

N I G H T L I F E

# Report

## Summer 2021

New York City Nightlife Advisory Board  
Recommendations to the Mayor and City Council  
July 19, 2021

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# Introduction

In 2017, New York City Mayor Bill de Blasio signed into law Int 1688, introduced by former Council Member Rafael Espinal, creating the Office of Nightlife (“ONL”) and Nightlife Advisory Board (“NAB”). The NAB consists of 14 members appointed by the City Council and Mayor to serve two-year terms. NAB’s mandate is to evaluate New York City’s (the “City”) laws, rules, regulations, and policies on an ongoing basis and to make findings and recommendations that address common issues and trends in the nightlife industry.

Members of the NAB are volunteers who represent a diverse group of stakeholders from nightlife businesses, communities affected by nightlife, the LGBTQ+ community, artists, musicians, experts in sexual violence, and others with experience and expertise in the City’s nightlife.

After the first NAB was convened, members developed a structure from which to conduct their work in a comprehensive, fair and efficient manner. To ensure the NAB would be sufficiently informed to develop recommendations, the NAB members undertook a thoughtful and curated approach in which they met in person to deliberate more than a dozen times; participated in additional conference calls and committee meetings; attended relevant events, including the five “Five Borough Townhalls” hosted by the ONL; received in-person presentations from approximately 25 nightlife stakeholder organizations and individuals; and received written comments from the public. In addition, each NAB member shared their own expertise and solicited input from their own stakeholder networks.

This extensive and inclusive approach to fulfilling the statutory mandate allowed the NAB to develop the following recommendations in a constructive manner, enabling the NAB to receive a majority vote of support from NAB members for the collective recommendations. The NAB strongly believes that the manner in which they presented their recommendations provides the most effective framework from which government officials may lay the groundwork to enact laws, rules, policies, and systems that address the many complex issues pertaining to the City’s nightlife.

Given the diverse nature of this ever changing city, these recommendations do not address all nightlife matters that are important to all people. As such, the NAB hopes that this work continues to inspire an evolving dialogue about nightlife culture and policy in the City. Nonetheless, the group felt an awesome responsibility to go to great lengths to be inclusive and thoughtful. The NAB members are confident that, if enacted, these recommendations will have an overwhelmingly positive impact on the City’s nightlife for a diverse range of affected stakeholders. While the NAB will urge government officials to enact these recommendations immediately, they believe it will be incumbent on future appointed members of NAB to advocate for these recommendations. The NAB members hope that these findings and the operating framework developed will be useful to them in fulfilling their mission.

The City’s nightlife is a living, breathing and ever-evolving entity that is vital to our City’s cultural fabric and local economy, as it impacts New Yorkers, communities, and visitors in meaningful and unique ways. The undersigned Nightlife Advisory Board members are honored to have been appointed to the first New York City Nightlife Advisory Board and are proud to submit the enclosed recommendations to the Mayor and City Council.

The undersigned thank former Council Member Rafael Espinal for his leadership in creating the Nightlife Advisory Board, Speaker Melissa Mark-Viverito, and Speaker Corey Johnson, and members of City Council for their support of Int 1688, and Mayor Bill de Blasio for signing the bill into law. The NAB thanks the New York City Mayor’s Office of Media and Entertainment (MOME) Commissioner Anne del Castillo and former Commissioner Julie Menin, ONL Senior Executive Director Ariel Palitz and their teams for their support and we are forever grateful to all the stakeholders who inspired and informed this work.

Long live the night!

# Nightlife Advisory Board

Members:

Andrew Rigie (Chairperson)  
Olympia Kazi (Vice Chairperson)  
Susan Xenarios (Secretary)  
José Francisco Ávila  
Kurtis Blow  
Robert Bookman  
Marti Gould Cummings  
Alvester Garnett  
Pedro Goico  
DJ Tikka Masala  
Mitch Nowicki (Appointed 2020)  
Andrew Praschak  
David Rosen  
Allen Roskoff (Appointed 2020)  
Luisa F. Torres  
Susan Stetzer

You may learn more about the Nightlife Advisory Board by visiting:  
<https://www1.nyc.gov/site/mome/nightlife/advisory-board.page>

# Foreword

The Nightlife Advisory Board (“NAB”) planned to submit our recommendations to the Mayor and City Council in March of 2020, but on the 16th day of the month, the government implemented Covid-19 restrictions that mandated our city’s nightlife shutdown. Due to the pandemic and restrictions, NAB delayed the release of our report.

