



Associated Musicians of Greater New York

322 West 48th Street, New York, NY 10036

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LOCAL 802 AFM MEMORANDUM

RE: “Create NYC: A Cultural Plan for All New Yorkers”

Recommended policies and proposals submitted on behalf of Associated Musicians of New York, Local 802 AFM

The Associated Musicians of Greater New York, American Federation of Musicians Local 802 (Local 802) is the largest local union of professional musicians in the world, representing musicians across New York City and beyond.

As part of this work, the musicians of Local 802 strive every day to strengthen NYC’s rich and vibrant arts community by representing and upholding the interests of all musicians. This means working hard to ensure that NYC remains a place that musicians can start and build a successful career and raise a family.

We are proposing a number of policy and administrative steps that New York City and DCLA can implement to better support New York City’s cultural community, as well as the role that art, science, music and performance play in the daily lives of all New Yorkers.

These recommendations include: ways to help ensure that artists and performers receive the wages necessary that will allow for viable and financially sustainable careers; reforming grant-making and incentive practices; addressing the need for affordable housing and workspace; ensuring that artists have access to services that are currently offered by the cultural community; promoting public access to the arts through use of City controlled assets; and developing ways to better coordinate City operations, activity and priorities.

It has been an honor to work with the NYC Department of Cultural Affairs on the Create NYC plan, and to serve on the Citizen’s Advisory Committee, and we look forward to working with the City to ensure that the cultural Plan results in impactful and achievable policies that will benefit new York City’s artists, workers, residents and visitors.



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Equity

Economic opportunity for artists

Musicians and performers come to New York, and live in New York, because it is a global cultural capital. Musicians come here for the opportunity to perform with the most talented artists and be part of the most creative community in the world.

However, with Cornell University ILR estimating musician's median income to be \$29,600¹ annually, and the Center for Urban Future finding that musicians and singers make less than the national median income when adjusted for NYC cost of living², it is clear that New York City is quickly becoming a place that the artists who have made our artistic environment world-renowned can no longer thrive or support a financially viable career or living.

Proposal #1: Reform NYC's incentive and grant policies to require festivals and organizations that receive public support to pay musicians and performers area standards.

Public funding is frequently used to support projects, initiatives and events that encourage cultural performances and increase access to the power and beauty of art. This is incredibly important, as our arts and culture are vital to driving healthy, vibrant and inclusive neighborhoods and communities. However, project developers, promoters, organizers, venue operators and organizations that receive public funding frequently subcontract to entities that fail to ensure that musicians and performers are paid, treated and protected fairly.

Proposal #2: Utilize area standards as determinant factor when awarding DCLA programmatic grants to cultural institutions.

The New York State Arts Council (NYSCA) utilizes American Federation of Musicians area standards to determine whether arts institutions are paying musicians fairly, and uses grant applicants wage practices as a determining factor when awarding grants.

¹ Lois S. Gray, "*Precarious Workforce of New York State's Arts and Entertainment Industry*": Cornell University School of Industrial and Labor Relations, New York, NY. Preliminary study - 2016.

² "*Creative New York*": Center for Urban Future, New York, NY, 2015.



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New York City should employ similar standards and requirements of organizations that receive public funds, thereby helping to ensure that the public is not funding programs that fail to employ New York's artists and performers fairly.

Proposal #3: Commit one percent of municipal expense budget to the non-profit arts community and artists.

Cultural institutions in New York City are vital to the success of artists, the creative and artistic vibrancy of our diverse neighborhoods, and the health of our economy. These institutions provide approximately 120,000 jobs and bring millions of tourists to New York City every year, yet receive a fraction of one percent of City budget funding.

The City should baseline City and Council funding for the arts and culture by committing one percent of the municipal expense budget to the nonprofit cultural community, including artists, thereby allowing for the financial ability to better support artists, celebrate New York's diverse heritage, and ensure that New Yorkers in every borough have the ability to experience the power and importance of art, science, performance and creative expression in all its forms.

Affordability

Real Estate/Development

Housing

Mayor Bill de Blasio's One NYC: the plan for a strong and just city, states that the arts and "entertainment industry in New York is critical to maintain our economic competitiveness and ability to attract residents, tourists, and businesses." However, many of the musicians that are responsible for that economic success face of myriad of economic challenges that risk their ability to ensure that the arts and entertainment industry thrive, including irregular work schedules, episodic and unreliable income streams, and employee status misclassifications.

