



**New York City Council  
Committee on Cultural Affairs, Libraries and International Intergroup Relations &  
Committee on Economic Development**

**Oversight: The Impact of COVID-19 on NYC Artists and the Perspective of Working Artists During the Pandemic**

**January 19, 2021, 10:00AM – Virtual Hearing**

**Testimony Presented by New York City Department of Cultural Affairs Commissioner Gonzalo Casals**

Good morning, Chair Van Bramer and members of the committee. I am Gonzalo Casals, Commissioner of the NYC Department of Cultural Affairs, here to testify in regard to today's topic. I am joined by Deputy Commissioner Sheelah Feinberg.

No corner of New York City has been untouched by the pandemic. Collectively, we will be addressing the fallout from the public health crisis, the loss of life, and the economic devastation for many years to come. And while the glaring racial injustices that have been magnified by COVID-19 have been with us for generations, I also hope that the willingness to address these issues openly, and to make real, structural change, will drive everything we do in the years ahead.

Much of the same can be said about our cultural community, and the artists who work within it. Culture is woven into our city's neighborhoods, and naturally cultural groups and artists have suffered alongside their neighbors. They've struggled to stay healthy, to help their communities, and, in often quietly heroic ways, to keep producing work that engages with the current moment. Art can help us make sense of a chaotic world, to come together and envision new futures. New York wouldn't be the vibrant place it is without the artists who have lived and worked here for generations. And to have art and cultural programming that responds to our experiences in engaging, potent ways, we need artists living and working here in New York.

One powerful example of the essential role artists play in our civic and community life is the City's Public Artists in Residence program – known as PAIR. For this year's program, the artists' work within agencies is reckoning with the pandemic in inspiring ways. One of the PAIR artists working with the Commission on Human Rights, Amanda Phingbodhipakkiya, created "I Still Believe in Our City," a campaign to address the

anti-Asian and Pacific Islander (API) and anti-Black racism the pandemic laid bare. The ongoing campaign kicked off with a takeover of Atlantic Avenue Terminal in Brooklyn, presenting passengers with images of their API and Black neighbors with simple messages that face our problems head on: “I Am not your Scapegoat,” and “Black Lives Matter” to name just two.

We need art and artists as much as ever, while they’re simultaneously facing incredible challenges alongside all New Yorkers. Over nearly a year of numerous conversations, observations, and surveys, we know that artists here in New York have been affected in profound ways that we are still working to fully understand. The Department of Cultural Affairs conducted a survey of the cultural community last spring. It captured the earliest weeks of the pandemic. Even then, the effects on artists were alarming. Artists employed by cultural groups bore the brunt of layoffs. Arts education organizations collectively reported decreases of over 2,100 artists, or 78% of artist staffing, during this period. Other reports from around the same time produced dire findings. Brooklyn Arts Council’s survey found that 80% of artists said they were experiencing cash flow issues just weeks into the pandemic. Center for an Urban Future’s report “Art in the Time of Coronavirus” similarly found that working artists had lost up to a third of their annual income just a month after the lockdowns began. These figures don’t even begin to touch the psychic and emotional toll the pandemic has taken on everyone, including artists.

Thanks to our partnership with the City Council, the de Blasio Administration and the Department of Cultural Affairs have worked to support the city’s cultural community despite a bleak financial outlook. While the agency budget is down from its record high of last year, it represents a robust investment by historical standards. Just last month, based on the findings of our spring survey, we partnered with the Arts in Education Roundtable to set aside funds specifically to support arts educators. We also earmarked additional funds for arts groups based in and serving communities hardest hit by COVID-19, and increased funding for the five local arts councils, our longtime partners in providing funds directly to artists doing public programming in all five boroughs.

But we can’t do this alone. We know that the need is far too great. Private philanthropy has also been a key partner. Through our survey and collective advocacy alongside the Mayor’s Office of Media and Entertainment, NYC & Company, and others, we’ve also pushed at the state and federal levels for the support our city’s cultural community needs. The most recent stimulus bill included \$15 billion for Save our Stages. This is an astounding achievement, and what we can accomplish together when we speak

with a unified voice in advocating for the important role culture plays in our economy and our communities. I applaud all of our colleagues in the cultural community for fighting to make this happen. With a new administration taking the federal government, we'll need to continue to operate in this collaborative, creative, constructive way for the relief funding we need and deserve.

We appreciate the Council's leadership and advocacy for New York's cultural community, too. We are already deeply engaged in working on the Open Culture program. We look forward to this program bringing city streets to life, while giving artists and arts groups opportunities to raise much needed revenue, later this spring.

Regarding the legislation being presented at today's hearing, we are always happy to work with Council and cultural advocates on proposals to support artists in NYC. While we have some reservations about cost, timeline, and implementation of this proposed legislation, we look forward to discussing and working with you further.

Thank you for your time. I'm happy to answer any questions you may have.



PUBLIC ADVOCATE FOR THE CITY OF NEW YORK

# Jumaane D. Williams

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**TESTIMONY OF PUBLIC ADVOCATE JUMAANE D. WILLIAMS  
TO THE NEW YORK CITY COUNCIL COMMITTEE ON CULTURAL AFFAIRS,  
LIBRARIES, AND INTERNATIONAL INTERGROUP RELATIONS  
JANUARY 19, 2021**

Good morning,

My name is Jumaane D. Williams, and I am the Public Advocate for the City of New York. I would like to thank Chair Van Bramer and members of the Committee on Cultural Affairs, Libraries, and International Intergroup Relations for holding this hearing today.

The COVID-19 pandemic has significantly impacted our arts and culture industry. As of now, it is unclear when we will be able to go to the theater again or see a musical performance in person. On the bright side, however, museums reopened in August and are operating in spite of the limitations presented by the pandemic. These institutions have put in place mask and social distancing requirements, capped capacity at 25 percent, implemented timed ticketing to avoid overcrowding, and developed new ways to direct indoor foot traffic and ensure 6 feet of spacing between visitors. While being able to visit museums is a positive for our social and emotional wellbeing, as well as a benefit for our economy, we are now in a new stage of this pandemic and need to operate as such. Given that the vaccine is here and will continuously be made available for members of the general public over the next several months, I recommend that the NYC Museums Reopening Task Force reconvene and update their COVID-19 Guidelines for Reopening NYC Museums. We need to prepare for what will happen once more members of the public become vaccinated and how it will impact this industry.

In addition to considering how the Coronavirus pandemic is affecting patrons, we need to understand how it is affecting the artists who make the work we enjoy so much. New York City's creative sector employs 293,365 people, of which 62,245 are self-employed. With many organizations unable to present art to the public because of COVID-19, thousands of local artists lost the ability to work. Our City needs to ensure that those who remain out of work are able to support themselves or practice their craft. Last summer, Dance/NYC conducted a survey of 1,196 independent dance workers. Of that amount, 63 percent reported that they were experiencing cash flow issues, 74 percent reported that they needed funds for food and groceries, and 76 percent reported that they needed funds for housing. The average annual income of these dancers was \$32,716, which is unfathomable given the fact that the median household income in New York State was \$71,855 in 2019. It is also a reason for grave concern that these artists could end up well below the poverty line by the time this pandemic is over.

Given the gravity of the employment situation for our working artists right now, I would like to thank Chair Van Bramer for putting forth the bills being heard today. Intro 2194 would require the Department of Cultural Affairs to conduct a study on the forces driving displacement of cultural spaces in this City and ways of addressing them, and Intro 2195 would require the Department of Cultural Affairs to establish a process by which artists could apply to become recognized as certified artists. These pieces of legislation would help preserve our arts and culture by ensuring that these individuals have a place to perform or display their craft, as well as become certified. And now more than ever, preservation of our creative sector is essential to our recovery from this public health crisis. Right now, the City needs to prioritize addressing the financial insecurity of artists. Therefore, I am calling on the Mayor to develop relief programs and initiatives to keep artists working through the use of public spaces.

I am someone who has always had a passion for acting. While being our City's Public Advocate is my day job, I have also been in a number of theater productions, many of which reflect the social issues that we see on a daily basis. Therefore, I see the contributions of these artists as extremely valuable to our City.

It is time that our Administration saw the same thing, and put forth plans and policies that protect these workers. Thank you.

Guy Yedwab  
Board of Directors  
League of Independent Theater  
January 19th, 2021

Testimony to City Council on the Proposed Study on Displacement of Arts  
Organizations

Thank you to the committee for the opportunity to testify before you today. I am on the board of directors of the League of Independent Theater, an advocacy organization representing the interests of those who create theater performances in or run 99 seat or less theaters, and non-traditional theater. Our members are the grassroots, creating new theater across all five boroughs, from every cultural community of this city. We estimate roughly 60,000 theatermakers work in theater in New York, and virtually every single one passes through the small, independent venues. We are also a member of the United for Small Business NYC coalition, fighting to defend small businesses across the city.

We greatly appreciate the opportunity to discuss how small arts, culture, and community venues are being displaced across New York City. Especially during this current pandemic, the months of back rent owed and lack of rent relief will only accelerate this process. While studies can generate new information on this important topic. I wanted to share what we already know about this problem.

We already know that over the last ten years, over 70 venues have permanently closed.<sup>1</sup>

A decade ago, in the wake of the 2008 financial crisis, the League of Independent Theater proposed a property tax abatement for landlords who rent to nonprofits. We secured letters of support from all 12 Manhattan community boards.

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<sup>1</sup> League of Independent Theater. "Lost Venues." 2021. <https://www.litny.org/lost-spaces>

Guy Yedwab  
Board of Directors  
League of Independent Theater  
January 19th, 2021

They knew what we already know: that given the choice, landlords will pursue the most profitable use per square foot available to them.

In 2017, following your legislation, the Department of Cultural Affairs created the Cultural Plan. Hundreds of artists of all disciplines from across the city spoke about what we already know: that the cultural plan needed to preserve and develop long-term affordable artist workspace and housing.<sup>2</sup> Working artists wanted the Cultural Plan to go further, and the People's Cultural Plan released in response speaks even more specifically about displacement of cultural workers and venues.<sup>3</sup>

In 2019, the Mayor's Office of Media and Entertainment released a study on small theater. It hailed the \$1.3b in output and the \$512m in wages that small theater to contribute to the economy.<sup>4</sup> The study also found what we already know: that the largest challenges facing the community were all related to physical space: access to theaters, access to operational spaces, and theater closures.<sup>5</sup>

These studies and more only confirm what the lived experience of everyone who runs a cultural venue knows: the rent keeps going up, spaces continue to close or move further and further in search of barely tenable rents.

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<sup>2</sup> Department of Cultural Affairs. "CreateNYC 2017 Cultural Plan." 2017.

<https://createnyc.cityofnewyork.us/the-action-plan/?obj=1>

<sup>3</sup> The People's Cultural Plan. "The People's Cultural Plan." 2017.

<https://www.peoplesculturalplan.org/>

<sup>4</sup> Mayor's Office of Media and Entertainment. "All New York's a Stage: New York City Small Theater Industry Cultural and Economic Impact Study." 2019.

<https://www1.nyc.gov/assets/mome/pdf/mome-small-theater-study-2019.pdf>

<sup>5</sup> Id.

Guy Yedwab  
Board of Directors  
League of Independent Theater  
January 19th, 2021

We need to either incentivize landlords to want cultural spaces or create protective zoning to mandate them. And I believe this is action we can take based on what we already know.



January 20, 2021

Good morning Committee on Cultural Affairs, Libraries, and International Intergroup Relations. My name is Jarrad Packard and I am enrolled in the Yankton Sioux Tribe of South Dakota. I am on the Community Advisory Board of Safe Harbors of NYC. Safe Harbors NYC (SH NYC) is a Native theater company that creates, presents, and promotes Native specific theater, performance work, training, education, and activism. I am also the Director of Strategic Partnerships for Urban Indigenous Collective, a non-profit focused on improving the health and wellness of the Indigenous community in NYC.

SH NYC would like to acknowledge that Manhattan has always been a gathering and trading place for many Indigenous peoples, where Nations intersected from all four directions since time immemorial. It was a place to gather and sometimes to seek refuge during times of conflict and struggle. We pay respect to all of their ancestors past, present, and to their future generations. We acknowledge that our work is situated on the island of Manhattan, or Menohhannet (On the Island), traditional lands of the Munsee Lenape, the Canarsie, Unkechaug, Matinecock, Shinnecock, Reckgawanc and the Haudenosaunee Confederacy. We respect that many Indigenous people continue to live and work on this island and acknowledge their ongoing contributions to this area.

SH NYC would also like to put forth the acknowledgment that we, as the Original Peoples of this continent, are not a monolithic people of one sole nation. We are a diverse Peoples of 574 federally recognized Native Nations (<https://www.bia.gov/frequent-asked-questions>) who in turn recognizes those Native Nations that have not been designated with federal or state recognition. From this point onward, and when I refer to Native Americans as “we,” “us,” “our,” “community,” etc., I am consciously citing the non-homogeneity of federal, state, and non-recognized Native Nations. We ask that you to respectfully recognize us as diverse Native Nations of Native persons.

I am testifying before you today to inform you that SH NYC and our community does not have a dedicated theater, performance, or communal gathering space in NYC to present Native specific performance work as well as to offer community interventions that are medical, social, and

mental health related. SH NYC does not separate our performance, theater, or art practices from our medical, social, or mental health. We see them as interconnected interventions that support and inform each other in diverse ways.

As you are aware of, our history has seen the loss of our lands, languages, spiritual practices, and cultures. There was a time when our children were taken into the boarding school system where the motto was “Kill the Indian, save the man.” Indian relocation policies encouraged us to move away from our home lands and into urban areas to the extent that over 70% of AI/AN live in urban areas. In NYC alone there are over 110,000 Natives according to the 2010 census. Furthermore, it wasn’t until 1978 that we were legally allowed to once again practice our spiritual beliefs and customs. Our resurgence and desire to maintain our culture is strong and it strengthens our health, mental health, and overall well-being. The connection between the two is paramount. They are interdependent. Our culture is our medicine. (Barker, Goodman, & DeBeck, 2017).

Whereas, SH NYC sees the following as solutions that could meet our needs for:

- A building space, specifically in lower Manhattan, that will function as a community hub.
- A space for Native American Community Theater and performance - which we can offer as an individual and collective specific container for Native artists, performers, and community members to gather and connect.
- A space where we can conduct Native specific feasts and ceremonies.
- A space where we can gather and express our cultural needs, which are essential to our existence and well-being.
- Finally, a space where we can provide culturally relevant health, social, and mental health services for community members and community Native Artists.

Again, SH NYC views OUR CULTURE AS OUR MEDICINE.

As is well known, Native communities have been adversely impacted by COVID-19. At the national level, AI/AN have a 9.9% positivity rate and a weekly average positivity rate of 14.5% (IHS Coronavirus data for 1/13/21: <https://www.ihs.gov/coronavirus/>). In late November, CDC data show at AI/AN rates of 1.8 times higher cases, 4.0 times hospitalizations, and 2.6 times more deaths compared to Non-Hispanic Whites (<https://www.cdc.gov/coronavirus/2019-ncov/covid-data/investigations-discovery/hospitalization-death-by-race-ethnicity.html>). However, when attempting to examine these rates at a local level, NYC DOH does not report this data for AI/AN or other Indigenous communities. This lack of data is reflective of a lack of NYC resources dedicated to our community.

We lost two community members within the same family within a week of each other: Kevin Tarrant (Hochunk / Hopi) and his step-mother Victoria Tarrant (Mandan / Hidasta), both of whom were language and song keepers for our community.

SH NYC and the Native community of NYC had no place or space - due mainly to COVID restrictions - in which our Native artists and community members could appropriately gather to grieve these community losses through tribal ceremonies, feasts, and performances.

Once COVID-19 subsides, and Native people can gather once more, we would like to have our own space where we can honor our Native relatives who were taken from us by this pandemic. This May will be the one year anniversary of those deaths and we need to grieve them, but where? The cost of rental fees in lower Manhattan is astronomical for living Native artists and would be impossible to rent. And while SH NYC has an awareness that empty spaces within the Times Square, Upper West Side, Flatiron, Union Square, and Lower Manhattan areas may have been incentivized with tax breaks for building owners to fill those empty spaces, we would need your consistent assistance to navigate the processes to secure a space that could function as a long-term performance and communal space for our Native artists and community.