It has now been more than one year since the Covid-19 shutdown, and the public health and economic crisis has ravaged New York City and had a devastating impact on its nightlife sector. Tragically, over 33,000 New Yorkers have died, including those affiliated with nightlife, and we’ll mourn them forever.

During this period of crisis, NAB worked with and closely advised the NYC Office of Nightlife on strategies and policies to support all stakeholders within the sector. NAB members also worked independently to support nightlife by advocating for programs including the Shuttered Venue Operators Grant, the Restaurant Relief Fund, as well as Enhanced Unemployment Benefits, extension of Unemployment Benefits to 1099 workers, a Fund for Excluded Workers, and many additional policies to support New York City’s nightlife during such trying times.

While we will continue to advocate for additional Covid-19 related policies, we must not lose sight of the longstanding, pre-pandemic issues the sector faced. Many of these issues persisted during the pandemic, and all will resurface when our city’s nightlife fully reopens. NAB will continue to advise the NYC Office of Nightlife and to support our city’s struggling nightlife to enable its full and complete recovery.

Today, we are proud to announce the top recommendations we developed pre-pandemic and submit them to the Mayor and City Council. We are submitting this report now, to ensure that incumbent government officials have the time to consider policies that can be implemented during the remainder of their terms. We hope that our recommendations will also serve to educate mayoral and City Council candidates who will take office in 2022, both of whom must play a vital role in helping rebuild a New York City nightlife supportive of all stakeholders.



# Recommendations

## 311

**1**

The 311-complaint system should be updated to avoid abuse and facilitate favorable resolutions by:

1. implementing a system to immediately notify businesses and property owners of 311 complaints via text message or email;
2. eliminating anonymous complaints, since they provide no means for issue resolution;
3. reclassifying 311 complaints in COMSTAT determined by the NYPD or other city agency to lack merit so these meritless complaints do not leave a mark on a business's record;
4. presenting all nightlife-related 311 calls to the Mediate Establishment and Neighborhood Disputes program.

## Affordability and Culture

**2**

A great number of culturally significant nightlife spaces closed in recent years due to rent increases, regulatory burdens, or lack of governmental support. There needs to be more acknowledgment of the value of traditional and grassroots cultural nightlife. The City must create affordable commercial spaces and offer tax incentives and other subsidies for existing and new developments that provide affordable space to cultural nightlife businesses, including consideration of a "landmark" designation for culturally significant venues providing them special protections from displacement. The cost of permits and amount in fines levied must also be reviewed and reduced while prioritizing safety and focusing on education and training to ensure compliance.

## Anti-Sexual Assault Training

**3**

Sexual harassment and other forms of sexual and physically aggressive behaviors can occur in nightlife establishments. Safety is a critical issue for both workers and patrons. Nightlife businesses must be provided with the support and professional expertise to ensure a safe and healthy environment for their staff and customers. Nightlife business owners should be provided with a comprehensive and ongoing training program for their management and staff that includes:

1. an understanding of penal laws relating to interpersonal harassment, abuse, and violent behavior;
2. the identification of aggressive and potentially harmful behavior patterns;
3. intervention skills, especially bystander intervention techniques; and
4. policy and procedures for reporting and collection evidence when appropriate.

To ensure a training environment of trust and confidentiality, it is strongly recommended that training be facilitated by groups working in this field such as OutSmartNYC, which is a collaboration of NYC-based anti-violence and rape crisis programs.



## Community Organizing

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The ONL should promote community organizing for better nightlife integration into neighborhood life. It should support the creation of volunteer nightlife community-based industry groups within neighborhoods with the goal of fostering communication, peer leadership, and clear accountability. The ONL should develop and manage a plan for each group to create relationships with local community boards, NYPD precincts, community groups, and any other relevant neighborhood stakeholders. The following recommendations will facilitate the development of these community-based groups:

1. Each Borough President should assign a staff-based Nightlife Liaison to facilitate community relationship building;
2. The NYPD should be included in the planning and outreach process, through Neighborhood Coordinating Officers and Community Affairs; and
3. Effort must be made by Council Members and Borough Presidents to recruit people familiar with the nightlife industry and workforce to serve on community boards.

## Dancing / Zoning Resolution

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The City should appoint a panel of expert stakeholders to review the zoning resolution and submit recommendations to the Mayor and City Council on areas throughout the city where dancing should be permitted in commercial establishments. Dancing is restricted to certain Use Groups in the zoning resolution, thus limiting where the free expression of dance may occur at restaurants, bars, nightclubs, and other venues in the five boroughs. The recent repeal of the Prohibition-era Cabaret Law signaled that it is past time to expand the areas where people may dance, if the appropriate safety measures are in place. The ONL and the NAB should be consulted on all related matters, including during rezoning of neighborhoods and relevant development projects.