As a result, the annual median income for musicians is well below national standards, forcing thousands of individuals to move further from the areas in which they work in an effort to locate housing they can afford in an increasingly unaffordable housing market.

Proposal #1: Amend Human Rights Law in New York City to allow for occupation-based housing preferences, or carve out artists and performers for special exemption from limitation.



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As part of his 2014 State of the City address, Mayor de Blasio announced a goal of creating 1,500 units of artist housing. However, because of current law, it is illegal for developers to build occupation specific housing, making it impossible for the City to create or support “artist housing.”

Section 5 of the City’s Human Rights Law, subsection (n) prohibits discrimination on the basis of occupation.

“Where a housing accommodation or an interest therein is sought or occupied exclusively for residential purposes, the provisions of this subdivision shall be construed to prohibit discrimination in the sale, rental or leasing of such housing accommodation or interest therein and in the terms, conditions and privileges of the sale, rental or leasing of such housing accommodation or interest therein and in the furnishing of facilities or services in connection therewith, on account of a person’s occupation.”

However, occupation based housing is allowed at both the federal and state levels. Section 42 of the Internal Revenue Code requires that housing units that benefit from Low-Income Housing Tax Credits must be open and available to the general public. This provision was clarified in the 2008 Housing and Economic Recover Act. HR 3221, 110th Congress, 2nd sess., Title I, Part I, Sec. 3004 reads:

A project does not fail to meet the general public use requirement solely because of occupancy restrictions or preferences that favor tenants

- A. With special needs*
- B. Who are members of a specified group under a Federal program or State program of policy that supports housing for such a group*
- C. Who are involved in artistic or literary activities*

Affordable Rehearsal and Workspace

Proposal #1: Create City supported artist incubator to support young and emerging cultural organizations, groups and artists.

The New York City Economic Development Corporation currently manages or has supported a network of over 19 business incubators and accelerators in tech, manufacturing and small business development. These incubators provide low-cost space, business services, training and networking opportunities to hundreds of startups and small businesses across a variety of sectors.



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New York City should develop incubators that provide equipment, business support, subsidized space and exhibition/performance space that will encourage young and emerging groups to flourish and grow.

Proposal #2: Expand the stock of City-subsidized rehearsal/studio space, maintained and operated by the City or by Public-Private partnership.

Finding affordable workspace and rehearsal space is becoming nearly impossible in New York City, especially in industries like visual art, music and performance where artists need highly specialized space that is tailored to their specific medium. Musicians need space that contains sound, has access to power and meet specific acoustic specifications. Visual artists need well-ventilated and well-lit space that allows them to paint, draw and sculpt. Nearly all artists need access to space with freight elevator service that allows them to move large and heavy equipment, as well as the ability to leave their materials for periods of time and feel comfortable that they are safe and secure.

The City should utilize city-owned property and underutilized assets, like those in army terminals, warehouses, municipal buildings, as well as leverage real estate development projects, to create city subsidized rehearsal and workspace for artists. The Mayor's Office of Media and Entertainment's investment in the Made in NY campus at Bush Terminal in Sunset Park is a great start, but these efforts must be expanded beyond fashion manufacturing and film production.

Proposal #3: Utilize City RFP process to develop additional recording studio space in New York City.

New York City was once a major center of recording work in the country, but recently has experience a steep decline in the number of productions scored and recorded here. This is due to multiple factors, including the cost of operating and maintaining large recording space in a hyper-competitive real-estate market.

In order to maintain New York City's role as a recording hub, the City must encourage the creation of new commercial recording space.

Proposal #4: Develop zoning regulations that preserve traditional "artist communities" throughout the five boroughs.

Many of New York City's most famous neighborhoods, including the West Village, Hell's Kitchen, East Village, SoHo, and Williamsburg were once known as enclaves for artists and artist communities, where performance, art and culture grew, was nurtured and flourished. However, due to real estate pressure and rising inequality in New York City,



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many artists have been forced out of these communities, replaced by developers, high end residences and commercial uses.