In conclusion, we, as a diverse composition of Native Nations and persons, come to you and ask your support for a designated Indigenous theater and community space in lower Manhattan where SH NYC and the Native community can begin to resolve our historical and intergenerational trauma that has been exacerbated by COVID-19. Thank you for your time. Mitakuye Oyasin (For all my relatives).

Thank you,

Jarrad Packard

Director of Strategic Partnerships

Urban Indigenous Collective

Pronouns: he, him, his

Schedule via Calendly

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## TESTIMONY AFTER WATCHING HEARING - January 20,2021

As articulated during the public forum, artists need an equitable and new process to create affordable cultural spaces which empower NYC artists, their creative visions and unique needs. Artists need permanently sustainable spaces with subsidized rents throughout the City, so that they can continue to create, connect with the public, and stimulate NYC's economy through new jobs, manufacturing, performances and gatherings.

ArtCondo, formed in 2013, is a small, artist-run real estate development company that has been working on a new model to create building-communities for NYC artists.

[www.ArtCondo.com](http://www.ArtCondo.com) ArtCondo works to include community- and stakeholder-owned spaces within new live/work buildings, to provide an inventory NYC artists need, but usually cannot find.

ArtCondo's primary goal is to help artists own live/work property so they can become rooted in their neighborhoods, share culture and gain equity. Artist-run and artist-owned buildings with community spaces are grassroots, creative centers where artists network with each other and the surrounding community, share new ideas, culture and events, and support economic vitality.

In 2016, in the Melrose neighborhood of the Bronx, near the HUB, a group of artists organized by ArtCondo purchased a piece of land. They have approved architectural plans for a 28 unit live/work building with 2300 square feet of community spaces on the ground floor and basement. Community spaces would be sold to cultural nonprofits at-cost and with subsidized maintenance fees and tax abatement.

Outreach and community meetings are currently being held with Bronx artists and nonprofits to see what community use local artists want to help create. The Bronx is a unique borough with a rich history of community activism involving community land trusts and property ownership as a result of its fight against red-lining, and rampant discrimination.

This Melrose building project has not received public monies, but is a unique public-private opportunity. During the COVID-19 pandemic, this project hit headwinds to raising the final equity of \$2M it still needs, either in the form of an investment or a donation. The project combines the dynamics of market rate development with Impact Investment goals of helping the Bronx community and Bronx/NYC artists. The first artists who pooled their money and invested to buy the land will receive a discounted purchasing price through their Return on Investment [ROI].

The critical point of this model is its anti-gentrification stance. Artist investors have authentic interest in the neighborhood since they plan to live and work there, not just get ROI from development profits. Unlike typical investors, they care about the place and people who

will become their neighbors. The nonprofit space is meant to be a gathering and communal space, bringing new resources and connections into the neighborhood for local artists, youth and seniors. Community ownership, new jobs, skills and knowledge are meant to strengthen and enrich all participants.

This Melrose project, a unique public-private endeavor, could be a test case for New York City in that it creates new needed cultural community space with artists from the neighborhood which would be owned by surrounding community stakeholders. The financial investment would be relatively small, and a way to test a new approach to help NYC's critically needed creative workers and to help Melrose become a hub where unique nonprofits can nourish and empower surrounding citizens and combat gentrification.

Michele Gambetta

ArtCondo founder, director

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**Ballet Hispánico City Council Testimony**  
**Committee on Cultural Affairs, Libraries and International Intergroup Relations**  
**The Impact of COVID-19 on Art and Cultural Educational Programming in New York City**  
**December 15, 2020**

Good morning. I'm David Chase, Associate Director of Institutional Relations at Ballet Hispánico. Thank you Chair Van Bramer and members of the committee for calling this hearing and for your support of the New York City cultural community.

Last March, COVID-19 made it necessary for Ballet Hispánico to shut down all in person program activities and within one week we shifted everything online. This transition enabled us to stay engaged with our community and provide them with the educational and emotional support they needed.

After nine months of online programming, what we have learned echoes what the majority of education experts and parents are saying: in person is preferable to online learning.

Additional impacts and responses to COVID include the following:

- Our dance students miss the experience of making memories, building friendships, and enjoying social time together. So teaching artists now include some social time in their online classes.
- Students are spending so much time on screens for school, that some parents are discouraging them from taking dance classes that they view as extracurricular.
- Ballet Hispánico faces substantial, unbudgeted costs related to COVID testing and sanitation in order for us to plan to reopen our School.
- Continuing support for the arts and arts organizations is more important than ever. And at a time when arts budgets are at risk, we are enormously grateful to the City Council for their support and continuation of the CASA program this year.

It has been both heartbreaking and inspiring to see students in our Zoom classes dancing in their living rooms, bedrooms, and kitchens. A recent letter from the mother of one of our students sums up the impact of the pandemic and the impact of Ballet Hispánico when she wrote:

“Just wanted to say thank you for all you are doing. I don't see Gannon smiling as much these days, and to see the huge genuine grin on his face while dancing in your class warms my heart.”

Thank you for the opportunity to speak to you today.

Dear New York City Council,

As the Director of Development for the Chain Theatre, it is our mission to ensure that we are a part of our New York City community and serving artists for years to come. Rising real estate costs have continuously been the biggest threat to independent theatres in New York City and the cause of many theatres being forced to close. Theatres like the Chain are an important part of the community and many times act as a springboard for larger productions. We provide the community with affordable arts programming and countless of opportunities for emerging artists.

On behalf of the Chain Theatre I would like to testify at the Jan. 19<sup>th</sup> hearing to propose that tax Incentives for the Landlords be included in the study for Bill 2194. A proposal to explore a policy change that would reclassify non-profit theatres with multi-year leases, as an AREA space through the Economic Development Corp. City Council assisting our companies to go through the proper channels to see that our not for profit organizations have a lowered if not eliminated yearly property tax on spaces we occupy. We are aware that reclassification is a challenging process. However we feel that this is a great way to ensure sustainability and longevity of arts spaces throughout the five boroughs. This would be a great tax incentive for landlords to keep arts spaces in their building.

Our organization first began operating a venue in 2012 in Long Island City. Following the real estate boom in LIC and the landlord breaking our lease, we moved to our current location on 36<sup>th</sup> Street in Midtown Manhattan. 2019 we even expanded into running two theatre spaces. Property taxes are astronomical for Midtown real estate and landlords often pass on these costs to their tenants. A benefit of being a not for profit organization is that we should be exempt from paying property tax. We are a service to the community. However, reclassifying real estate is a challenging process.

That is why we look to have Tax Incentives for Landlords as part of the study for Bill 2194.

We know that the success for not for profit theatres and the arts in general doesn't just have to do with audience development but with the political leaders in the community and we feel this is a great place to start.

Respectfully,  
Christina Perry  
Director of Development  
Chain Theatre  
312 W. 36<sup>th</sup> Street, 4<sup>th</sup> Floor  
New York, NY 10018  
Community Board 4  
District 3, Manhattan

Statement by Sheila Lewandowski, Executive Director  
The Chocolate Factory Theater  
5-49 49<sup>th</sup> Avenue, LIC NY 11101

New York City Council Committee on Cultural Affairs, Libraries, and International Relations  
January 19, 2021 – Intro 2194: Real Estate issues impacting cultural spaces

My name is Sheila Lewandowski, Co-Founder and Director of The Chocolate Factory Theater in Long Island City, Queens. Thank you Chairs Jimmy Van Bramer, Majority Leader Laurie Cumbo and the Committee for this opportunity to testify.

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The Chocolate Factory Theater is not unusual in that it was founded, led, nurtured and developed by artists for artists. It is unusual in that it will be a permanent facility in and for Long Island City in Western Queens. The City of New York purchased a building for this purpose funded by capital discretionary allocations from Councilmember Jimmy Van Bramer, Queens Borough Presidents Helen Marshall and Melinda Katz, and by the Mayor through the Department of Cultural Affairs. This was a long difficult process that I navigated and led, made possible because of the partnership the City has with EDC since EDC handled the contracting and closing.

The Chocolate Factory has existed in different forms in four different spaces since 1997 always with the goal of making our home in Long Island City where the founders live. Today three of our staff and four of our board members live in LIC.

We support performing artists with salaried residencies and employ them to share finished productions with the public. We serve as an employer, community anchor, a place of pride for the community, a direct partner to small local businesses, a meeting place for community groups, a partner with informal and formal community groups on projects as varied as park care, street fairs, arts education, community board sub groups, voter information and much more. This is not unusual for small arts groups.

The story of how we acquired a permanent home is a long one. I am attaching a presentation that I gave to an audience back in January of 2018, five months after the closing.

With little time now I will focus on recommendations.

1. I believe that City Planning should be revamped and restructured. City Planning should have a vision for sustainable, vibrant, livable communities that includes cultural spaces, that includes community centers, school seats, parks, gardens, medical facilities, supportive housing for people and families in need, public and alternative transportation accessible for all.
2. I believe that HPD should redefine what housing is and what affordability is from the perspective of those needing affordability and not from a definition of what is 'market'. That term has only come to mean, 'can afford the asking price' and is driven by the sellers not the buyers/renters. This would help artists (many of who remain low income) to remain in their communities and remain in the City.
3. I believe that the term 'community give back' used with real estate developers in negotiating what they should provide for the community when they are asking for variances that make their projects more profitable should be eliminated and

Statement by Sheila Lewandowski, Executive Director  
The Chocolate Factory Theater  
5-49 49<sup>th</sup> Avenue, LIC NY 11101

New York City Council Committee on Cultural Affairs, Libraries, and International Relations  
January 19, 2021 – Intro 2194: Real Estate issues impacting cultural spaces

replaced with the City providing the developer with options to include as permanent venues from a checklist of needs that City Planning has as necessary for every community as I stated earlier. And, this community facility should be built as part of their development, made permanent just like their variances, and, they should either rent at cost or condo out at cost. They should not make a profit on the community facility since it will serve their tenants and improve the neighborhood for all. Keep in mind that nonprofits and arts centers are government partners delivering services deemed essential to the City.

4. The City should have an agency to assist nonprofits like community centers and cultural centers navigate real estate. There should be a pipeline for permanence that will not be for all. But, if the City knows that culture and the arts are essential to humane, equitable, innovative, diverse, sustainable and vibrant communities then the City must be more proactive in the planning and development of these permanent facilities.
5. Property Tax structure should allow for tax-exemption for spaces dedicated to nonprofits and art venues as part of a long lease.
6. Commercial Rent Regulation should be brought back to NYC for nonprofits and small businesses.

I want culture and arts spaces to exist in every community

Please fight for us and for the soul of the City.  
Be safe and be well,  
Sheila  
917-723-1107

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A society's competitive advantage will come not from how well its schools teach the multiplication and periodic tables, but from how well they stimulate imagination and creativity. - Albert Einstein

Statement by Sheila Lewandowski, Executive Director  
The Chocolate Factory Theater  
5-49 49<sup>th</sup> Avenue, LIC NY 11101

New York City Council Committee on Cultural Affairs, Libraries, and International Relations  
January 19, 2021 – Intro 2194: Real Estate issues impacting cultural spaces



Street art in response to COVID19 by ister.

Art can spread a message of hope, struggle, and victory over an unknown unpredictable enemy such as COVID-19. - Ajnabh Kiev

Art can also act as a way of expressing ourselves and staying socially connected though we are keeping physical distance.  
- Tiby Manu

Statement by Sheila Lewandowski, Executive Director  
The Chocolate Factory Theater  
5-49 49<sup>th</sup> Avenue, LIC NY 11101

New York City Council Committee on Cultural Affairs, Libraries, and International Relations  
January 19, 2021 – Intro 2194: Real Estate issues impacting cultural spaces

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### **About The Chocolate Factory**

The Chocolate Factory Theater is a world-renowned incubator and presenter of experimentation in performance. We have supported the work of artists who have gone on to tour the world including Ridgewood resident choreographer Beth Gill who received 3 Bessie Awards for Dance, for work developed and presented at The Chocolate Factory. Recent artists of renown include Daniel Fish, Director (Oklahoma on Broadway) and David Neuman, Choreographer (Hadestown on Broadway).

In our ten years as a Queens destination we have garnered an ***OBIE Award and nominations for over 10 Bessie Awards (winning a few)***, among others. Our shows are featured regularly in major media like The New York Times, Time Out/NY, New York magazine, The Wall Street Journal and others.

We see ourselves as an important anchor in the arts and local community. When we **opened our doors in 2004** we immediately reached out to the closest restaurants, bars and shops and devised ways to educate our artists, audience and funders about what's great about Long Island City. We partner on deals, collaborate on events, help our local businesses to organize themselves individually and collectively. Some of those activities seeded the Annual Taste of LIC, which started as a small fundraiser in 2005 at our theater for 200 people. **Taste of LIC is now a major event with over 1400 attendees partnering with over 100 local small businesses.** We play host to meetings for grass-roots groups and help raise money for projects like the local Holiday snowflake lighting with children caroling, cocoa and storytelling.

**We currently employ 3 full-time Queens residents of the 5 full-time year-round exempt staff. We employ (not contract) approximately 50 artists annually and 7 regular year-round tech over hire employees on a part-time project-based basis.** All year-round employees receive at least \$25 per hour, paid time off for vacations, sick-time or family emergencies. Full-time employees are covered by a major medical plan. The top salary at The Chocolate Factory Theater is mine at \$75,000.

### **Permanent Facility**

On July 20, 2017 The Chocolate Factory Theater purchased a 7,500/sf building in Long Island City, 100% funded by the City of New York with major support of Councilmember Jimmy Van Bramer, the Department of Cultural Affairs and Queens Borough President Melinda Katz. The acquisition of this property took 2.5 years from initial site visit to transfer of ownership, but the process of identifying the need for the organization to own a permanent facility began 10 years ago, with a feasibility study followed by approximately a dozen failed attempts at partnerships on facilities and/or acquisitions of other properties. This decade long process allowed for many learning opportunities; and enabled the organization's leadership to plan and prepare for long-term growth and the increased responsibilities of property ownership.

Statement by Sheila Lewandowski, Executive Director  
The Chocolate Factory Theater  
5-49 49<sup>th</sup> Avenue, LIC NY 11101

New York City Council Committee on Cultural Affairs, Libraries, and International Relations  
January 19, 2021 – Intro 2194: Real Estate issues impacting cultural spaces

The new single story 7,500 square foot building at 38-29 24<sup>th</sup> Street (approximately one mile north of our current venue) presents a unique and important opportunity to serve a neighborhood with little existing access to performing arts activity; to establish strong ties with local residents, small business owners and community leaders (as we have demonstrated in our current Hunters Point neighborhood); and to deepen and expand our support of the NYC, national and international performing arts community. Our new permanent facility is in close proximity to Queensbridge Houses (the largest Public Housing Complex in the United States), Ravenswood Houses, approximately 25 hotels, light manufacturing and other residential buildings.

We had hoped to have cut a ribbon or broken ground by now, but real estate projects are often fraught with delays and that's where we are. I can promise you that we will establish a permanent home in Long Island City and will keep our programming and activities local and of the highest caliber. We will keep fighting to provide our artists with employee recognition for their contributions to our borough's important identity as a place for the arts and innovation.



*May 4, 2020 rendering.  
Ayon Studios*

theater et al, Inc. d.b.a.  
**The Chocolate Factory Theater**  
Long Island City, Queens

## **We Bought a Building: Discussion and Q&A**

**Sheila E. Lewandowski**

Founding Executive Director



Keely Garfield, choreographer – Telling the Bees, 2013  
Photo Credit, The Chocolate Factory Theater

theater et al, Inc. d.b.a. The Chocolate Factory Theater  
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Welcome to The Chocolate Factory Theater.

The building you are in has been our home for 13 years. We are the sole tenant and have a commercial lease that makes us responsible for everything from the boiler to the roof; we sweep and shovel the sidewalk; we contract for utilities and we pay the passed on real estate taxes.

This is our fourth space since we were founded in 1997 working out of the Educational Alliance on East Broadway in Manhattan.

### **Our lease ends in 2019.**

In an effort to tell the parts of the story that might give you useful information within the time allowed, I will share activities and events specific to the planning, fundraising and execution of the acquisition. I am going to leave lots of planning, programming and other gaps so that we can get through. In the Q&A or at another time please feel free to ask about everything else.

### **Here is a general timeline of critical events from our origins to acquisition.**

We were a transient producing company for our first two years, then rented a space in the Garment District, moved to LIC in 2003; started a lease on this space in 2004 opening officially in 2005.

