



**Testimony by Tamara Keshecki & Jen Lyon
The New York Independent Venue Association
before the
Joint Legislative Public Hearing on the FY2023 Executive Budget Proposal:
Economic Development**

On behalf of the New York Independent Venue Association (NYIVA), thank you for the opportunity to provide testimony on the proposed FY2023 Executive Budget. NYIVA represents over 200 live performance venues, festivals, and promoters including comedy clubs, jazz clubs, performing arts centers, historic theaters, and spaces both for-profit and nonprofit throughout the State of New York. Our members are nonprofit organizations, independently owned, and operated businesses, not publicly traded or multi-national corporations.

Our members act as the training grounds for up and comers before they play in the world's largest spotlights, and are also the pinnacle of the spotlights themselves. We are the open mic nights where Lady Gaga honed her craft, the stages where Jerry Seinfeld worked up his first "tight ten," and the spaces where the only limits to artistic innovation are the ceiling heights. We create the artistic havens that become drivers of economic growth and are the cornerstones keeping local main streets alive and vibrant. We ask your help to revive a cherished industry that has been all but decimated by the COVID-19 pandemic.

Our industry has been uniquely and seriously harmed by the COVID-19 pandemic and we ask with urgency for the State to recapitalize and modify the programs established last year.

Since reopening began in June 2021 after a 15-month long state-mandated closure, NYIVA members reported a decline of over 50% in ticket sales in comparison with 2019 as per a November 2021 survey conducted before the emergence of the Omicron variant. During the state-mandated closure, members incurred a collective net loss of \$15 million per month. Additionally, as Governor Hochul noted, our industry has been one of the slowest to return with employment still at a 20% decline as of November 2021.

We thank the legislature for your intent last year to help our sector with relief funds, but sadly we must report that due to tight eligibility criteria, most of our members were unable to gain access to that support. Revenue caps, participation in federal relief programs, or having to be a recent agency grantee, created roadblocks to application, none of which were indicators of whether state support was needed.

Unlike relief funds in other states, NYS chose to separate our sector by tax status, for-profit and nonprofit, placing for-profit arts with other businesses and disqualifying nonprofits from accessing the robust \$800M small business fund. The differing eligibility requirements of each program's design resulted in a lack of parity amongst similar for-profit businesses and nonprofit organizations creating an uneven policy playing field that selected winners and losers.

Both programs assumed that receipt of a limited amount of federal relief dollars was a sufficient response for the scope of the pandemic-created need and chose that as a disqualifier for state-based relief. However, considering that NYS experienced the longest state mandated closure in the country, that limitation prevented many at-need venues from receiving much needed state support. Additionally, receipt of federal relief was not an eligibility disqualifier for other state-created relief funds.

NYS suffered some of the deepest human tolls during the pandemic, and it is understandable that our sector was shut down in the interest of public health. With over 30 other states and localities having created arts and venue-specific funds, with some of the most recent including \$150 million in California, \$17 million in venue specific relief in New Jersey, and Michigan recently voting to provide a second round of relief funding to venues, we implore that NYS value our sector's economic contributions as deeply as our counterparts.

We respectfully ask that you:

- Create a \$150 million, three-year stabilization fund, open to both for-profit and nonprofit live performing arts venues and promoters.
- Remove receipt of federal relief dollars as a barrier to eligibility for existing and forthcoming grant opportunities. Federal support alone is not sufficient to address the scope of the state mandated closure, and ongoing decrease in ticket sales, attendance, and cancellations due to COVID.
- Open the Small Business Relief fund to nonprofit performing arts organizations.
- Raise the maximum grant award amount to \$250,000 to be on par with other state relief programs such as CA and NJ.
- Allow previous recipients to reapply for a higher amount.
- Remove the revenue cap restriction. Live performing arts have high gross revenues but low net profits due to the nature of the business.
- Support the Governor's proposal to permanently legalize to-go drinks.

Thank you for your time and consideration of our sector and its needs. With your support, the NYS arts and culture sector will not only revive the soul of NYS, it will rev its economic engine roaring back to life.



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| 3 Dollar Bill | Borderland Festival |
| 89 North Music Venue | Boom Collective (NYC Winter Jazz Festival) |
| 90 Attractions Inc (After Dark Presents) | Bossa Nova Civic Club |
| AdHoc Presents | Brian Rosenberg (Long Island Promoter) |
| After Dark Presents | BRIC Celebrate Brooklyn Festival |
| Alpine Cinemas | Brockport Strand Theater |
| Arlene's Grocery | Brooklyn Bowl (Pending) |
| Art House Schools | Buffalo Iron Works |
| ATC Presents | C'mon Everybody |
| Aurora Theatre | Caffe Lena |
| Avant Gardner / Brooklyn Mirage | Carnegie Hall |
| Babeville - Asbury Arts Center | Carolines On Broadway |
| Baby's All Right | Caveat |
| Barbès Brooklyn | Center for The Arts of Homer |
| Bardavon Opera House | Central Lounge |
| Basilica Hudson | Charles R. Wood Theater |
| Berlin Under A | Chelsea Music Hall |
| Bicycle Film Festival | Cinema Village |
| Birdland Jazz Club | Cinemapolis |
| Blackthorn 51 | Cinemart Cinemas |
| Blue Note Jazz Club | City Farm Presents |