A similar dynamic has been experienced by New York City's once vibrant manufacturing sectors. In order to better support New York's manufacturers, the City developed special manufacturing zones intended to alleviate the pressure manufacturing businesses in traditional manufacturing areas face in the current real-estate market.

The manufacturing zone model should be explored by the City for artist communities and artists in areas of New York City that have traditionally been centers of creative and artistic activity. A specialized artist zone could help ensure that artist communities in Bushwick, Sunset Park, Inwood, Sunnyside, and the South Bronx aren't transplanted once again by overzealous and opportunistic real estate developers and commercial interests.

Education

Workforce and Schools

The Workforce

For the arts and culture to continue to thrive, New York City and industry stakeholders must ensure that the cultural “pipeline” prepares emerging artists and performers to succeed and thrive.

Proposal #1: Create New York City-sponsored and hosted artist/stakeholder conventions.

The City should sponsor and host artist conventions with the intention of advancing careers and improving access to services that already exist. By providing opportunities for students, emerging artists, established artists, educators and stakeholders to convene, NYC will be supporting career education and workforce development by opening doors and expanding awareness to resources for housing assistance, representation, healthcare, financial assistance/counseling, COBRA subsidies, performance/rehearsal/studio space opportunities, grant specialists, permit training and more.

Proposal #2: Utilize City-managed advertizing assets, including 'Made-in-NY', NYC Media, and 311 for Citywide coordinated advertisement campaigns.



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The 'Made-in-NY' label is currently given to films that do 75% of production and post-production work in New York City. These productions qualify for a "Made-in-NY" label and receive advertisement opportunities on NYC Transit systems, including busses and subways.

The City should utilize the Made-in-NY label and advertisement campaign to specifically highlight films that score music in New York, as well as expand the label to organizations, artists and ensembles that are creating art in communities throughout the five boroughs. This type of advertisement campaign could help encourage film producers to utilize New York musicians for scoring work, and draw attention to the role that New York artists play in the day-to-day lives of New Yorkers in every neighborhood.

Public Schools

Proposal #1: Guarantee quality arts and music education in Public School curriculum.

With numerous studies linking the role music education plays in vastly improving the development of the math, language, concentration and motor skills of our students, it is essential that the arts and culture play a prominent role in the well-rounded education of our children and young adults.

Music plays a crucial role in the diverse, unique and creative cultural heritage that makes our City's communities healthy and vibrant, and the Department of Education should be funding music education in all public schools. Now more than ever, it is vital that our City find ways to ensure that our children have the opportunity to access, experience and enjoy the power of live music, arts and performance, and the Department of Education should ensure that the City utilizes the wealth of artistic and educator talent that calls New York City home.

Citywide Coordination/Equity/Access

The Create NYC must integrate our creative community with all components of our City's daily operation and activity. The arts must be better integrated into the culture of New York and the identity of New Yorkers.

Proposal #1: Create an office of the Arts and Culture Ombudsman.



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Artists, performers and those who work in the “cultural” industries are often overlooked, under-represented or exploited in government, policy, economics and business. Much like the NYC Public Advocate, a Cultural Ombudsman, serving either within the Department of Cultural Affairs or within the Mayor’s Office, would be charged with advocating for artists.

The Ombudsman could also work with partner agencies, including NYC & Co., DDC, MOME, DCLA, EDC, HPD, NYCHA, DCP and OMB to ensure that projects and initiatives undertaken by the City, including housing, economic development, city planning and education, as well as capital and programmatic discretionary funding, appropriately accommodate the needs of artists and residents, while also strengthening New York City's cultural fabric.

Access

Public Art/Performance

The Create NYC cultural plan is an opportunity to re-align our arts/sciences community and values with the day-to-day vibrancy and identity of New York culture - that is, the daily lives, health, vibrancy and identity of New Yorkers and our communities. Public art is the most overt and direct method to achieve this lofty goal, and the City must encourage art programming in public buildings, plazas, buildings, and other controlled assets.

Proposal #1: “Public art in transit”: a program that commissions art and performance by artist who have lived or worked along various transit routes in the five boroughs.

The City should better leverage under-utilized space and public transportation resources, like bus stops, subway cars and subway stations as a venue for local artists to share work. However, artists must also be fairly compensated.