



## LEGALIZE DANCE NYC

A project by Dance Parade, Inc.  
455 FDR Drive, Suite B104  
New York, NY 10002

January 24, 2024

City Planning Commission  
120 Broadway, 31st Floor  
New York, N.Y. 10271

Re: Testimony for the City of Yes Zoning for Economic Opportunity Proposal 9

My name is Greg Miller. I'm here to speak in support of Zoning for Economic Opportunity, specifically with regard to Proposal 9 about dancing, which is currently prohibited in 80% of New York City.

Dancing might not mean a lot to those that only dance while drinking at a wedding. But it means a lot to me as a dancer. As a dance advocate working on the issue of legalizing dance for 20 years, it means a lot and to those that have signed our petition with so far 3,794 signatures on [legalizedance.org](http://legalizedance.org) in the Dance Free NYC advocacy campaign on [legalizedance.org](http://legalizedance.org). And as the Director for the 501(c)3 non-profit organization, Dance Parade with its 10,000 dancers and 100 unique styles of dance, it means a lot.

Dance Parade was created in protest to the Cabaret & Zoning laws that regulated dancing to licensed, over-200-person venues in high density commercial and manufacturing districts. What this means is, smaller venues with marginalized communities aren't supported.

Our city thrives when all cultures can express their traditions, including Black, Asian, Arab, Caribbean, LatinX, and LGBTQ+ communities. From Soca and Caribbean in Flatbush to Polka in Greenpoint, salsa, merengue, and bachata in Queens, and hip hop in the Bronx—each should be protected as a 1st amendment activity. Additionally, the expressive forms of Swing, Voguing, House and Waacking in Manhattan, S and throughout the city contribute to this rich mosaic citywide. Zoning restrictions that curtail this diversity erode the essence of who we are as proud New Yorkers.

The Planning Commission needs to understand that if these provisions are minimized as simply nightlife issues, you may unintentionally perpetuate systemic racism instead of eliminating barriers that disproportionately affect marginalized minorities.

We support the proposal to consider dancing as 'scheduled entertainment' to allow bars and restaurants to permit poetry, comedy, painting and incidental dancing to be inline with how live music is already permitted as a 1st Amendment Right. Under these provisions, building, noise and fire safety codes, among the most stringent in the nation, would remain in place.

We thank Mayor Adams for his 2020 pledge to fix zoning for dancing and to Commissioner Garodnick and his talented staff along with the Commission to co-create a better city for all New Yorkers.

Greg Miller  
Executive Director  
Tel: 267-360-9213, Email: [greg@danceparade.org](mailto:greg@danceparade.org)

PETITION: <https://change.org/legalizedance>

## **Let's Legalize Dance NYC And Finally End Racist Era Zoning Laws That Prohibit Dancing**

The following petition currently has 3,474 signers, all listed below

Racist era zoning laws currently prohibit dancing in over 80% of New York City. Though the City Council repealed the Cabaret Law that has banned dance for 91 years, a prohibition on dancing still exists in most bars, restaurants and even well established clubs in almost all neighborhoods of New York City.

In 1926, while liquor was bootlegged and jazz was shaking things up in Harlem, New York City instituted the Cabaret Law that required establishments serving food or drink to obtain a separate license before permitting any dancing or live music on their premises. This law sought to police and restrict the interracial mixing happening in dance clubs uptown. Almost 100 years later, though times and racial attitudes have changed, the City's zoning laws enacted years ago to conform with the then draconian Cabaret Law, generally restricts dancing to high density commercial and industrial areas of the city. For venues with a capacity of less than 200 patrons, dancing is outright forbidden.

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New York's restrictive dancing regulations affect not only individual dancers and communities, but businesses too, who suffer under the weight of intransigent bureaucracy, legal costs, inconsistent and unfair enforcement with disproportionate fines and penalties.

We are grateful for former Council Member Rafael Espinal, Chair of the Consumer Affairs Committee for holding hearings, creating the Office of Nightlife and getting rid of the Cabaret Law's administrative code licensing requirements but there is still work to do to fully repeal this archaic law and its unconstitutional requirements.

We call upon Mayor Adams to uphold his 2020 pledge to allow dancing in New York City. If a tapas restaurant wants to clear away tables to present a flamenco show, the restaurant should be permitted to do so. To fix the zoning, the NYC Department of Planning should remove the word "dancing" from the Zoning Code text altogether so that dancers will be able to enjoy their 1st amendment rights.

It is inconsistent to have current zoning laws permit live music in every bar and restaurant citywide but not have dancing permitted in 80% of the city. Mayor Adams' City of Yes Land-Use Reform current proposals will rightly categorize dancing as "scheduled entertainment" and allow dancing similar to the way live music is zoned. There is substantial resistance to these reforms from residents who may not understand that various laws are already in place to regulate dancing by capacity rather than by zoning. The City of Yes reforms will have no effect on the applicability or enforcement of any of the numerous noise, fire, safety, alcohol and drug ordinances that keep patrons and venues safe and our neighborhoods livable.

Social dancing should be freely available to anyone and everyone in any venue in the City of New York where it is safe to do so. No neighborhood should force bars and restaurants to post "No Dancing Allowed" signs. Local communities and small businesses should be allowed to dance and flourish.

We will present this petition to the city's Land Use Commission as well as to the City Council Land-Use hearing. Help us to finally end the prohibition on dancing by signing this petition and voting for candidates who support and advocate for it! To learn more or join the advocacy program, go to [www.legalizedance.org](http://www.legalizedance.org)