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| City Parks Foundation SummerStage Festival | Fun Music Productions LLC |
| City Winery | Garcia's At The Capitol Theatre |
| Clemens Center | Gemini and Scorpio |
| Cohoes Music Hall | Gold Sounds |
| Collective Nightlife Consulting | Good Judy (Sister Bar - C'mon Everybody) |
| Creative Entertainment Group (CEG Presents) | Good Room |
| CRS (Center for Remembering & Sharing) | Gray Area |
| Current Entertainment | Great South Bay Music Festival |
| Dance Parade New York | H010 |
| Dance. Here. Now. | Helium Comedy Club |
| DanceNYC | House of Yes |
| Dancewave | Howland Cultural Center |
| Danny Kapilian Presents | Iridium |
| Drom | Issue Project Room |
| El Grupo SN (Somewhere Nowhere) | Jackie Alvarez Artistic Consulting |
| Elements Festival LLC | Joe's Pub Public Theater |
| Elsewhere | JWP/ Josh Wood Productions |
| Erastus Bar, Inc. - Stephen Talk House | King's Theatre |
| Eris Evolution | KJ Farrells |
| Fanatics Pub | Knitting Factory Brooklyn |
| Film Forum NYC | Knockdown Center |
| Freedom Party NYC (Herbert Holler Group) | Landmark On Main Street |
| Friends and Lovers | Lasher Louis Productions / COVID Nightlife Guide |
| FTMP Events | Le Poisson Rouge |

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| Lehman College Center for the Performing Arts | Nuyorican Poets Cafe |
| Leslie Hermelin | NY Comedy Club |
| Levon Helm Studios | NYC Nightlife United |
| LGF (Afropunk Festival) | OFC Creations Theatre Center |
| Littlefield | Our Wicked Lady |
| Live Sounds, LLC | Pangea |
| Lola | Parklife |
| Lucky 13 Saloon | Patchogue Theatre |
| Market Hotel | Pete's Candy Store |
| Max Fish Bar | Pine Box Rock Shop |
| MeanRed Productions | Pioneer Works |
| Mercury Lounge | Playhouse Stage Company (Cohoes Music Hall) |
| Metamorphic Concerts | Polaris Inc. - Bowery Electric |
| MNM Presents Inc. | PopGun Presents |
| Monkey Wrench Techno | Public Records |
| Move Forward Music | Public Works Inc. |
| MRG Force Entertainment | Putnam Place |
| Murmrr | QED Astoria |
| National Comedy Center | Quo Vadis Productions |
| National Sawdust | Rail Line |
| Niagara | Rapids Theatre |
| Nowadays | RBTL's Auditorium Theatre |
| Nublu 151 | Rec Room Buffalo (After Dark Presents) |
| Nublu Classic | Resolute |

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| Riverside Symphony | The Bell House |
| Rochester Fringe Festival | The Bitter End |
| Rockwood Music Hall | The Bowery Ballroom |
| Royal Palms Shuffleboard Club | The Bowery Electric |
| Saint Vitus | The Broadway |
| Serendipity | The Bunker New York |
| Serdar Ilhan Presents Inc. | The Cutting Room |
| Shake Rattle & Roll Pianos | The DL |
| ShapeShifter Lab | The Footlight Bar |
| Shea Stadium BK | The Graham Brooklyn |
| Shea's Performing Arts Center | The Herbert Holler Group |
| SJ Presents | The Muse Brooklyn |
| SLP Concerts, LLC | The Paper Box |
| Smith Opera House | The Park Theater |
| SOBs | The Players Theatre |
| St. George Theatre Restoration, Inc. | The Smith Center for the Arts |
| Stand Up NY | The Springut Group |
| Starr Bar | The Stand NYC |
| SubCulture NY | The Stephen Talk House |
| Tag's Summer Stage | The Sultan Room |
| TekSupport | The Turk's Inn |
| The 443 Social Club & Lounge | The Turning Point Music Cafe |
| The Actors Fund Arts Center | The Warehouse LI |
| The MarkO'Donnell Theater | TheaterLab |
| The Artichoke | |

Town Stages

Tralf Music Hall

Trans-Pecos Triskelion Arts

Troy Savings Bank Music Hall

Tubby's Kingston

TV Eye

Union Hall

Union Pool

United Palace

UNTER NY

Upstate Concert Hall

Uptown Theatre Utica

Val Sol Entertainment LLC

Vibe Church

Village Vanguard Jazz Club

Vital Theater Company

Westcott Theater

Westhampton Beach Performing Arts Center WHBPAC

Women Between Arts

Wrecked INC

Zerospace