus can impact any part of the body and is an autoimmune disease-meaning that a person’s immune system is actually attacking healthy tissue-a wide range of acute and chronic symptoms can occur, including extreme fatigue, headaches, painful joints, fever, hair loss, anemia, abnormal blood clotting, and mouth or nose ulcers; and                       Whereas, In addition to the health impacts of lupus, the disease also carries large economic impacts, with some studies estimating the mean annual total costs for people with lupus (combining direct and indirect costs) being as high as $50,000; and                       Whereas, According to the Centers for Disease Control (CDC), lupus is relatively uncommon and difficult to diagnose; and  Whereas, According to the CDC, unlike diseases that are required by law to be reported to state or local public health officials, lupus is not a reportable disease and therefore is more difficult and costly to reliably track for epidemiologic studies; and                       Whereas, Despite challenges in accurately tracking and counting the number of cases, the Lupus Foundation of America estimates that 1.5 million Americans, and at least five million people worldwide, have some form of lupus, with women of childbearing age and women of color being disproportionately impacted; and                       Whereas, In New York City (NYC), the most accurate estimates of the number of cases of lupus, although only counting those residing in Manhattan, comes from the Manhattan Lupus Surveillance Program (MLSP), a collaboration between NYU Langone Health and NYC’s Department of Health and Mental Hygiene, with supportive funding from the CDC; and  Whereas, The MLSP’s research, first published in September of 2017, reviewed medical records of Manhattan residents from 2007 through 2009 and estimated that overall lupus prevalence rates per 100,000 cases per year by race were: 51.4 cases (white), 133.1 cases (Black), 84.6 cases (Hispanic), and 75.5 cases (Asian); and  Whereas, According to MLSP investigators, its findings emphasize the need for improvements in the diagnosis of lupus in the aforementioned demographic groups, which would help support future efforts to expand awareness and improve access to care for those at risk of lupus; and  Whereas, According to the Lupus Foundation of America, May is recognized as Lupus Awareness Month nationwide, with World Lupus Day occurring on May 10, and Put on Purple Day occurring on May 15, which is an effort to wear purple and encourage awareness around lupus; and  Whereas, A 2019 survey conducted by the Lupus Foundation of America showed that 63% of Americans surveyed have never heard of lupus or know little or nothing about the disease; and  Whereas, As NYC residents are impacted by lupus, the month of May should be recognized as Lupus Awareness Month throughout the city in an effort to increase awareness, educate the public about lupus and its impacts, and ensure that proper funding is provided for critical research, programs, and services related to lupus; now, therefore, be it  Resolved, That the Council of the city of New York recognizes May as Lupus Awareness Month in the city of New York.              Session 12  CD  LS 9274  2/28/23      Session 11  KK LS 14216  5/11/20 |

1. The CIG comprises 34 member institutions that exist in a public-private partnership with the City. The CIG includes art and natural history museums, historical societies, theaters, concert halls, performing arts centers, botanical gardens, and zoos. Member institutions operate as nonprofit organizations whose mandate is to provide cultural services to all New Yorkers. *See* https://www.cignyc.org/. [↑](#footnote-ref-2)