One thing not in the timeline and it was absolutely critical to every success and every possibility was that we kept all funders, electeds, appointed officials like the Community Board, our own Board and key stakeholders informed of every step. We did not hide failures or successes. We shared everything so that we did not have to catch people up when we reached different steps in the process. You will need help and it is easier to bring people in when they have been kept in the loop along the way.

### **So, lets start in 2006.**

**In 2006 we were awarded a \$25,000 grant from DCA to put in a dance floor.** This was federal grant that DCA administered for small capital projects. In processing it denied because the Certificate of Occupancy (C of O) for this building was out of date.

But, DCA offered an opportunity to us to apply to convert the grant from hard capital to soft capital to gauge the possibility of preparing the organization for any kind of renovations or other capital monies.

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**In 2009 we launched a feasibility study to determine the possibility of a permanent space with the support of the DCA.**

We pursued this study because:

- The Small Cap grant was the only capital grant we were eligible to apply for at the time due to budget size;
- We were already priced out of the neighborhood; and
- We wanted to decide if we were planning to close at the end of our lease or trying to leave a permanent service for the community and the City.

***Should The Chocolate Factory Theater exist?***

We felt that if we could not answer that question then we shouldn't waste time and money pursuing permanence. This was the first question of the study that triggered every other question.

The study provided us with:

- Data that our community of artists, neighbors, funders and visitors believed that our artist-driven, centered and supported mission providing development and production residencies to artists creating experimental performance is important to the City;
- Data that supported how we would not be able to afford a new lease anywhere in the community once our lease expired meaning we would cease to exist;
- Pro-forma operating budgets based on owning this facility and expanding the footprint; and,
- Recommendations for planning toward permanence and recommended organizational structures as far as needed increased staffing, etc.

The study took two years to complete and we immediately used it to meet with then Borough President (BP) Helen Marshall and her Cultural Director Terri Osborne to ask for a capital grant toward the acquisition and renovation of this building.

The Borough President's office expressed interest in the project so we went through the lengthy process of submitting an application. *Of special note is that we had applied for and received capital support for equipment in 2008 so we had some sense of the magnitude of the paperwork, project management and administration required in advance of receiving any allocated support. Post-grant management is even more intense.*

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The BP awarded The Chocolate Factory its first capital grant of \$500,000 toward acquisition and renovation of this building.

At the same time Jimmy Van Bramer was elected to the City Council as our representative. As with everyone else we had been informing him of the process from the beginning. He was an important community leader before being elected the Council Member. We put in a request to the Council Member (CM) for support and were awarded \$600,000 toward the acquisition and renovations of this building.

In 2013, we made an offer on this building, raised an additional \$850,000 from Council Member Van Bramer, the Borough President and the Mayor's Office through DCLA. We start negotiations with the landlord and he died suddenly on June 10, 2013.

### **Concurrent Events**

I often say that my job is to manage the moving dots. The timeline in the handouts is the best of could do to map out some of the critical events in order but the reality is that most events overlapped, were concurrent, ebbed and flowed.

So the landlord died during negotiations.

As early as 2011 and as recent as last year we had negotiated with real estate developers to be part of their local developments. This would have made us either a long-term tenant or a commercial condo owner in their buildings. There were about 8 other projects we were planning at the same time. As we pursued this building, those projects, looked at potential autonomous building we just kept hoping one of them would be the one.

We learned so much about what we needed by playing cultural space courtesan to these developers. The most important thing that we learned is that City's changing building codes meant we needed at least two times more space than we thought and that this building, the one we are in could never be renovated to meet current codes and provide a performance space. That was devastating and terrifying because it meant we had to find something else or plan to close.

***We were not sure that the City would let us transfer the awarded capital funds from this site to another site.***

In no case could we move the money from this City Council district. We were able to move the grant to another site nearby as we made a very strong case for how we would close or keep serving the local community and the City.

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*Again I stress that most of this is happening simultaneously.* I would go from a meeting with a developer and their engineers to a meeting with our architect trying to make our current building work somehow within the changing codes to look at a potential standalone building. I spoke at events and went to many networking activities.

That leads me to May 2013. I was invited to speak at a Real Estate Industry Breakfast as a Community Leader in the Arts. That event was revealed to be important because a year later a broker who attended that breakfast contacted me out of the blue with a building for sale. His client wanted to sell to an arts group.

We were still negotiating with the widow of our landlord who was waiting for probate to be complete, designing other potential spaces with major developers and keeping our doors open – programming, fundraising, etc. with 3 full-time staff.

At this point we ask the incoming Borough President Melinda Katz and Council Member Jimmy Van Bramer for increased support since real estate has skyrocketed, we did not have the entire original budget from 2012 still and we actually started to see an end in site for one of these projects.

In April 2014 I receive a call from the aforementioned Broker about a building and go to see it. He did not know that we didn't own our current building. He just thought I could connect him to an arts group needing a space.

This is the first time I gasped when I walked into a possible space. This building seemed to check off every box for what we had learned in the 6 years we had been planning.

This 7500 square foot property was big enough for us to meet code requirements to have adequate space for ADA compliance, many bathrooms (as required), a performance and small rehearsal space, office, some storage, a small lobby, room for mechanicals, box office, the required egresses, etc.

We made an offer in the summer of 2014.

We met with the Department of Cultural Affairs and NYC Economic Development Corp. Councilmember Van Bramer, Queens Borough President Katz and the Mayor's office provided an additional \$2,750,000 toward the acquisition and renovation.

The asking price that is below the appraisal amount.

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At this point things got real. We had to enlist counsel to represent us in the contracting between the seller, The Chocolate Factory and the City of New York. We needed an attorney who specialized in nonprofit law to confirm that we could handle owning a building and she had to review our operations, financials and Board. This review happened more than once as the closing date kept moving forward.

There were background checks – the seller, his company and all of us.

We had to put down a deposit to the seller with the Letter of Agreement of \$5,000. This is highly unusual. Deposits are usually required to be at least 10% of the purchase price.

We had to revise our business plan for how we would use the building as soon as possible after closing to meet the City's requirement of acquiring a complete asset.

We had to insure the building even though we had no lease and no occupancy indemnifying the City of New York and all of its agents and agencies. That was \$10,000.

We started trying to raise money to do renovations.

We kept looking at other sites and making other plans just in case.

We had an on-site celebration with the seller, the Council Member and other key stakeholders when we went into contract in 2016. This was part of keeping all stakeholders in the loop. We were relentless in communicating every step of the way.

We spent a lot of time keeping the seller from bolting. He had a heart attack while waiting but he stayed with us.

2017 was nonstop back and forth paperwork, delays as dates had to be changed and then 3 different agencies signing off. The Mayor's Office of Management and Budget spent a lot of time scrutinizing the contracts, plans, covenant, etc.

In May or June 2017 the contracts went to the Comptroller's Office. This meant we would either close within 60 days or start over which meant lose this deal.

On July 20, 2017 we met at EDC's office in lower Manhattan and over 3 hours signed and reviewed documents, paid for the title search, real estate taxes, got the keys, cried and went to the new building.

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Things we learned that don't fit neatly in the timeline:

- Know who you are, what the organization needs for programming, ask for and listen to advice from everyone (even people and places you don't like);
- Be ready and willing to change plans;
- Remember that the project may be led by you but it isn't about you;
- Make a clear and consistent case for why this is important and tell everybody
  - Electeds, funders, neighbors, agencies, community boards, local civic associations, real estate people;
- Use every opportunity to network and tell the story;
- You will need an active Board and they have to pass many resolutions unanimously approving each step of the process. They are personally confirming that you are ready at each step and they are personally liable.;
- Keep programming active since you need to maintain an identity;
- Empathize with DCA, EDC and others. At times you won't believe it but they want you to be successful. They just can't and won't do it for you;
- We needed professional help – architects, lawyers, advisors;
- We needed to have cash for appraisals, the deposit, professional support as mentioned, and other unforeseen expenses;
- You need to be on call all of the time. If there are delays don't let them be because of you. You live this.;
- Don't waste time trying to convince the City to change contracts or wording, etc. They can't.

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# We Bought a Building

A Discussion and Q&A  
January 22 + January 26, 2018

January 19th, 2021

NYC City Council - Committee on Cultural Affairs, Libraries and International Intergroup Relations

Good morning Chair Van Bramer, honorable Committee members and attending City Council-members

My name is Chi Osse and I appreciate this opportunity to testify before you and the City of New York. Upon deciding to run for City Council, in the 36th District, I informed my team this would not be a campaign for office. We would be a team that paid attention to the needs of now, based on a platform that was committed to action, now.

[Int 2194-2020](#) & Intro 2195 will impact the people of Central Brooklyn. Bedford-Stuyvesant and Crown Heights are rivals to the artistic and creative hubs of Harlem, Williamsburg, Ft. Green, Long Island City, The Village (both side), SoHo and MidTown.

Central Brooklyn is home to artists who pushed and push creativity to new heights. The makers and creators are building beautiful works that reflect our emotions and express our norms.

Space and credentials.

Intro 2194 for Central Brooklyn is a conversation of gentrification as a fiscal and cultural violence. Pre-COVID and post-pandemic my neighbors will fight to keep their homes and struggle against predatory rental rates. When this bill passes. When we all rally to support the bill. We need DCA to be mandated to:

- 1) Use social media to reach the artists who are NOT in their purview but are pushing the culture and artistic glory of Central Brooklyn; and, other communities with large Black, Brown and POC populations.
- 2) Develop relationships with small organizations, who are boots on the ground and have established trust with emerging artists. Restoration Plaza and The Apollo are fixtures. However, they are not the only emissaries for the burgeoning and mid-career artists. The immersed organizations like Remy Rouge of Brooklyn or Andrew Freeman House in The Bronx. Beavers Gallery or i, too arts collective.
- 3) Conduct the study utilizing nontraditional leaders in the communities.

Intro 2195 is a wonderful idea. It is also a slippery slope.

January 19th, 2021

NYC City Council - Committee on Cultural Affairs, Libraries and International Intergroup Relations

Wonderful because it helps to state and provide the professional sheen artists desire. A doctor has a wall of paper proofs. Plumbers, firemen and accountants. Unless an artist has a college degree or degrees, he has only his work and word as proof. He has only his bank account, reviews & opinions.

Slippery, too often POC artists find certification processes forget them, avoid them or are difficult to complete. The culprit being costs.

But the idea is great:

- 1) Gives artist another plume for their efforts and success
- 2) Artist certification can help establish the artists and creators who are fixtures in their community
- 3) But.. The certification cannot become gate to resources and access
  - a) POC artists are wary of government agencies so we need to be vigilant about connecting with non traditional
  - b) I ask the Council to instruct DCA to
    - i) expand beyond American and European disciplines
    - ii) be invested in indigenous, aboriginal, cultural and alternative disciplines -- that are often ill-defined as exotic or non-traditional

An Artist Certification is long overdue. If the parameters are inviting while the disciplines accepted are expansive, this will be a game-changer multiculturalism.

I fully support the bills and will public support them in Central Brooklyn.



Launched in the wake of the global pandemic, the **Costume Industry Coalition (CIC)** is the only organization dedicated to protecting the extensive, essential costume industry in and around New York City. The CIC represents 55 small, unique independent businesses and artisans who create and supply costumes for stages and screens worldwide. Our Members range from costume shops – which include dressmakers, tailors, milliners, glovemakers, propstume and craftspeople – to rental houses and speciality vendors. CIC Members' employees hundreds of specialty artisans (pattern makers, cutters, stitchers, hand finishers, tailors, painters, sculptors, crafters and more) who hail from 39 different countries.

It is anticipated that the entertainment industry will not begin returning to full production until at least fall of 2021, and even that timeline is generous. By then, many CIC businesses will have been closed for over a full year with no significant income. In addition, many of our Members specialize in one-of-a-kind, niche crafts such as fabric pleating, dyeing, painting or embroidery; losing any one of these skilled craftspeople will leave service gaps that cannot easily be filled and will potentially erase whole artistic traditions within the industry.

CIC Members continue to bear the costs of maintaining large spaces in the heart of one of the world's most expensive real estate markets. The majority of CIC Members were unable to meet rent obligations starting in July 2020, and without immediate relief, many risk having to close their doors permanently. Federal programs such as the Paycheck Protection Program have provided some assistance but have not been structured to meet the two biggest needs of the sector: rent and utilities.

When studying the impact of real estate on the arts economy in New York City, we respectfully request you:

- Consider including arts-related businesses in your study. We are often unrecognized as employers of specialty artists, and our contribution to New York City arts institutions is pivotal to their success.
- Study the plausibility of subsidized housing for artisans across the entire arts and culture sector.
- Create incentives for landlords to rent to arts-related businesses, which would help buoy an industry that will take years to recover to pre-Covid levels of production.

Enclosed is more information about the CIC, our Members, an Impact Statement from notable designers, as well as a list of our New York City-based clients.

On behalf of the Costume Industry Coalition, **thank you** for your consideration. Together, we can ensure our vital, one-of-a-kind ecosystem can share its artistry with audiences for years to come.

Good Afternoon. Thank you for this hearing on the tragic loss of space and artist flight facing New York City. I am Aimee Todoroff, Managing Director of The League of Independent Theater, an all-volunteer coalition of independent theater advocates. LIT was formed in 2008 in response to the emergency Indie Theater Convocation held to address the sudden rash of closed spaces our sector was experiencing. In the 13 years since, the situation has deteriorated; COVID only highlights what we already know. Our system prioritizes empty space over community. Artists are forced to scramble for an ever-dwindling supply of rehearsal, work, or performance space, and when they can find it, they can't afford it. They can't afford their rent. They can't afford their lives. The inevitable result is that artists are fleeing NYC, and creating art centers in Tempe, AZ, Houston, TX and Mt. Carmel, IL.

In order to confront the systems that lead us here, we do need an accounting of lost space that **starts with the independent artists of NYC**, built upon the great work already being done by the Indie Theater Fund, Music Workers Alliance, DanceNYC and others. Instead of bringing in costly outside consultants that historically have not shown a practical knowledge of the operational differences between an organization with an 11 Million dollar endowment and a truly small arts organization with a budget of \$10,000 per production, look to those already leading in this work with the on-the-ground insight into the what effects the lives and working conditions of the vast majority of working artists. We don't need to wait; we already have the information that can become action.

We can also look to international cities that have implemented strong artist support like Montreal, Ghent and Edinburgh. Each hosts a series of art festivals that support the local economy year round.

The Manhattan Theater Source in Greenwich Village has sat empty for the last decade- a Zombie Building. And yet we have heard testimony today that Safe Harbors has no space! How does that happen in New York City? Storefronts are vacant, but DonChristian Jones is being harassed by his landlord and served eviction. We hear this shameful story too often.

We need Commercial Rent Stabilization.

We need to track developers that get a tax break for promising community art space but never deliver, and hold them accountable for the value they are taking from our communities.

We need creative land use reform.

And yes, we need incentives to make non-profits, particularly those lead by the Global Majority, attractive for landlords to rent to long term, like tax breaks for long term leases, and for high square footage. Arts spaces want to forge a bond with their community. They want to be in a neighborhood for a long haul, and if structures are built that allow them to stay in place, the gains in economic growth, social justice, equity and health of the city will be exponential.

We need to keep artists in NYC with real action, and while we appreciate the goals of an artist certification program, we share the concerns expressed here about the process of certification being equitable, and wonder about the benefits of such certification.

Can an Artist Certification provide access to free or low cost health care? Many actors in NYC get their healthcare through their union, the Actors' Equity Association, based on the number of weeks worked. During the COVID crisis, most artists are not able to work and cannot garner enough "equity weeks" to keep their healthcare; a tragic consequence of a broken system.

Can Certification lead to preferential ConEd rates for artist run venues?

Can you build a new WPA from this artist workforce?

Can you expand the already existing City Spaces program to give certified artists free access to dormant city space or after-hours access when the spaces aren't in use?

One final thought. NYC likes to think of itself as a city for artists, especially a theater city but also a place that hones visual artists and musician and all other imaginable and as of yet unimagined art. We point to legends like Joe Papp and Ellen Stewart. But if we're being honest, this city has always been hard on artists- Joe Papp was arrested for making his art and Ellen Stewart's LaMama was repeatedly shut down, but they managed to survive here. The reality is more dire today. Rents are higher, there are fewer opportunities, and there is no margin for experimentation or making mistakes. We like to think that arts will always survive here because artists will "hussle and make it happen." That's not good enough anymore, and indie artists aren't surviving. Without serious intervention, NYC will lose the irreplaceable backbone of it's economy and identity. This generation of legendary artists is already leaving, and taking their talent to Tempe, AZ, Houston, TX and Mt. Carmel, IL.