## Fair Treatment of Artists and Performers

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Musicians, DJs, dancers, actors, drag queens, stand-up comedians, and all sorts of performers that work in nightlife are often not paid, paid too little, or even asked to “pay to play.” The City should conduct an official survey and frame this problem, which extends beyond the private sector to major publicly-funded nonprofits and festivals as well. All publicly-funded venues and events should communicate with performers and establish a fair scale of wages relative to the time and work required for each performance. The City should launch a program that promotes best practices for producers, promoters, and managers of cultural nightlife businesses. Performing artists also need more education regarding their rights. The City should establish a dedicated workforce center to provide legal and organizing resources and other professional services, training, and affordable rehearsal space for nightlife performers.



## Nightlife Beyond Bars and Clubs

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A thriving nightlife goes beyond bars and clubs. New York is among the cities where individual artists, collectives, and community groups find it very difficult to host events in public spaces. The City also lacks community spaces for both creating and presenting cultural work. City-owned buildings must be opened afterhours for rehearsal and performance space. Public libraries could also enrich New York's cultural nightlife by staying open later and incorporating engaging programming. The City should create a mechanism to activate nightlife establishments for daytime activities where appropriate such as using the venue for rehearsal space, a kitchen incubator, and other uses which could also generate revenue.

New Yorkers need affordable options for all kinds of nightlife. In most global cities people can gather informally in squares and parks to drink with friends and even dance to the rhythm of impromptu concerts. Drinking in the public space and dancing anywhere in the city should be regulated but not prohibited.

## Nightlife Security Guard Training

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New York State law requires security guards to take the same training and obtain the same license, whether or not the person is working security at a department store or a nightclub. Thus, the training does not sufficiently equip security guards with the unique skills tailored for their specific work environments. Therefore, an enhanced training standard, taken annually, is recommended for security guards working in a liquor-licensed nightlife establishment. The training should include, and not be limited to, intervention techniques when dealing with intoxicated patrons, crowd management, active shooter scenarios, addressing sexual harassment and violence, harm reduction, sensitivity training when dealing with different populations, and the like.

## Better Nightlife Integration

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Nightlife businesses and community organizations, including community boards, should have a structure to work together to foster better relationships and work on collaborative solutions to common problems. For instance, when there are planning opportunities through rezoning or development, there should be areas for both businesses and residents to co-exist without conflict. This would include designating areas where 4:00 a.m. liquor licensed businesses can be located and noting areas that are residential and require family-friendly hours. In addition, there should be opportunities for businesses, industry representatives, and community boards to work together to create model license applications, license stipulations, and resolutions. A set of best practices should also be created, including best practices for sound proofing, and a glossary of terms so all parties are on the same page. A series of town halls and workshops should be hosted with businesses, patrons, community boards, and community groups to educate each other on issues and work together on ways to resolve them. Finally, studies should be conducted in areas with concentrations of nightlife and develop and implement plans for safe and efficient 24-hour transportation options for patrons, workers, and residents.

## Sound

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The City should enact laws requiring real estate developers to work with businesses to plan how new developments will be integrated into neighborhoods that allow for existing nightlife businesses. This planning would help nightlife businesses succeed without interfering with residential activity and vice versa. This would include sound proofing requirements, placement of bedrooms in new developments to best avoid impacts from business operations, especially those occurring late at night, and other design elements to mitigate conflicts between nightlife and residents, and other stakeholders.

## Regulatory Environment

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The City must create a more equitable regulatory environment that focuses on providing access to information, education and training first, and resorts to levying fines and penalties on nightlife businesses as a last resort. This includes:

1. issuing warnings and cure periods for violations that don't pose an imminent hazard to workers and the public;
2. pre-scheduling inspections when appropriate;
3. reviewing all rules, regulations and laws on an ongoing basis to determine their appropriateness and relevancy and modifying, eliminating, or enacting new ones as necessary;
4. developing ongoing nightlife training programs to familiarize and assist nightlife establishment owners and workers with opening technical support, ongoing operational and compliance guidance and general best practices, ranging from permitting to sound management; and
5. accelerating the issuance period for all permits and licenses because delays have negative financial and operational impacts on nightlife establishments, including for one-off events that require a Temporary Place of Assembly.