Thank you.

<https://www.litny.org/lost-spaces>



*IndieSpace*

*Randi Berry, Executive Director*

My name is Randi Berry. I am the Executive Director of [The Indie Theater Fund](#) and [IndieSpace](#). We serve the indie theater community in the five boroughs with grants, free real estate advisory and consulting services and we operate an Emergency Fund that provided 600 grants to artists during Covid.

IndieSpace utilizes our large network of real estate professionals to offer FREE advisory and consulting services to our community. We give artists the tools they need to craft favorable leasing arrangements for themselves with their landlords and move them into a more sustainable relationship with their real estate.

We are thrilled that the council is considering new ways to address the real estate challenges that the most under resourced and historically excluded artists and venues face in NYC. However, we know a number of studies have already been conducted on this subject and hope you will refer to those completed studies and experts rather than spending another year before moving to radical action. How many more spaces will we have lost while we are conducting a new study?

**WHAT WE ALREADY KNOW:**

- Commercial rent stabilization is key to not for profits being able to operate in NYC.
- Rent support and cancelation for those impacted by Covid (with support for mortgage holders as well) is the only way we avoid more permanent closures.
- Consistent financial support and creative ownership/partnership structures lead to sustainability.

**WE CAN:**

- Utilize more city owned properties, and track Community Facilities space usage to hold landlords accountable who aren't making legal use of those spaces.
- Offer Tax incentives that are assigned to not for profits, benefiting the landlord with reduced property taxes, but that follow the not for profit wherever they rent giving the power to the not for profit rather than building owners.
- Activate spaces with art, making it more financially beneficial for owners to USE their space than to keep it empty
- Invest in Community Land Trusts, allowing artists to begin to own a stake in the properties that they dedicate their lives to building and maintaining.

Thank you for the opportunity to submit this testimony. We look forward to working with the Council and the Dept of Cultural Affairs to explore all the various options and opportunities available to indie theater artists and venues in NYC.

## ARTISTS HELP NEIGHBORHOODS + NEED FOR ARTIST HOUSING PROJECTS

Creative Workers, especially artists in the visual arts, are the early adapters to shifts in use and locale. They often find underutilized resources and apply "non-linear" solutions to advance their development. This has been misinterpreted as a contributing factor to gentrification while, In fact, the opposite is true.

The majority of artists insinuate themselves in host communities as full participants in the local culture contributing directly to the local economy in numerous ways. They attract new visitors into neighborhoods through art shows, studio visits and Open Studios, hip coffee-shops and bars, and the grassroots street culture which make neighborhoods more vibrant and visually interesting. Artists are often unrecognized worker bees increasing local GDP. Artists employ local labor, suppliers, grocers and shopkeepers and becoming active in local governance and political activism. A coincidental gentrification follows as the value artists create and bring is recognized.

However, artists help maintain the character of the existing cultural landscapes and preserve local institutions through advocacy and patronage. They appreciate and support local cultures and existing neighborhoods, and are usually not interested in neighborhoods becoming gentrified and too expensive.

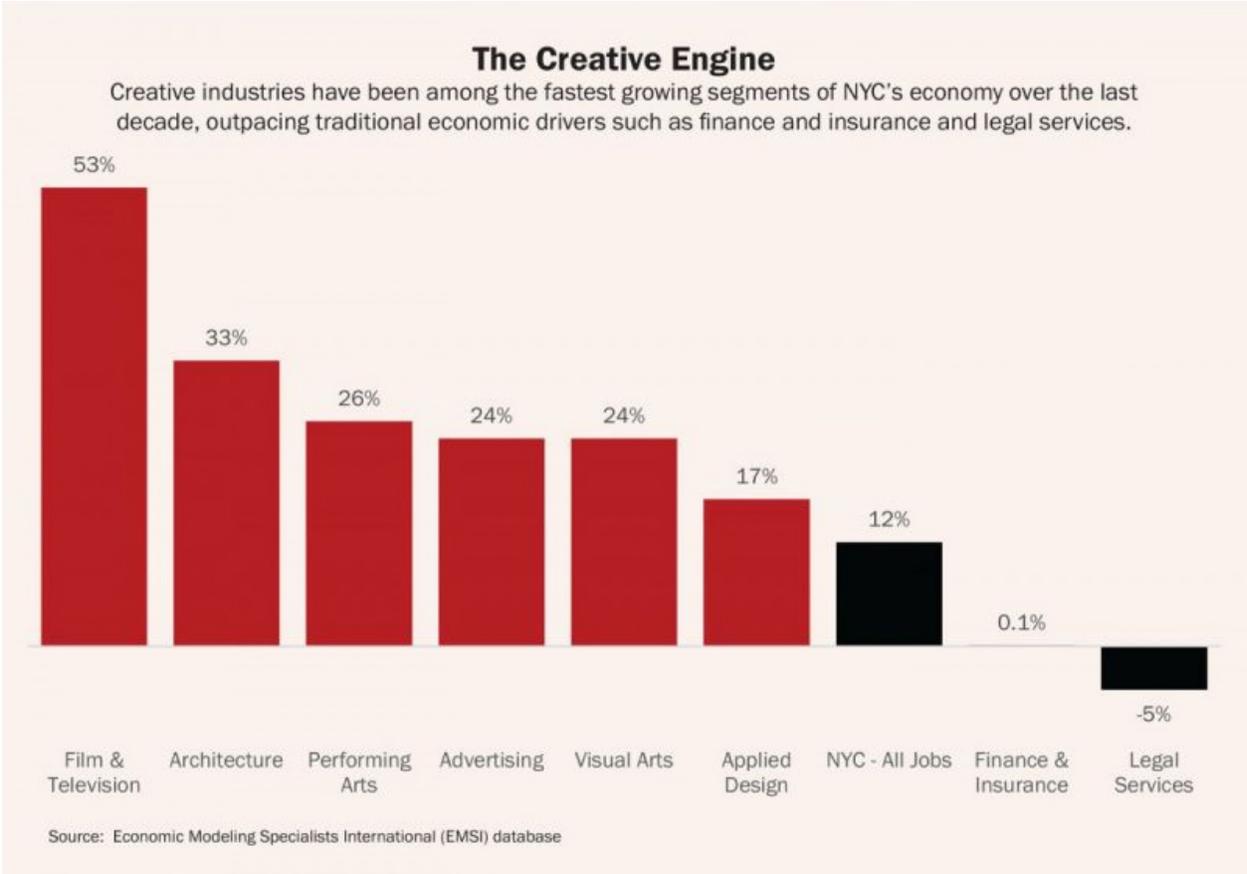
Because the super-heated real estate market in metropolitan centers is so often subject to the kinds of overwhelming development that wreaks havoc on the indigenous communities we must find and encourage artists participation in market share.

The life of our cities depends on our support of artists housing projects. It is vital to our success as a culture.

Creative New York Center for Urban Future by Adam Forman

<https://nycfuture.org/research/creative-new-york-2015>

<https://nycfuture.org/pdf/Creative-New-York-2015.pdf>





**INDIE  
SPACE**





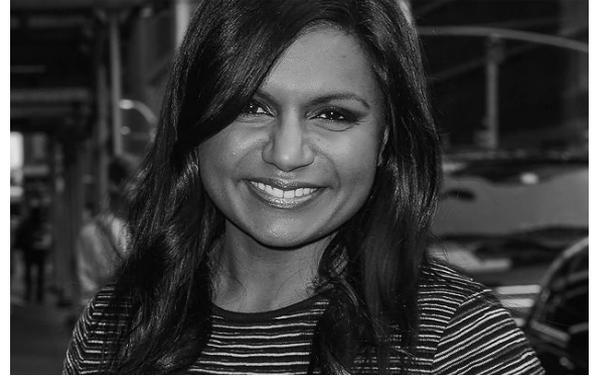
# Why IndieSpace?

Permanent space for indie artists.

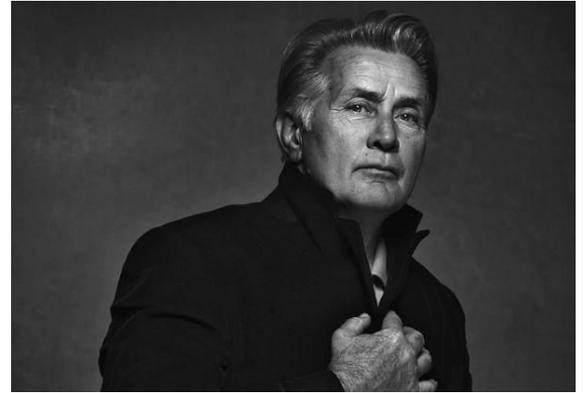
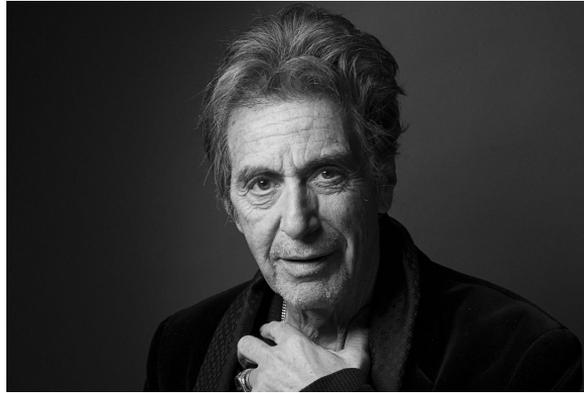
NYC is the cultural capital  
of the world...right?



# Do you recognize these artists?



Or these?



**Steve Buscemi, Philip Seymour  
Hoffman, Mindy Kaling, Bernadette  
Peters, Al Pacino, Martin Sheen.**

They all got their start in  
**independent theater** in NYC.



New York City is a mecca for  
independent artists.

It is THE place to go to create  
and see theater.



But...



3LD - **CLOSED**, 29th Street Theater - **CLOSED**, 78th Street Lab - **CLOSED**, Actor's Playhouse - **CLOSED**, The Annoyance - **CLOSED**, Bottle Factory - **CLOSED**, Bouwerie Lane Theater - **CLOSED**, Center Stage - **CLOSED**, Chelsea Rep Company - **CLOSED**, Collective Unconscious - **CLOSED**, Common Basis - **CLOSED**, The C.O.W. - **CLOSED**, Creative Place Theater - **CLOSED**, Culture Project - **CLOSED**, DANY Studios - **CLOSED**, Douglas Fairbanks Theater - **CLOSED**, Emerging Artists Theater - **CLOSED**, Flatiron Theater - **CLOSED**, Greenwich Street Theater - **CLOSED**, Grove Street Playhouse - **CLOSED**, Hinton Battle Dance - **CLOSED**, House of Candles - **CLOSED**, John Houseman Theater 2 and 3 - **CLOSED**, Jose Quintero - **CLOSED**, Michael Weller Theater - **CLOSED**, Nat Horne Theater - **CLOSED**, Oasis Theater - **CLOSED**, The Pearl Theatre - **CLOSED**, Pelican Theater - **CLOSED**, Perry Street Theater, **CLOSED**, Piano Store - **CLOSED**, The Pink Pony - **CLOSED**, Provincetown Playhouse - **CLOSED**, The Red Room - **CLOSED**, The Sandbox - **CLOSED**, Sanford Meisner Theater - **CLOSED**, Showworld - **CLOSED**, Spoon Theater - **CLOSED**, Stage Left - **CLOSED**, Standard ToyKraft - **CLOSED**, Studio Dante - **CLOSED**, Sullivan Street Playhouse - **CLOSED**, Theatorium - **CLOSED**, Theater Studio - **CLOSED**, Theater 1010 - **CLOSED**, Todo Con Nada - **CLOSED**, Trilogy Theater - **CLOSED**, Variety Arts Theater - **CLOSED**, Village Gate Theater - **CLOSED**, Vital Children's Theater 42nd St - **CLOSED**, Where Eagles Dare - **CLOSED**, The Zipper Factory



# The Living Theatre: CLOSED



Founded in 1947, The Living Theater is a pioneer in NYC theater. Al Pacino and Martin Sheen got their start with the Living Theater, cleaning the bathrooms for the opportunity to work with this great company.

Judith Malina, Artistic Director and indie theater icon, died at the age of 89 without ever having a stable home to create her ground-breaking productions.



# Incubator Arts Project: CLOSED



Incubator Arts Project, a highly regarded experimental theater company, closed its space at St. Mark's Church after producing work for nearly 20 years.

These theaters are where new works are created. The next Tony award winning show could have come from this venue or another like it.



# Galapagos Art Space: CLOSED



Galapagos produced work in Brooklyn for over 20 years. It brought artists to Williamsburg and then to DUMBO, turning those neighborhoods into centers for art.

Galapagos CHOSE to close their space and move to Detroit, where they purchased a 600,000 sf property for a fraction of the cost of doing work for one year in NYC.



# The New York Times

“A white hot real estate market is burning through the affordable cultural habitat. And it’s no longer a crisis, it’s a conclusion.”

–Robert Elmes, Executive Director  
Galapagos Art Space



# Crain's New York Business

“Over the last few years, we know of at least 45 theater spaces that have been closed or re-purposed for non-art purposes. New York’s reputation as an international leader in the arts is dwindling.”

–Kevin Cunningham, Artistic Executive Director  
The Downtown Theater 3-Legged Dog



**Small theaters have closed.**

**Artists have left New York.**

**NYC's cultural diversity is at risk.**



IndieSpace  
will change that.



INDIE  
SPACE

# The Mission

**IndieSpace** creates permanent real estate solutions for the independent theater community. By delivering affordable and sustainable creative space for a diversity of performing artists, along with supportive programs, IndieSpace will help preserve and enhance this vital piece of the cultural landscape of **New York**.



INDIE  
SPACE

The Solution



# Create: Space

- **Purchase small properties** and convert them to permanent, stable space for artists.
- **Collaborate with developers** to carve out IndieSpace owned and operated theaters in newly constructed or renovated buildings.
- **Create venues** in existing buildings, using basements and other space previously thought of to be unusable.
- **Leverage real estate knowledge** to create unconventional and innovative real estate opportunities.



# Create: Work

- **Artist in Residency** - Indie theater companies can rehearse, build and perform their shows all in the same space.
- **Operating Theater** - A theater company experienced in venue operations receives subsidized or free space in exchange for programming the theater.
- **Curators** - IndieSpace provides companies, notable artists or theaters, free or subsidized space to curate their own programming.
- **Community Space** - IndieSpace offers the community use of the space and discounted theater tickets to shows.



# Create: Impact

- **Artists: Higher level of artistic output**
  - Stable space to create
  - Increased revenue and time for creative output and artist fees
- **Communities: Diverse, vibrant culture**
  - Affordable and local entertainment options
  - Opportunities to connect and participate in the arts
- **Property Owners: More than just feeling good**
  - Provide artistic outlet under dire threat in NYC
  - Cost-effective 'give-back' of space will resonate with building users
  - A real, tangible legacy to be proud of



# IndieSpace Advises and Advocates

## Advise

- One-on-one consultation with artists
- Assist operating theaters when negotiating lease terms
- Recommend strategy as theaters approach a real estate transition
- Introduce theaters to management and operational resources
- Create partnerships between arts organizations
- Engage real estate professionals on behalf of venues and companies

## Advocate

- Act as a liaison between indie artists and owners
- Offer workshops for building owners on economic benefits and incentives to encourage collaboration with artists
- Work with city agencies to offer vacant city owned space to artists
- Consult Community Boards on various real estate matters for artists
- Host networking events for owners and artists to facilitate partnering





# Our accomplishments

**IndieSpace** has advised **40 organizations** on their real estate challenges and transitions, encompassing strategic planning, lease consultation and negotiation, and space identification.

## Examples of recent successes from this work include:

- **Secured additional theater space** on a long-term basis for three theater companies
- **Prevented two theaters from closing** through an innovative space sharing strategy
- **Created partnerships** which maximized space efficiency, improved finances and enabled renewed focus on artistic work
- **Consulted several organizations** in lease negotiations, eliminating burdensome advisory costs and future expenses



# Sample organizations we have advised

*3LD*

*Dorrance Dance*

*Honest Accomplice*

*The Arc*

*Educated Little Monsters*

*Kairos Italy Theater*

*The Artist Co-op*

*Elevator Repair Service*

*NY Classical Theater*

*The Brick*

*Exquisite Corpse Company*

*SoHo Playhouse*

*The Civilians*

*FringeNYC*

*The Wild Project*

*The Connelly*

*Frigid New York*

*The Wooster Group*



# Here's what people are saying about us

*"IndieSpace is passionate about keeping spaces open and helped us every step of the way in guiding us to our new home. A lot of people are concerned about the way real estate is destroying the arts in NYC; IndieSpace is doing something about it."*

**Kirk Gostkowski**  
Artistic Director  
Chain Theater

*"IndieSpace has been an invaluable resource for The Tank. There is no other org doing this work in New York City, and given the necessary marriage of live performance and physical location, this work is truly crucial for the future of the arts in this City."*

**Meghan Finn**  
Artistic Director  
The Tank

*"IndieSpace is a tiny miracle. Getting to know the folks at IndieSpace was so critical for us in our development and decision making process. I'm so grateful they're around!"*

**Alec Duffy**  
Artistic Director  
JACK



INDIE  
SPACE

The Team



# Founding partners



**Paul Leibowitz**

Real estate guru, culture lover



**Randi Berry**

Artist, advocate, procurer of  
free rehearsal space



**Erez Ziv**

Venue operator, community builder



INDIE  
SPACE

How you can help

EXIT

# There are many ways for you to participate

## Here's what we're looking for:

- **Development partners**
- **Property owners** with vacant, under-utilized space
- **Board members** with unique expertise
- **Donors** with a passion for promoting the arts in NYC
- **Innovative thinkers** who see the big picture
- **New Yorkers** with an interest in preserving the most vibrant cultural community in the world



**contribute**  
**ideas/expertise/time/**  
**space/cash**

**IndieSpace.org**

\*IndieSpace is a 501(c)(3) organization.  
All donations will be allocated towards the  
purchase of our first property.





Thank you.



*IndieSpace*

*Randi Berry, Executive Director*

My name is Randi Berry. I am the Executive Director of [The Indie Theater Fund](#) and [IndieSpace](#). Both organizations, who are in the process of merging, serve the indie theater community in the five boroughs. We give grants, professional development workshops, free real estate advisory and consulting services to the smallest venues in the city and we operate an Emergency Fund.

During Covid the Fund and IndieSpace partnered to provide nearly 600 emergency grants to individual artists, small companies and indie venues between \$500 and \$10,000, prioritizing Black, Indigenous, people of color, disabled and immigrant artists. We consulted with over 60 theaters on how to keep their doors open, how to upgrade their ventilation systems, how to properly notify their landlords for non payment of rent. We helped renegotiate their leases or helped them close their theaters gracefully.

IndieSpace utilizes our large network of real estate professionals to offer absolutely FREE advisory and consulting services to our community. We connect artists to owners, brokers, attorneys, contractors, architects, expeditors etc. We work with community boards to come up with creative strategies to keep artists in their neighborhood, we consult with ownership to help them carve out space for artists in their buildings. Most importantly though, we give artists the tools they need to craft favorable leasing arrangements for themselves with their landlords and move them into a more sustainable relationship with their real estate.

We are thrilled that the council is considering new ways to address the real estate challenges that artists face in NYC. We all know NYC is a difficult landscape to navigate, especially for the smallest, most under resourced and historically excluded artists. We encourage this investigation and meetings with the impacted communities. We know a number of studies have already been conducted on this subject and hope you will refer to those completed studies and experts rather than spending another year before being able to put the results to radical action. How many more spaces will we have lost while we are conducting a new study? Based on the many studies that have already been conducted we know a few things to be true:

**WHAT WE ALREADY KNOW:**

- Commercial rent stabilization is key to not for profits being able to operate in NYC.
- Rent support and cancelation for those impacted by Covid (with support for mortgage holders as well) is the only way we avoid more permanent closures.
- Consistent financial support from the city and state and creative ownership/partnership structures lead to sustainability.



WE CAN:

- Utilize more city owned properties
- Track Community Facilities space usage and hold landlords accountable who aren't making legal use of those spaces.
- We can require a permanent cultural carve out in ALL new developments
- Offer Tax incentives that are assigned to not for profits, benefiting the landlord with reduced property taxes for longer, below market leases, but that follow the not for profit wherever they rent giving the power to the not for profit rather than building owners.
- Activate spaces with art, making it more financially beneficial for owners to USE their space than to keep it empty
- Invest in Community Land Trusts, allowing artists to begin to own a stake in the properties that they dedicate their lives to building and maintaining.

There are so many opportunities during this very tumultuous time to bring this city back with art. There is no time to waste. We are losing artists and venues on a daily basis. We learned of another closure (Patch Works Theatre in Williamsburg) while drafting this testimony. Please lean on artists, service organizations like IndieSpace and community members to help guide next steps. Do not leave the indie theater community and individual artists out of the conversation.

Thank you for the opportunity to submit this testimony. We look forward to working with the Council and the Dept of Cultural Affairs to explore all the various options and opportunities available to indie theater artists and venues in NYC.

January 19, 2021

To the Committee on Cultural Affairs, Libraries and International Intergroup Affairs:

On behalf of INTAR Theatre, located at 500 West 52nd Street, 4th floor in Manhattan, I am writing first of all to thank the Committee Members and Chair and the entire City Council for all of your hard work seeking to protect New Yorkers and save lives and jobs in our beloved NYC during this pandemic.

I also am writing today in support of Committee Chair Jimmy Van Bramer's proposed legislation that you are considering today:

LS 2194, related to requiring the Department of Cultural Affairs to study the real estate issues impacting cultural spaces; and

LS 2195, related to the certification of artists and the issuance of identity cards for certified artists.

Our theatre company, whose mission is to develop and produce Latin theatre artists and works, has been one of the fortunate few arts groups in NYC that has rented City-owned property since the late 1960s in the theatre district of sufficient square footage to administer, rehearse, workshop and perform new plays continuously year-round in spaces that we have controlled, at rents that we could afford; our artistic homes over many years.

Yet over many years, for different reasons having to do with neighborhood improvements, we have been displaced several times, each time into smaller spaces. First, we gave up our highest profile 2-story gallery/99-seat theater space on West 42nd Street west of 9th Avenue to make way for Theater Row, where we could have rented theater space for rehearsal and productions but at a much higher cost than we could afford at the time. So we moved our operations to a City-owned building on West 53rd Street west of 10th Avenue that became our next headquarters, with ground floor lobby and 65-seat theater space and 2nd floor office/rehearsal space.

When the City sold that building to make way for what is now the Archstone Clinton apartment/condo complex, INTAR was offered an opportunity to move into a brand new theater complex planned within Archstone Clinton along with \$1.3 million of the building sale proceeds to help build out new space in that complex, but the price tag for the buildout ballooned to \$7 million, and the cost of renting the space would have killed us. In flusher times, the City later was able to provide more than \$25 million so that MCC Theater could finally occupy what had been empty space in new buildings for years. For INTAR, the City and our current nonprofit building managers Clinton Housing Development Company found us space in 2005 on the 4th floor of 500 West

52nd Street, an HPD-owned building, with a 50-seat theater, office and storage space. We've made it our home but we are scheduled to be relocated again to office space only at 545 West 52nd Street, also owned by HPD, where we will compete to rent rehearsal and performance space at a subsidized rate.

With each move, our visibility and our profile, and not coincidentally our operating budgets, have diminished. Where we produced 2-3 mainstage new plays by Latin artists annually at Actors Equity union wages on 42nd Street in the 1980s, we now produce 1-2 mainstage plays, still at union wages, because we believe in paying artists. We're hoping to reverse that trend at this time, somehow, in collaboration with the City and Clinton Housing, whom we greatly appreciate and work with closely, and without whom we would have disappeared from the neighborhood; but the trend for many years as you all know, has been for the City to gradually lose its affordable small (65 to 99 seats) theatre spaces where new works and artists thrive best, especially in the theater district. So we applaud this new effort by the City Council to help DCLA really dive deeply into this subject and take advantage of this time to begin to counter that trend. We stand ready to work with the Council and DCLA as needed if we can be of assistance. We want to grow and represent our culture in this very Latin city, not shrink.

Regarding certifying artists, what a great idea. It's the beginning of a more organized support platform for independent artists, on whom we rely as a theater company to create and deliver high quality works to the public. And on whom the City relies to remain the cultural capital of our country and a global juggernaut in culture. During this time we have endeavored to commission multiple theater artists to keep them working at their craft until we can open up again. But that doesn't help so many of the designers, stage managers, and affiliated artists that make theater happen in NYC. LS 2195 is a great step in the right direction and we support it.

Thank you again for all of your hard work to help all NYers at this time, including arts and culture workers and companies.

Sincerely,

Paul

[Paul A. Slee Rodriguez](#)  
[Executive Director](#)  
[he/him/his](#)  
[INTAR Theatre](#)  
[intartheatre.org](http://intartheatre.org)  
[\(917\) 693-7887](tel:(917)693-7887)

Lucy Sexton  
Executive Director  
New Yorkers for Culture & Arts  
[lucy@NY4CA.org](mailto:lucy@NY4CA.org)  
NY4CA.org

Jan 19, 2021

Thank you Chair Van Bramer and members of the City Council for hearing my and so many others' testimony.

My name is Lucy Sexton and I am proud to head New Yorkers for Culture and Arts, a citywide coalition of cultural groups of every size from every neighborhood. The damage of the COVID to every artist, cultural worker, and organization has been immense. It is equally important to remember that the ability of artists, culture workers, and cultural organizations to survive in the city prior to COVID was already fragile. Last year at this time NY4CA did a series of cultural convenings in each borough. Affordable living and workspace were consistently a top priority.

As we consider these two Intros, it's important to focus on the goals. Intro 2195, a process for certifying, or I would suggest registering artists and culture workers, should aim to do 3 things---1. Make it more possible for artists to live and remain in NYC; 2. Create a pathway for artists to rise up in every community of the city; 3. State clearly that NYC values its artists and culture workers.

While the 'creative economy' is a huge driver for NYC's economy, it employs overly white workforce. We need to create pathways for lower income kids in every borough to consider entering the field, so they have access to jobs in the non profit and for profit culture sector. Can a registry do that? It might help.

.

It would allow the city to offer perks and services that might include

---free or reduced admission to cultural institutions and events

---creation of an email list for the Council's Committee on Cultural Affairs to announce hearings, budgets, discretionary funding, legislation to its core constituency, engaging them in the creation of future policy and funding

--private companies could offer perks to those on the registry as well, say when theaters need to paper houses, or a free opening day at museum exhibitions, or reduced price Broadway tickets

---access to affordable housing and workspace

---access to subsidized health care

---tax relief

Imagine a musician in Queens, who makes their living working in restaurants, is able to register and receive some of these perks. It not only helps that person, but lets their kids know their parents' artistic practice is valued and rewarded. Imagine a young person with a degree in dance trying to carve out a living in the city who is welcomed into the workforce with this registry---and is able to engage in more of the city's cultural activities because of it. Imagine

an artist being able to use the registry to access health care and therefore to consider raising their family here.

I realize I am dreaming, but creating this mechanism now can lay the groundwork for these dreams going forward.

# MUSIC WORKERS ALLIANCE

## Music Workers Alliance “How Are We Surviving” Survey Summary Report

December 17, 2020

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### Summary

Nearly three quarters of musicians and DJs surveyed have lost more than 75% of their income during the pandemic, according to the Music Workers Alliance “How Are We Surviving” survey of nearly 300 musicians and DJs in November and December 2020. Respondents reported losing more than \$8.5M since March. Musicians and DJs receiving unemployment face significant precarity, with a significant number having depleted their savings, having moved to save money, and considering finding new jobs in other fields. The survey also uncovers the inaccessibility of many relief programs - with only 11% of musicians and DJs having received PPP loans, for example - and how critical unemployment and pandemic unemployment benefits have been for formerly working musicians and DJs, most of whom don't know when they will get back to work.

### TOP FINDINGS

- Nearly three quarters of musicians and DJs surveyed have lost more than 75% of their income during the pandemic.
- Overall, more than \$8.5M was estimated as reported lost by 213 of the survey respondents since March. This is consistent with the national [Artist Relief survey](#) which estimated artists had lost on average about \$30,000 each due to the pandemic this year.
- Formerly working musicians and DJs are facing significant precarity even while receiving unemployment. 33% have depleted their savings, 33% are considering finding new jobs in other fields, and 15% have had to move to save money. As the first wave of initial relief rolled out in April and May recedes, many artists see their options shrinking without continued assistance.
- Many noted that they did not receive the correct right amount from unemployment, because they were either mixed income workers or received income from multiple states.

5. While much was made of PPP Loans being made to individual artists, only 11% of responding artists received them. This is consistent with the finding from a recent [ExtendPUA](#) report that only 9% of their constituents benefitted from PPP.
6. A small minority of musicians and DJs are working during the pandemic. And when they do it is often for free or for less than they would have before the pandemic. Less than 20% of musicians and DJs are active with livestream and online performances, and only 10% are performing live in a significant way. Most musicians and DJs are asked to play for free or are underpaid for online / livestream performances.

**1. 71% of musicians and DJs surveyed have lost more than three quarters of their income during the pandemic**

Prior to the pandemic, most respondents were performing 50-200+ shows a year, and most did not teach (only 22% had access to significant teaching income). Prior to the pandemic, only 17% of respondents had access to significant income from work under union contract.

*“The pandemic has only exaggerated and exacerbated inequities in the system that have allowed for musicians to be exploited to a greater degree than ever before.”*

*“We’ve been completely abandoned by our national government.”*

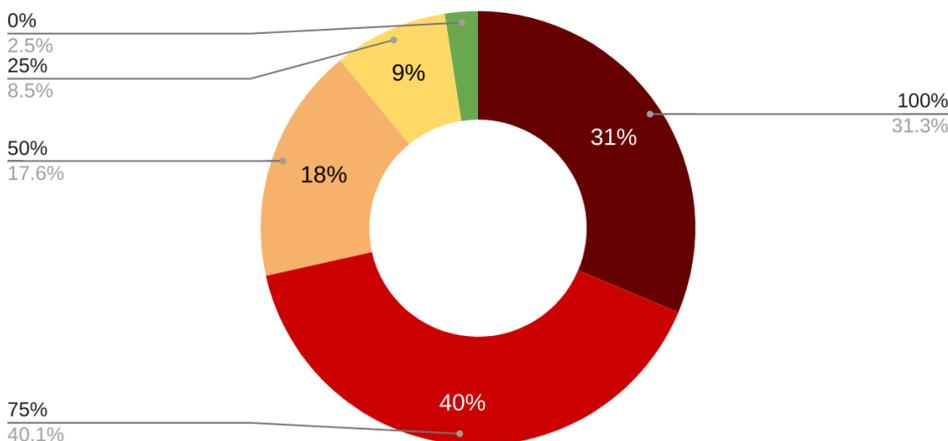
*“My students have been with me for a very long time, but I am afraid I will lose them forever after such a long hiatus.”*

**2. More than \$8.5M was estimated as reported lost by 213 of the survey respondents since March.**

Respondents were asked to estimate their annual income, and 213 of them (76%) provided their income information, which ranged from \$12,000-\$424,000 with a median income of \$41,000. Respondents were also asked to estimate how much of their income has been lost due to the pandemic.

Roughly what percentage of your total income (all sources) has been lost due to the pandemic?

musicworkersalliance.org



The combined total of the estimated lost income for each of the 76% of respondents who provided income information is \$8,544,250. This is consistent with the national [Artist Relief survey](#) which estimated artists had lost on average about \$30,000 due to the pandemic this year.