## Safe Spaces

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Historically, at-risk LGBTQ young people instinctively seek temporary refuge at queer nightlife venues. They are often perceived as one of their few welcoming, recognizable safe spaces. It is also one of the few places they may feel comfortable enough to openly express themselves, develop a support system, and realize their sense of self-worth.

The City should connect public agency and Nonprofit programs that specialize in providing support for homeless, sheltered, and runaway LGBTQ young people — especially queers of color — with venues. Eligible venues could be recognized with a “Safe Space” designation creating credibility for and visibility of venues committed to providing emergency safe spaces for this at-risk population. Restaurants, community centers, social clubs, retail establishments, and other nightlife venues not requiring legal age for entry could be available to all including those under 21, while venues serving alcohol and/or having legal age minimums could act as Safe Spaces for those 21 and older. Venues willing to affirmatively identify as a “Safe Space” for these young people can provide a temporary refuge in a crisis and identify any immediate risks to, and needs of, these young people.

## Specialized Liaisons

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The City should provide funding for specialized safety liaisons to work with DIY and community-driven spaces frequented by marginalized populations. These liaisons will develop a path to safety and code compliance for venues by working to ensure that government services, regulations, and other sources of information are accessible to and understood by these venues.

## NYC Office of Nightlife

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The NAB mandate includes the examination of the availability and responsiveness of the ONL. Since the ONL's formation in 2018, it's successfully grown into a facilitator of nightlife conversations and a conduit for nightlife stakeholders to government, including to those who have historically been unconnected or excluded.

In 2018, the then newly established ONL focused on setting up operations and led an ambitious "Five Borough Nightlife Town Hall" series. Some of the town halls were very well attended, while others had less than ideal public participation. Nonetheless, it was an important first step in making the ONL's existence known. Each town hall was attended by all the city agencies that interact with nightlife, which was very helpful and promising. By May 2019, the ONL had achieved an important public outreach goal with the launch of a newsletter, social media presence, and a website. At that point, the ONL had also established clear internal and external channels of communications, conducted key nightlife issue workshops with a range of stakeholders in order to layout targeted programs, and began implementing programs to support the nightlife community.

The ONL's ongoing commitment to outreach and public engagement is generally effective and constant, however its small budget and staff limits its capacity to connect with all nightlife constituencies. The large number of businesses, individuals and organizations, and the special needs of these nightlife stakeholders demands that the ONL grow its capacity. Providing the ONL with a larger budget and more staff will enable it to connect with a larger network of nightlife stakeholders, enhance its communications, services, and programming, and thus grow its capacity, impact, and effectiveness.

The Mayor and City Council should conduct an evaluation to establish appropriately increasing the ONL's budget and staffing levels and to evaluate whether the office would better serve nightlife stakeholders as a stand-alone agency, moved to another agency such as Small Business Services, combined with other related initiatives housed in various agencies, or if it's most appropriate to remain a sub-office within the Mayor's Office of Media and Entertainment.

While the ONL has engaged in a lot of vital work, there is so much more to be done to support the City's nightlife. The establishment of the ONL has shown the necessity and ability to support the nightlife community. The City should continue supporting the ONL so it can continue to scale its availability and responsiveness to nightlife stakeholders.

## NYC Nightlife Advisory Board

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Since the NAB is made up of volunteers and no direct staff, a modest budget and part-time staff person is recommended to support the board in fulfilling its duties. Future appointments to the NAB by the Mayor and City Council should consider past appointee representation and include balanced representation from diverse nightlife stakeholder communities.

## Appendix



In 2019, The NYC Nightlife Advisory Board held in-person meetings with approximately 25 stakeholder groups and individuals who accepted our invitation to present to us on nightlife related matters. Of the total in-person meetings we conducted, 15 groups and individuals permitted us to share their presentation materials with the public, which may be found at [bit.ly/3qQKBU6](https://bit.ly/3qQKBU6) and they are listed below. We thank all stakeholders for their participation and contributions to our vital work:

- Alan Sugarman
- Alliance Against Sexual Assault
- Bryan Ellicot
- Deep Space
- Drug Policy Alliance
- Freddie Cosmo
- Inwood Moving Forward Unidos
- Justice Will Be Served
- Latino Restaurant Bar & Lounge Association
- Michael Aulito
- Stephen Mills, Mt. Sinai Men's Sexual Health Project
- Neighborhoods United
- NYS Restaurant Association
- Sound Mind Collective
- William Rogers