### 3. Formerly working musicians and DJs are facing significant precarity even while receiving unemployment.

33% have depleted their savings, 33% are considering finding new jobs in other fields, and 15% have had to move to save money. While there was a wave of initial relief rolled out in April and May, while many artist still wait for the “second wave,” their options are shrinking

*“The first round of pandemic relief helped us stay afloat but those resources have been depleted and we’re digging ourselves in a hole.”*

*“I am weeks away from losing my apartment - am an owner, not a renter, and therefore don't qualify for rent relief.”*

*“We have managed to pay our rent since Covid started in March 2019 and now my wife and I are very worried we want [sic] be able to when Unemployment ends in December. We don't want to become homeless 🙏”*

*“the end of enhanced unemployment benefits is a ticking time bomb that will deplete my savings completely over time as long as the industry remains essentially frozen”*

Working Musicians and DJs are Experiencing Significant Precarity, Even While Receiving Unemployment Benefits	
76%	I don't know when I will work again as a DJ
55%	I don't know when I will work again as a musician
48%	I believe I will be back to work in 2021
47%	I believe I will be back to work in 2022
43%	I have been asked to work for free during this time
35%	I have been asked to work for less money and I would've accepted before the pandemic
33%	I have depleted my savings
33%	I need to find another job in a different field
19%	My peers are starting to work again
15%	I have had to move to save money

[musicworkersalliance.org](https://musicworkersalliance.org)

*“I am planning to go back to school to slowly pursue a career in healthcare, as I am unsure of when I will be able to make a living as a musician again.”*

*“I had to seek other work outside of my field because I don't qualify for rental assistance. I've had to use credit to pay for schooling to do so.”*

#### 4. Many noted that they did not receive the correct right amount from unemployment, because they were either mixed income workers or received income from multiple states

Prior to the How Are We Surviving Survey, over the summer, MWA offered assistance to musicians looking for advice on the unemployment process in New York and found that while about half of the applicants we were working with were 1099 workers, a significant portion - nearly a third - were mixed income. [A recent report by ExtendPUA](#) found that 17% of respondents (most of whom worked in Live Events and Entertainment) reported a mix of W-2 and 1099 income.

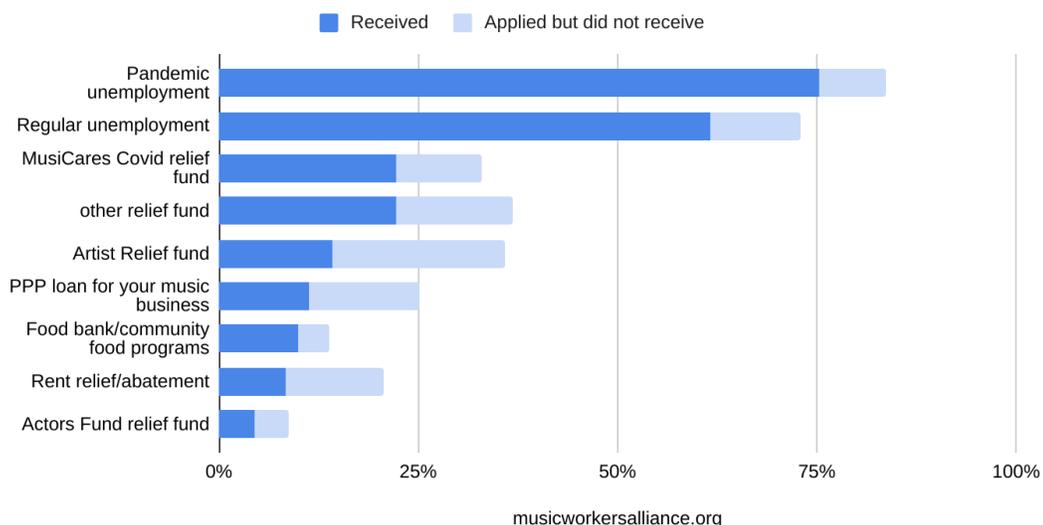
*“Re unemployment benefits: I am a hybrid worker with a small amount of W2 income (a 4hr/wk church singing job). That W2 income forced me into the Unemployment Insurance system, which calculated benefits on the W2 income alone (rather than taking 1099-MISC income into account). As a result I am only eligible for \$100/wk UI. Any income over that amount in any week, and I lose the UI for that week, as well as any enhanced benefits, if they are reinstated. So at \$400/mo UI, unemployment extension is not a huge priority for me. But if the way assistance is calculated is changed to be more inclusive of how my income is actually structured, then it would become a huge priority.”*

*“When I applied for unemployment through EDD, the W2 income overrode the private contractor information so I've been getting the equivalent of 15% of my income from unemployment. Also if I make more than that in a week I receive no benefits. That's not close to enough to live on.”*

#### 5. While much was made of PPP Loans being made to individual artists, only 11% of artists benefited, and most who applied did not receive funds.

Of the more than 200 musicians and DJs who had lost three quarters or more of their income, 75% received pandemic unemployment, 62% received regular unemployment, and 11% received a PPP loan. While there are hundreds of artist relief funds that have emerged since the beginning of the shut-down crisis, these kinds of funds often end up being inaccessible to most artists who apply.

Most Working Musicians and DJs Rely on Unemployment and Pandemic Unemployment Payments to Survive



In the case of Artist Relief fund, for example, significantly more respondents applied unsuccessfully than received the grant. PPP Loans and rent abatement were similarly difficult to receive.

**6. A small minority of musicians and DJs are working during the pandemic. And when they do it is often for free or for less than they would have before the pandemic.**

Less than 20% of musicians and DJs are active (more than 10 performances since April) with livestream and online performances, and only 10% are performing live in a significant way (more than 10 performances since April). Most musicians and DJs are asked to play for free or are underpaid for online / livestream performances.

Live Streaming / Online Performances. While 74% of all respondents had tried live streaming / online performances since the lockdown, only 19% of all respondents noted they were doing live streaming in a significant way (10-100 performances). The median number of live streams by those who said they had tried it was only four live streamed / online performances since April. 61% of those reporting on their live stream performances played for free or were underpaid.

*"Did two unpaid livestreamed mini-recitals from my personal Facebook page in the early weeks of the shutdowns, solely for the sake of making and sharing music..."*

*"Most of them have just been streams that I or my band have decided to do. These were not ticketed, and were mainly to connect with our audience, although a few people did venmo us..."*

*"Some performances were from my living room, or from a church service, others were held at a venue with no audience. Tip Jar only for all musicians."*

*"...All streams were free to access to the public. The only way I could get paid for any of this work was through viewer tips via the organization or my personal Venmo."*

*"1/8 was ticketed and paid, the rest were not. Livestream only, no archive... We were mostly in charge of marketing."*

*"I do not have the time or resources to do an online performance."*

*"I have not been paid for any virtual performances."*

Live Performances. While a little more than half of all respondents had done a live performance since the lockdown, only 10% noted they were doing live performance in a significant way (10-70 performances). The median number of live performances by those who said they had tried it was three live performances since April. 72% of those reporting on their live performances have been playing outside. 37% of those reporting on their live performances played for free or were underpaid.

*"I filmed one video in which I made less than unemployment. I lost wages and worked about 20 hours. I am afraid I will be homeless soon because I can't find a job even in the food service industry"*

*"This is the first time I've worked on a donation basis - I never would have done that pre-pandemic."*

*"it was local, measures were taken for safety but some people did not follow protocols, especially after drinking alcohol, I did not feel safe, I had to insist people wear masks when speaking to me, I might not perform live again during covid"*

*“lots of places aren’t paying and rely on only tips from customers, which is still worth it for me, depending on venue. I think it’s wrong of them to do that. But I need the money. The only places I’ve played inside are private events that pay a lot.”*

*“lower pay and more work. Restricted audiences, no dancing or singing allowed even though they are usually outdoors. Overall, playing live right now is a negative experience.”*

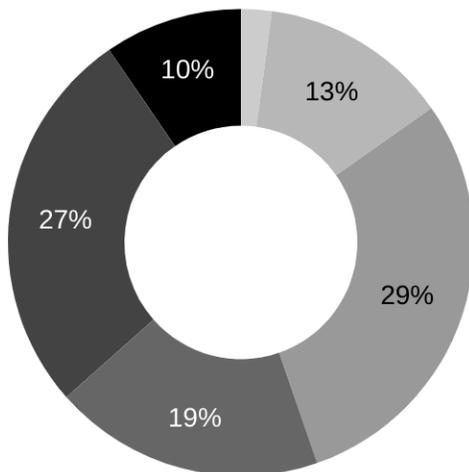
*“some indoor some outdoor, some for pay some for just tips. the indoor ones make me the most anxious, especially now as we are heading into winter. i feel between a rock and a hard place”*

*“I think my ability to make money as a musician will be much more difficult after the pandemic and as such I am attempting to change career fields.”*

## Respondent Demographics

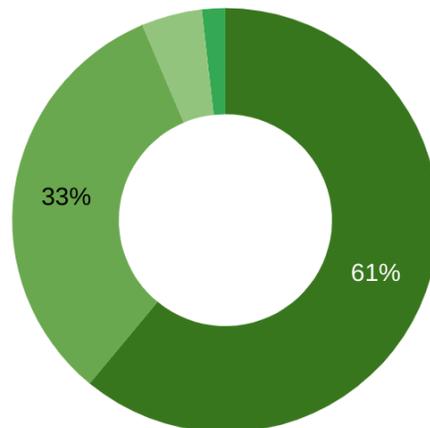
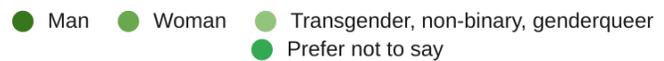
### How old are you?

musicworkersalliance.org



### Please Identify Your Gender

musicworkersalliance.org



**Location:** Respondents hailed from 25 states and the District of Columbia, with the top three states being New York (181 respondents), California (26 respondents), and New Jersey (21 respondents).

**Race and Ethnic Identity:** Of the 199 respondents who had lost 75% or more of their income this year, 71% identified as white alone, 12% as black or african american alone, 6% as asian or asian american alone, 5% as latino latina or latinx, 1% as american indian alaskan native pacific islander or native hawaiian, 4% as multi-racial and/or multi-ethnic, and 3% as other or declined to say.

## Methodology and Credit

The survey was promoted to Music Workers Alliance’s direct mailing list and on MWA’s Instagram, Twitter, and Facebook pages from October 23-December 13, 2020. MWA received 284 valid responses to the survey. The data from this survey is consistent with other data about working musicians in New York from American

Federation of Musicians Local 802, Future of Music Coalition's Artist Revenue Streams project, and the Artist Relief Fund. Respondents are considered representative of musicians and DJs who engage with Music Workers Alliance.

Survey questions can be found here: <https://tinyurl.com/mwa-survey2020>

The following individuals contributed to the survey design, analysis, and report on behalf of Music Workers Alliance: Jean Cook, Nathaniel Marro, Ty Citerman, Phillip Golub, Blair Sordetto, and Brian Halaas.

### **About Music Workers Alliance**

Music Workers Alliance is an organization of, by, and for independent musicians and DJs. Our mission is to further Musician/DJ empowerment through collective economic and political action. MWA members are affiliated with Arts for Art, Building Beats, Indie Musicians Caucus and the Jazz Advisory Committee of Local 802 AFM, MOMENT NYC, Musicians for Musicians, NYC Artist Coalition, Sound Mind Collective, Underground Producers Alliance and many other organizations.

# NATIONAL SAWDUST

## **Written Testimony**

**Original Music Workshop--dba National Sawdust  
80 North 6th, Brooklyn, NY 11249**

## **New York City Council**

**Committee on Cultural Affairs, Libraries and International Intergroup Relations**

**January 19, 2021**

**Cc:** Councilman, Stephen Levin  
Brooklyn Borough President, Eric Adams

Dear NYC City Council,

On behalf of the National Sawdust (NS) Board, Chair, President and NS team, we would like to support the passage of the recently submitted bill by James G. Van Bramer in relation to requiring the Department of Cultural Affairs (DCLA) to study the real estate issues impacting cultural spaces.

NS is currently working to acquire the building from which we operate, and have sought support from the DCLA, Councilman Steve Levin, and Brooklyn Borough President Eric Adams in these efforts. While we were awarded an initial allocation of funds in the last budget process to support our efforts, we understand that actually obtaining funds may face hurdles given NYC resistance to funding capital for acquisition projects.

NS was created by a group of cultural investors who combined their real estate vision with the artistic vision of leading composer Paola Prestini to convert an old sawdust factory into a state-of-the-art music venue and cultural space in the heart of Williamsburg. Since NS' first season in 2015, the building owners provided NS with a rent-free, triple net lease, so that it could more cost-effectively begin operations, build a brand, and bring world-class, highly recognized artistic programming and arts education and mentorship to our local community, NYC, and the greater world.

NS has an option until 2023 to purchase the building from the owners at original investment/refurbishment value. Some owners are willing to donate a portion of their equity in the building to NS to help offset the cash cost of acquisition. If NS is unable to purchase the building, it will face the need to relocate operations or to incur hundreds of thousands of dollars in annual rent to remain in its current home.

NS wholeheartedly believes that cultural institutions owning their facilities is in the long-term best interest of NYC in creating and maintaining communities that are diverse, culturally rich and accessible to all audiences. Operating in NYC is extremely expensive, and many institutions face being priced-out of their buildings due to rising rents and increased real estate costs. These dynamics have only been exacerbated by the effects of the Covid virus.

Maintaining vibrant communities with strong cultural infrastructure is the backbone of engaged citizenship. Art and art making is not a commodity, rather it is the reflection of society, the interpreter of things unspoken, and the raison d'être for so many. Let's connect the dots so that people realize art is not a nice-to-have, but an economic and spiritual must-have.

We would be delighted to participate in this project and study in any way that is helpful.

Kind regards,



Brian Berkopec  
Managing Director  
National Sawdust  
917 664 0266  
brian@nationalsawdust.org

***National Sawdust connects artists and audiences to the transformative power of music through mentorship and education programs and through its digital stage and state-of-the-art Williamsburg venue. Our mission is to cultivate an ecosystem of learning, incubation, and dissemination rooted in open and inclusive music curiosity and driven by the belief that artistic expression empowers us all to create a more just world.***

[www.nationalsawdust.org](http://www.nationalsawdust.org)

My name is Olympia Kazi. I'm a founding member of the NYC Artist Coalition and the Music Workers Alliance. I'd like to offer some insights that my work with these two groups have given me regarding the focus of this hearing: "The Impact of COVID-19 on NYC Artists and the Perspective of Working Artists During the Pandemic," as well as some comments regarding Int 2194-2020 and Int 2195-2020.

The pandemic has had a horrible impact on many artists and arts and cultural institutions. Unfortunately the lack of adequate, timely and creative responses by our local, state and federal government made this impact worse. Here at the city-level, we need to take advantage of this moment of crisis to advance progressive policies and legislation that will address not only the problems that the pandemic has created but also the many issues around art labor and institutions that were not working before.

Once the general pandemic relief funds address the urgent survival issues of artists with unemployment, healthcare and rent relief, we need to get artists back to producing work safely. The City, through DCLA and MOME should launch a 3-year WPA style program for artists. The cultural production and overall economy are not going to be fully back up and running for another 3-5 years. So a WPA style program would be a good investment right now to employ the unemployed and underemployed artists and to make sure the society as a whole has access to new, local, live arts and cultural performances and experiences as it heals.

Regarding Int 2194-2020, which would commission a study into the real estate issues impacting cultural spaces, many such studies have already been done. We know that what closes spaces is rent. Many fail to realize that nonprofit and for profit venues and arts and cultural institutions are commercial tenants and as such they face similar issues with all other small businesses in NY. The NYC Artist Coalition, along with many other small business advocates, has been working during this session to enact commercial rent stabilization to address this problem.

Unchecked rent increases have displaced too many arts/cultural spaces and their communities. In November 2019 we introduced Intro 1796-2019 that currently has 12 co-sponsors but unfortunately the bill hasn't yet been granted a hearing by the committee chair CM Gjonaj. How can arts and cultural spaces thrive when they cannot plan for their future? Every time their lease is up--that is if they've been offered a lease--the landlord can increase the rent at whim and effectively evict them. It's not fair for a landlord to take over the capital that a venue has built, with a well known arts destination and a community of employees and audience, and just rent it out to the higher bidder.

We need to build robust protections for commercial tenants. The enforcement and public education regarding existing Commercial Tenant Harassment legislation is not adequate. The Commercial Lease Assistance CLA program by SBS that has been very successful in helping many small businesses despite its tiny scale is constantly being threatened with cuts. Instead it should be fully funded and expanded. This is not a moment to do another study. The results of any such study would arrive too late. We need to get a hearing for Intro 1796 and we need to pass Commercial Rent Stabilization.

We also need the City to act fast and invest in policy solutions like Community Land Trusts for arts and culture. This crisis will put many properties in distress and we should not allow them to be bought by predatory investors who'll just wait to fuel the next cycle of gentrification. The City should create programs that will allow local communities invested in those neighborhoods to be able to take over these properties and transform them in centers that serve local communities in perpetuity.

Regarding the idea of establishing an artists' ID program proposed by Int 2195-2020, though I can see the aspirations behind such an endeavor, past experience with the cabaret law cards for musicians and the SoHo artists housing cards show that such programs are very easily fraught. We'd need to first have a clear framework for such a program with a defined purpose and specific services and resources and then we could look into whether we need an ID program or some other kind of qualification process.

For hundreds of thousands of artists, the COVID-19 pandemic has erased their livelihoods, careers, and income sources. The arts in NYC are facing a crisis in unparalleled proportions. We need to go much further than the flawed legislation heard at the hearing, as this will do nothing to help artists during this critical time. Now is the time to take bold and decisive steps by passing Commercial Rent Stabilization, getting creative about putting artists to work, and providing increased relief for artists during this time. The future of the arts in NYC depends on it.

—

Olympia Kazi  
NYC Artist Coalition  
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January 14, 2021

Mr. Mayor and Council Members:

Like our colleagues in the Costume Industry Coalition, we create custom costumes for Broadway stages and those throughout the country, and screen. Our costumes are featured on the Rockettes at Radio City Musical Hall as well as the many arena events that come to New York City. We employ a diverse group of 50 artisans and support staff from across the tri-state community. Many are decades long employees, some since we opened in 1980. Others are more recent college graduates, training and working to further their skills. Some have gone on to teach or open their own companies.

Like many other companies, on March 16, 2020, we temporarily closed our doors for what we anticipated would be two weeks.

Now, almost ten months later, we are struggling. We have continued to pay the rent, as we continue to fund the health benefits of our employees. While the Federal Payroll Protection Program has provided some assistance, it was not structured with equal focus on rent and utilities. Forgiveness is not assured.

Our primary obligation is ensuring the welfare of our employees and others. To help, we allowed our doors to open to volunteers making surgical gowns to be dispensed throughout the city. Today, our employees are utilizing the workspace independently to earn some income. These activities do not pay our rent, but they do give the employees some income and hope that the company will reopen. We need to ensure that it does.

We, too, request that you include arts-related businesses in your study of the impact of real estate on the economy in New York City.

We request that you consider incentives for landlords to rent to arts-related business. Our companies provide jobs and products that enhance the lives of New Yorkers and beyond and contribute to the impact of entertainment to the New York City economy.

We request that you study the plausibility of subsidized housing for the arts community.

I appreciate your consideration of our situation and with your help can continue to share our talents with audiences on Broadway and throughout the world.

Sally Ann Parsons  
President and Creative Director  
Parsons-Meares, LTD.

On Monday, January 11, 2021, the current property owners of the Public Assistants space at 711 Franklin Avenue in Crown Heights, notified us that they are *to begin construction on a new development within 20-50 days, effectively expediting our need for a new HQ location.*

This is alarming, but not unforeseen, as we had assurances from them that our lease would likely run through the end of summer 2021. The terms of our occupancy here have always been at risk of sudden termination due to the systemic prioritization of profit over community. Safe havens for the queer Black and brown young people who make up our community, are both rare and fast disappearing, making our continued existence crucial.

We do not wish to further escalate into conflict, a situation and relationship that have been fraught with uncertainty from the start. We are intent on transitioning from our current space safely, securely, and on a reasonable timeline. While it's not an easy decision to start anew, our roots in Crown Heights transcend the walls of 711 Franklin. We seek a stable, hospitable environment in which to flourish.

#### How did we get here?

In June 2020, during the massive uprisings in support of Black Lives, the property managers approached us and offered to lease us the space at 711 Franklin Avenue. They made it clear that they were offering us the use of the space in support of our movement work, although we were not naive to the fact that a deal involving real estate is never purely altruistic.

The building had become a burden on the neighborhood, having been left unattended by the developers for several years, with no regard for the surrounding community. The space consisted of an abandoned corner property-- an unheated, unconditioned shell of a building with significant water damage, and an outdoor lot. Through all this, we could see the potential for a beautiful community space for resistance and the cultivation of radical joy.

With support from the community, we accepted the offer, signed a lease and undertook a major renovation to make the spaces habitable, investing sweat equity from volunteers and donated materials. What was once a corner acquired and neglected, has become a

multidisciplinary production and design studio, mutual aid network, and neighborhood resistance hub.

Over the last few months, the management company suddenly reappeared, and began to show the space to possible renters while ignoring us as viable tenants. It's come to light their intent to convert the space into a gourmet supermarket, one of a half dozen similar recent developments already clustered in the area, catering to the new, affluent residents of Crown Heights over long term community members.

DonChristian Jones

Founder and tenant

Public Assistants Inc.

Thank you Committee on Cultural Affairs, Libraries and International Intergroup Relations. It is my privilege to write to you today.

My name is Tara Tagliaferro and I identify with she/her pronouns. I am a resident of Astoria, Queens, the indigenous land of the Lenape and Canarsie people, happily married, and living with another roommate. We are a household of multi-hyphenate working class artists, all of us members of the Actor's Equity Association Union for Stage Managers and Actors in the US theatre industry.

As a professional musical theatre and teaching artist myself for nearly 15 years pre-pandemic, I have enjoyed a career on stage all over the country and globe, mostly booking work in the city to leave the city. I have performed on Broadway National/International Tours, at renowned regional theatres, and spent a year Off Broadway in 2019 (my longest gig in NY). It is a competitive market with the unemployment rate before the pandemic already alarmingly staggering, hovering around 90%. What is also challenging is to receive health benefits as an AEA actor, you must work a designated number of weeks, tying decent health care to high employment weeks between 11-19 for six months to a year of coverage. I have been fortunate to be covered by the Equity League consistently ever since 2016, not even a year after I joined the union. I will soon be losing my coverage this March 1st 2020 for the first time since then. Our insurance benefits along with our membership dues both went up in rates (our health insurance tripling) while all doors to theatres' closed.

As you are most likely aware, the global pandemic served the theatre industry a devastating blow that is still in effect as theatre artists linger in limbo regarding a safe reopening not only on Broadway, but on the road and in the regions that house professional theatres. I was working at the Maltz Jupiter Theatre in FL at the onset of the pandemic, abandoning our technical rehearsal period and postponed indefinitely, which has now become an unspoken cancellation.

When I returned home to the city, I was fortunate enough to reopen a recent unemployment claim I had between my Off-Broadway gig closing in January 2020 and the rehearsals for the new employment beginning in February. The PUI during the spring of 2020 was also essential as all the jobs I had ever worked mostly disappeared.

What I have learned in the past 11 months is that the systems in place to protect and support actors and artists in a time of crisis did not survive. Many of my colleagues have recalibrated their careers to different fields, moved out of the city,

and felt deserted by our union and government in any kind of innovative way to financially employ us in a time when the world needs the arts for healing and escape more than ever. I myself am in an in between of sorts, continuing to collect unemployment as I build a small business online while also teaching via Zoom and debating going back to school. The future is full of unknowns and I am taking it one day at a time.

Lastly, New York without Broadway is a city grieving the loss of a piece of its soul. Broadway is the lights of our city, physically and metaphorically, attracting so many people to come to our concrete harbor, sit in a sea of strangers, and experience something beyond what they know together. How do we care for its return, the everyday working class artists without celebrity status that are still here, and the culture in the meantime?

Thank you for witnessing my words, question, and grief all tied up together. Finally, thank you for your commitment to the arts in New York City.

--

*Cheers,*

**Tara Tagliaferro (she/her/hers)**

Interpretive Artist, Old Soul, Gatherer of Sisterhood

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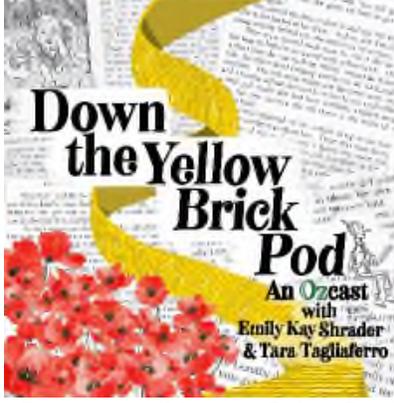
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Dear Councilmember Van Bramer and fellow Councilmembers,

I am emailing to submit written testimony related to the recent hearing of the [Committee on Cultural Affairs, Libraries and International Intergroup Relations](#) on January 19, 2021.

I am the Managing Producer of The Tank, a 17 year-old nonprofit arts presenter and producer dedicated to breaking down the economic barriers that so often prohibit emerging artists from creating and sharing new work. We support and present the work of over 2,500 artists each year in 1,000 performances and welcome 36,000 audience members to our physical space on 36th Street, or, during the pandemic, to our virtual platform CyberTank.

The Tank has always been based in Midtown Manhattan and has felt it critical to make sure there is physical space dedicated to emerging artists in that neighborhood. Real estate has been an incredibly important part of our ability to fulfill our mission. In 2017, we had the opportunity to take on a long-term lease and move into a two-theater space on 36th Street. With this move to a dedicated space for the work of our artists (and two spaces as that), our ability to serve emerging artists grew exponentially. The space and time we could give to artists doubled. We were able to present the work of significantly more artists to significantly more people.

We also are excited to be in a neighborhood with so many other arts and cultural organizations, including Theaterlab, Inc. (who gave in-person testimony at the hearing) and all the many arts companies that utilize space at 520 8th Avenue. Our building is also a mini-hub for arts and culture with The Chain Theater and Barrow Group as our neighboring tenants.

For us, our space has more than physical impact in providing artists space free of charge to experiment, develop their craft, and often have their very first shows in New York City. For us, it also signals that we value emerging artists and believe they should have space to work. That we understand they are the future of a vibrant city full of artistic experiences and culture. When you look uptown from our space, up 8th Avenue, you can see the lights of Broadway. That's not necessarily every artist's career trajectory or even aspirations, but by The Tank existing just south of that epicenter of theater, we signal that it is a dream that is possible.

We eagerly await the moment to reopen our space when it is safe, but the pandemic has made it incredibly difficult for arts organizations like us to pay rent

and for our landlords to pay their mortgages and property taxes. We are worried that arts and culture organizations and independent artists and designers who live and work in this neighborhood may be forced to move out, that landlords may not renew leases, or that they may sell their properties.

We welcome the proposed legislation Int 2194-2020 to study the real estate issues impacting cultural spaces. My hope is that the study could identify real action and incentives for landlords to keep these tenants in their buildings and to affirm to our field that New York City recognizes the value of arts & culture and wants to keep arts and culture here to stay.

Thank you so much. Please do not hesitate to reach out with any questions.

Best,  
Danielle

--

Danielle King  
(she/her)  
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Thank you. I am testifying on behalf of Music Workers Alliance, which is a volunteer organization of instrumentalists, vocalists, DJs, composers, sound engineers, and others whose work is the crafting and presenting of expressive sound. In December, Music Workers Alliance surveyed members of our work sector about how the pandemic has affected them work-wise and life-wise; I've submitted the survey's findings to this Committee as written testimony [link: [https://drive.google.com/file/d/1mAMv2N6xQ-oPCE4gpsd4\\_658L8\\_IPTkZ/view?pli=1](https://drive.google.com/file/d/1mAMv2N6xQ-oPCE4gpsd4_658L8_IPTkZ/view?pli=1)].

We wish to register our support for Int. 2194-2020, which would have the Department of Cultural Affairs study the real estate issues that have led to our City losing cultural spaces, and would develop recommendations that would counter that loss;

- The existence of local-level, financially accessible spaces for making and experiencing the arts supports a healthy cultural ecosystem. In New York City, these types of spaces have been endangered for decades; that's been a factor in spurring many of our artists to relocate to towns upstate, to Philadelphia, and elsewhere. The pandemic has likely accelerated this dynamic, so identifying and adopting measures to stanch that loss would be a positive move.

Regarding Int. 2195-2020, which would create a category of "certified artists", we have a number of questions and concerns:

- The bill says that this certification process and status is in addition to the certification process for eligibility for joint living-working space, so ostensibly the new process is intended for other things. MWA wants to know what these other programs and benefits might be. For instance, our organization and others have been looking at the economic-viability crisis our work sector is in; some are calling for a Works Progress Administration WPA-type program to address our pandemic-unemployment crisis. Since certifying working-artist status might be a part of that type of program, we'd like to know if a program of that type is being considered, at the city, state or federal level. And, of course, there are other "safety-net-type" elements—pandemic-related and not—that certification might be helpful for.
- We strongly believe that the ideas and perspectives of performing artists should be included in the process of determining certification criteria, along with the views of other types of artists:
  - We're concerned that DCLA's Advisory Commission may not adequately represent the views of performing professionals;
  - We note that MOME has established a Nightlife Advisory Board that does include working artists, such as drummer and educator Alvester Garnett.
- We also want the design and implementation of this new certification regime to not be unjustly exclusive or unfairly restrictive:
  - Certification must be made available to those who tend to face barriers to accessing benefits - because of disability, lack of computer skills, lack of bureaucracy-navigation savvy, lack of personal connections, etc.
  - "Certified artist" status must not be used as a cudgel for enforcing unjust social biases or personal vendettas, as the City's "Cabaret Cards" were used many decades ago.

Regarding Int. 2187-2020, which would have DOT set up a program to allow various institutions to use adjacent outdoor spaces for free community programming,

- While we recognize that such a program should increase opportunities for the public to experience programming, it probably will not provide much needed economic support to the thousands of performing-arts professionals in our city, who have been unemployed for ten full months. We favor virus-safe paying work for our work sector. To that end, we ask for clear and effective guidance from the City, and from New York State—guidance that supports the creation of paying and health-safe work, especially in the upcoming warm-weather period, when such work events should be easier to stage.

Thank you.



**Testimony to Committee on Cultural Affairs, Libraries and International Intergroup Relations Submitted to Committee on Cultural Affairs, Libraries and International Intergroup Relations on Jan 19, 2021**

*Prepared by Dance/NYC*

*Presented by: Alejandra Duque Cifuentes, Executive Director*

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**On behalf of Dance/NYC ([www.dance.nyc](http://www.dance.nyc)), a service organization that serves over 5,000 individual dance artists, 1,200 dance-making entities, and 500 non-profit dance companies and the many for profit dance businesses based in the metropolitan New York City area, including BIPOC (Black, Indigenous, and Peoples of Color) dance workers, immigrants, and disabled dance workers. Dance/NYC joins colleague advocates working across creative disciplines in thanking the Committee for your leadership during this time and in requesting the City:**

- 1) To pass a retroactive rent cancellation initiative, in order to address the migration of the arts workforce from the city due to unaffordable rent prices and the downturn in the arts industry due to COVID-19;**
- 2) To pass legislation that allows for commercial rent cancelation and stabilization to help address the current and potential displacement of cultural organizations and businesses by legislating market increase by expanding members of the CIG program;**
- 3) To create legislation to provide tax incentives to landlords who rent or lease to non-profit organizations and for-profit businesses, and in doing so help the cultural sector retain their physical spaces and avoid displacement; and**
- 4) To consider what additional benefits and opportunities the artist certification initiative could offer access to, including: affordable healthcare, universal basic income, unemployment insurance, food/housing assistance, affordable artist housing**



**and forgivable loans.**

As you know, the COVID-19 pandemic has had a devastating impact on NYC's arts and culture sector. According to Americans For the Arts' report "The Economic Impact of Coronavirus on the Arts and Culture Sector" (<http://bit.ly/AAACovidImpact>), the national economic impact of COVID-19 on arts and culture includes losses of \$14.6 billion and still rising. In NYS, the arts and culture sector generates \$100 billion in economic activity accounting for 7.5% of the New York State Gross State Product. Of this economic engine, with NYC-based dance non-profit organizations alone contributing over \$300 million. This figure is largely understated as it only includes organizations with 501c3 status indicating that the actual contribution is much larger with the inclusion of fiscally sponsored organizations, for profit dance studios and individual artists. The enduring cost of this pandemic is significant for both independent arts workers and organizations/groups, and is disproportionately impacting BIPOC, immigrant and disabled artist communities. The dance field, its workers, businesses, and organizations were already struggling to run sustainably before the pandemic, which resulted in an inability to earn living wages, have access to necessary benefits like health care, and save in order to build reserves for a rainy day. The conditions that led us here, further exacerbated by the presence of COVID19, have been persistent including but not limited to: limited access to general support grants; little access to unionization; soaring real estate prices which have led to one of the City's most starking class divides and the overall growing affordability crisis.

Since the start of the pandemic, Dance/NYC has been conducting the *Coronavirus Dance Impact Study* (<http://bit.ly/DNYCImpactSurvery>), which is a comprehensive research study on the impact COVID-19 is having on the dance sector, including its effects on independent dance workers. With an average annual income of \$32,886, near the poverty line for a family of 4, independent dance workers suggest they have lost at least 18% of their annual income due to the COVID-19 with a cumulative loss of at least \$4.7M in income related to 6,100+ canceled dancer



performances, 12,100+ canceled rehearsals, 8,500+ canceled teaching engagements, 2,100+ canceled commissions, and 3,200+ other engagements, as of October 2020. These numbers continue to rise due to the continued presence of the virus, delayed returns to in-door performances and teaching, poor guidance on how to reopen safely, and poor access to governmental relief. This coupled with pre-pandemic absence of robust unionization and wage standards, has left dance workers as one of the most vulnerable members of our arts workforce. While we expect the possibility for activity to increase with the presence of the vaccine and the passing of the Open Culture Bill, for which the community extends its thanks, we know the reopening of some outdoor revenue generating opportunities alone will not save NYC's independent arts workers or the businesses and cultural organizations that employ them.

Dance/NYC's data shows that independent dance workers continue to express a pressing need for basic things like food, shelter and access to healthcare. For freelance dance workers, who represent 93% of individual respondents within Dance/NYC's data, these impacts are heightened as they struggle to access unemployment benefits. To curtail the impact of these compounding issues, we believe **individual artists would be greatly assisted if the City were to invest in its arts workers by first paying its own arts workers living wages and ensuring that City-funded programs require grantees to pay living wages to any arts worker it contracts while giving them sufficient funds to do so.** Failure to do so will pose a direct and pervasive threat to the survival of the arts and culture communities in the City, specifically hyper-local, small, and BIPOC led artistic communities, who together with the Great White Way make NYC the global cultural capital it is today.

The proposal of the Artist Identification Legislation (LS 2195) is heartening and presents a significant opportunity for the City to establish an infrastructure to better serve its cultural workers. While the City should not legislate or determine who is and who is not an artist, it should not hide behind ideals of a "free market" to deflect its responsibility to build an



intentional and robust infrastructure of support for its cultural workers. Instead, Artist ID could help to facilitate quick and efficient access to benefits including affordable healthcare, universal basic income, unemployment benefits and artist affordable housing. It also presents an opportunity to create a more centralized method by which artists can access funding and commissioning opportunities across City agencies and its regranting partners by streamlining information and accreditation. The success of the Artist ID, will be determined inasmuch as its formation, execution, and dissemination, is founded upon clear anti-racist and anti-oppressive principles, and is stewarded by artist leaders whose expertise reflects the true experiences of working artists. It must ensure confidentiality of our most vulnerable arts workers, like undocumented artists, and manifest a commitment to NOT cooperate with Immigration and Customs Enforcement or the NYPD, for example. It should not act as a defacto taste-maker or exalt the “over professionalization” of a sector that often lacks access to affordable training, and instead develop a criteria of selection that accurately reflects the breadth and depth of what it means to be a working artist in New York City.

Despite the promise of LS295, in order to ensure that there is an artist workforce it can serve, the City must address the number one threat facing independent arts workers and cultural organizations and businesses alike: RENT. Dance/NYC’s *Coronavirus Dance Impact* findings show that the cultural workforce is leaving the city in droves, with the number one reason being their inability to pay rent. One respondent noted “I am concerned with how I am going to survive after the quarantine has ended. My money will be scarce and New York City is very expensive... I don't know when my company is going to hire me again or when we will be performing.” Canceling rent is a necessary, measured response to the ongoing housing crisis. The COVID-19 pandemic has forcibly displaced artists from New York City, but before the pandemic, many artists were only one paycheck away from eviction. Now, after months of unemployment and insufficient opportunities to support themselves, artists are being forced out of NYC by necessity. While eviction moratoriums are in place, they have simply served as a tool to increase



the debt and already precarious financial situation individual arts workers are facing.

Dance/NYC has already provided over \$1 million in relief support through our Coronavirus Relief Fund (<http://bit.ly/DNYCDanceReliefFund>) to individual freelance dance workers and organizations but this only alleviates some short term and immediate needs. Comprehensive rent relief legislation and investment in the individual artists are desperately needed to ensure long term survival of our City's arts and culture workforce.

In order to support individual artists the organizations and businesses which they work for also need to be supported. The proposed legislation (LS 2194), requiring the Department of Cultural Affairs to conduct a study of the forces driving the displacement of cultural spaces in the city, the means of combating them, and incentivizing the creation of new cultural spaces. We understand the necessity of data for city programs and to get new legislation passed. However, on the ground for months since the arrival of COVID19 (and we'd dare to say years now leading up to this crisis), the cultural community has been experiencing closures of spaces, unaffordable rent/leasing contracts, and continue to identify rent/leases/and property management as the largest expenses in their budgets. As firm believers in the power of data to tell stories and direct action and resources to where it is needed, Dance/NYC understands the critical need for this information. However, often data processes are used to assert to white dominant cultural structure, needing it to assert validity and or proof for the information that for years has already been made known by BIPOC, low income and marginalized communities. Tied to this legislation must come concerted and swift action to address the conditions that we have all already been made privy to. **Data cannot take the place of action, or slow down action in exchange for incremental change at the cost of the very people it is intending to serve.**

What we know today is that while there are designated cultural zones in the City there is little to no legislation to protect the cultural spaces located within these districts. The affordability crisis and high rent remains a force behind displacement— one the City has understood well and has



already addressed through its wildly successful CIG program. Rent relief will help both individual artists and the organizations that employ them. Today this issue can be mitigated by creating legislation to cancel commercial rent for cultural organizations and businesses, stabilize commercial rent by legislating market increases, and by expanding the members of the CIG program. Rent cancellation/relief will provide immediate reprieve. Nevertheless, property taxes remain a paramount concern for landlords. An implementable policy solution to address both issues would be to provide tax incentives for landlords renting to nonprofit cultural organizations and businesses. This tax incentive could also be made City specific with the creation of a voucher based tax break provided by the City for landlords renting to nonprofit cultural organizations. All of these policy changes would not only provide renters with much-needed relief during the pandemic, but also ensure the long term survival of cultural spaces, mitigating their displacement, and in turn improving the real estate market in NYC, not just for artists and organizations, but also for the very communities they serve.

Dance/NYC strongly advocates for a vision rooted in justice, inclusivity, equity, and sustainability for the arts and culture industry. These principles are the driving force behind Dance/NYC's organizational priorities and the lens through which we view the New York City arts and culture ecosystem at large. We must invest in the establishment of new mechanisms and frameworks that center the personal and professional well-being and prosperity of the artist workers in the arts and culture ecosystem. These changes will support the individuals and their ability to thrive. When the individual artists thrive, the organizations that they are a part of will also thrive. It is in this vein that Dance/NYC acts in solidarity with our colleague advocates across disciplines in the City to request aid for the City's independent artists.

**For Dance/NYC and its constituents, the most urgent priorities are for the City:**

- 1) To pass rent relief legislation to help to keep dance workers and dance businesses in the NYC;**



- 2) To allow for commercial rent cancelation and stabilization through the development of new legislation, which will allow dance organizations to avoid displacement and legislating market increases by expanding members of the CIG program;**
- 3) To consider what the artist certification initiative could additionally offer access to, such as affordable healthcare, universal basic income , unemployment insurance, food/housing assistance, affordable artist housing and forgivable loans;**
- 4) To provide tax incentives to landlords who rent or lease to non-profit organizations, to help nonprofits retain their physical spaces and avoid displacement for which data could be collected as part of the proposed real estate study.**

We thank the Council in advance for your consideration and commend New York City's ongoing efforts to slow the spread of COVID-19. The time to act is now to ensure that dance and dance workers can continue to thrive in NYC for years to come. We look forward to the opportunity to ensure that New York remains a vibrant capital for arts and culture.

##

Orietta Crispino  
Artistic Director  
Theater Lab Inc  
357 W36th Street, 3<sup>rd</sup> Floor  
New York New York  
10018

In the 15 years since it first opened, Theaterlab has served the community of performing artists with resources such as affordable space to create and present new live works. Our signature white box spaces, flexible in nature and intimate in size, have been inspiring not only to generating new artworks and forms of presentations but also to welcome new audiences to a very unique experience of art and gathering. As founder and artistic director, I have built 2 venues the first downtown 14<sup>th</sup> Street from 2005 -2012 and the second in the Garment District where we still are since 2013. We are led but a group of women artists, we are creative resilient, resourceful and we like to be a small non-profit organization. Covid shut us down but we have been able to still generate some creative work and serve our community through Hotel New Work a free residency program and Round The Block!, a walking tour featuring artists and vendors in the Garment District which has been updated for our new Covid 19 reality.

Rent, property tax and renegotiation of our lease have been our main issues pre and Post Covid.

We need help to develop partnerships with landlords: we cannot keep creating if we constantly fight. We need Incentives to property owners leasing to artists and small non profits arts organizations, sharing the burden of the pandemic.

**1) Property Tax break. It would help if it could be calculated in relation to the duration of a lease, encouraging lengthier tenancies. (Two years leases are not of great help! Only through time can we really weave ourselves in the city fabric, creating community and impact the life of the city. Accessing operating grants money is often predicated on the length of a lease).**

**2) Eliminate the portion of property tax that is passed to commercial tenants in Manhattan between 96<sup>th</sup> St and Chambers St., that effectively increased our monthly rent last year by \$1000 and that the landlord is not willing to reduce putting us at risk of closing.**

**3) Assist with legal help in lease negotiations and technical needs for a safe reopening. (How do we assess ventilation system? Is there anyway to share the cost of upgrading with property owners? )**

**4) Assist in developing better maintenance practice by including private landlords in sharing benefits from mixed city programs (example from my previous venue: we were able as non profit to access the cool roof program for the building we were leasing and had the roof coated for experimental green purposes for free).**

**5) Access to Capital for Artists to help with purchasing Real Estate. We think that the artists certification could be a real help in starting that conversation.**

**Thank you!**

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Theaterlab**

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**Orietta Crispino  
Theaterlab**

## ADVANCE | MORE OPERA

The Association for the Development of Vocal Artistry and Neighborhood Cultural Enrichment  
Manhattan Opera Repertory Ensemble  
Ansonia Station Box 231152, New York, NY 10023

Testimony to the New York City Council  
Cultural Affairs Hearing Oversight: The Impact of COVID-19 on NYC Artists and the  
Perspective of Working Artists During the Pandemic.

Submitted by

Cheryl Warfield

Professional Opera Singer, Teaching Artist, Producer and Founder of ADVANCE/MORE Opera

Tuesday, January 19, 2021

Good morning. Thank you, Chair Van Bramer, Majority Leader Cumbo, Council Member Diaz, and Members of City Council for hearing me today. I speak before you to provide insight from a performing artist's vantage on the impact of COVID-19 and my perspective as a working artist whose opportunities to work, interpret, and create have been decimated and whose economic value has depreciated since the pandemic.

I am Cheryl Warfield, a professional opera singer, and a long-standing member of three (3) unions including the American Guild of Musical Artists (AGMA), my parent union who has performed at the Metropolitan Opera, on Broadway and throughout Europe. I have produced innovative arts programming for underserved communities as a teaching artist and as the artistic director of ADVANCE/MORE Opera for more than 20 years.

ADVANCE/MORE Opera showcases outstanding and diverse talent while providing outreach and educational programming to youth and seniors in underserved communities. As an African American performer and arts administrator, I am determined to contribute to the musical education of young people, showcase black themes, and spotlight diversity. As a producer of color, I strive to spotlight outstanding professional talent from all backgrounds who otherwise may be overlooked or ostracized.

I began producing opera a year after 9/11, including opera concerts with full orchestra, employing more than 40 Local 802 instrumentalists in addition to the singers. My desire to create meaningful work for myself and other artists is great, but due to a lack of sufficient funding, my ability to do this on a regular basis has been restricted.

Now COVID-19 has taken away most performing opportunities that opera and classical singers have, especially paid gigs. Further, the ability to practice our art, even private coaching settings can put artists health at risk. There are no auditions, no rehearsals, no chances to sing with others, and most paid gigs fall under the less artistically satisfying construct of pre-recorded music. My 2020 annual 1099 income from arts activities fell by more than 55%. But most detrimental and yet unquantifiable are lost time and lost opportunities due performance cancellations in 2020.

For mature artists, this is devastating. While I have pivoted into online concertizing, it is not the same as live performance. Once the pandemic is over, I will have to start over to rebuild my career. Which of course I will do.

Cheryl Warfield  
January 19, 2021  
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And I will continue to produce opera and concerts, and to help other artists find meaningful ways to create and perform. What would help is bringing like-minded entrepreneurial artists together to explore ways to create new employment opportunities to build back and better our vibrant arts community while helping COVID impacted communities.

So, to answer Chair Van Bramer's direct question about what assistance would help me as an artist and director of MORE Opera, the answer, in my opinion is that greater outreach, transparency, and access are needed for discretionary council funds, and government needs to provide a wider net to reach and provide funding to smaller, grass-roots organizations and individual artists who are capable and can readily reach targeted communities in need.

I have always wanted to provide ongoing employment opportunities for artists. The time is now for this effort and the need is great. I believe that through my 20+ years of experience as an auditor and business professional, coupled with adequate funding, my organization has the capacity to implement needed programming to underserved communities on a regular basis AND put at least 20 performing artists to work as 1099 independent contractors in these communities.

One other helpful thing that could take my organization to the next level would be if MORE Opera had a home, a venue for classes, rehearsal and performance, and to store sets, costumes, and supplies. The hope would be to share space with similar sized performing arts organizations and perhaps one or two larger organizations forming a theatrical collective taking care of the space.

I am not asking for a handout. But given the decades of significant contributions to underserved communities in New York that I have made both as an individual artist and as the director of MORE Opera, perhaps the time has come to become connected to organizations and individuals that may be interested in supporting the efforts outlined above.

Please help me and other entrepreneurial artists find positive solutions to move New York City forward and keep artists working.

Thank you for the opportunity to testify.

Respectfully submitted,

Cheryl Warfield  
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[www.cherylwarfield.nyc](http://www.cherylwarfield.nyc)

[www.moreopera.com](http://www.moreopera.com)

<https://www.youtube.com/watch?v=MW2yGc7iTkg>



Wing & Weft Gloves, formerly Lacrasia Gloves, has been providing a singular service for clients across the nation since 1973; a one-stop “mom and pop” shop for custom gloves made in NYC’s Garment Center. We are a unicorn in this world of fast-fashion and overseas manufacturing. We are a legacy business and a special “last of” business -- the ONLY custom glove shop remaining in the USA with a direct legacy to Gloversville, New York. We build gloves for everyone; Broadway, Film, Fashion, First Ladies, Debutantes, Drag Queens, Burlesque Performers, Celebrities of all kinds and people with unique hands.

We are also a member of the Costume Industry Coalition, which is a group of 55 small businesses dedicated to protecting the extensive, essential costume industry in and around New York City. We all work together behind-the-scenes to contribute to the \$8.7 Billion Entertainment Industry of NYC. Our proximity to the Theatre District is paramount to our survival, and it falls to our small business owners to maintain a foothold on maintaining rising commercial rents in the heart of one of the world’s most expensive real estate markets in the world. Our number one barrier to keeping our legacy business alive is access to affordable and properly located real estate.

In the landscape of the aftermath of the Pandemic coupled with the trend of rising rents, many CIC businesses will have been closed for over a full year with no significant income and many risk having to close their doors permanently. In addition, many of our Members, like ourselves, specialize in one-of-a-kind, niche crafts such as glove-making, fabric pleating, dyeing, painting or embroidery; losing any one of these skilled craftspeople will leave service gaps that cannot easily be filled and will potentially erase whole artistic traditions within the industry.

When studying the impact of real estate on the arts economy in New York City, we respectfully request you:

- Consider including arts-related businesses in your study. We are often unrecognized as employers of specialty artists, and our contribution to New York City arts institutions is pivotal to their success.
- Study the plausibility of subsidized housing for artisans across the entire arts and culture sector.
- Create incentives for landlords to rent to arts-related businesses, which would help buoy an industry that will take years to recover to pre-Covid levels of production.

On behalf of our special “last of” artisan businesses in NYC, **thank you** for your consideration. We are craftspeople. We are talented hands and minds doing something extraordinary every single day: keeping a vanishing craft alive in the heart of New York City.