

## The People's Cultural Plan for Working Artists and Communities in New York City

**Inequity in arts and culture is a persistent problem in New York City.** The worsening climate of fear, intolerance, and fascism, especially affecting immigrants, all people of color, and LGBTQ individuals, must be countered with more than lip service in support of “diversity”: Only by implementing true equity in all city policies will the most vulnerable be protected from the multiple crises facing our communities. As a sanctuary city, any cultural plan for New York must be supportive of the lives and contributions of All People of Color, including tribally-enrolled indigenous people, Black, Asian, Latinx, and Arab peoples, and the LGBTQ, disabled, and elder members of our communities.

Displacement and dispossession (also known by the euphemism “gentrification”) are the greatest threats to culture in NYC, because culture is rooted in place, and skyrocketing rent threatens to displace working class people of color, working artists, and underfunded arts organizations. The contracting of real estate development firms James Lima Planning + Development and BJH Advisors LLC as NYC Cultural Plan consultants indicates that yet again, arts and culture are being used as a Trojan Horse to usher in still more displacement and dispossession. **We demand a plan that calls for the elimination of these pro-developer policies and rezonings, for an immediate rent freeze, and for the development of more just rent control policies at the State and City levels.**

The exclusion of artists and workers of color and the exploitation of artists and low-wage workers has always been a threat to culture in NYC. But in combination with the housing crisis, that threat is compounded, pushing most artists, especially those who are working-class people of color, elders or disabled, close to their breaking point. From low-wage workers and underpaid administrators of nonprofit organizations, to the unpaid and undercompensated labor of artists—workers across the supply chain contribute to making the arts a multibillion-dollar industry. **We demand a plan that insures truly equitable inclusion (not tokenization) of artists and cultural workers of color, equitable and adequate wages, employee benefits, job protection, and upward mobility for all artists and cultural workers.**

Cultural funding is among the most inequitably distributed resources in NYC, and the policies of the Department of Cultural Affairs (DCLA) exacerbate that inequity by giving nearly 60% of its funding to Manhattan alone out of the five boroughs, and almost 80% of its funding to only 33 of the 1,000+ organizations funded. Inadequate funding to oppressed and exploited communities – and austerity in public services generally – operates in tandem with real estate development schemes to displace communities; inadequate funding to small and POC-run organizations makes it difficult to pay adequate wages and artist fees. **We demand a plan with generous and equitable public cultural funding that directs all increases in DCLA funding to the neighborhoods, organizations, and artists who need it the most, rather than to institutions that are already receiving generous allocations, many of which are not adequately serving the communities they purport to.**

***Housing, labor, and public funding injustices cannot be addressed in isolation, because all three factors intersect to create the inequities we experience.*** We, the people, a multi-racial and multi-lingual coalition of artists, culture workers and tenants from the many neighborhoods of NYC, demand a cultural plan with concrete policies to: 1. End displacement and dispossession in NYC; 2. Insure truly equitable inclusion within the cultural sector of all POC artists and cultural workers, and equitable wages for *all* artists and cultural workers; and 3. Distribute public funding equitably and commit to rectifying the documented history of neglect, disinvestment and theft from communities, organizations, and artists of color in NYC by investing new funds for these groups and supporting their self-determination. ***We further demand that changes in funding and housing policies be subject to community control – that the neighborhoods to be affected by policy changes determine the specifics. The most crucial component of equity is equity in power and in decision-making, and we will accept nothing less.***

Because we recognize that all communities of color have been disenfranchised and dispossessed through historically unjust policy making at the municipal, state, and federal levels, as well as through the de facto funding priorities of private philanthropy, we call on the DCLA to endorse and support all of the following demands in its Comprehensive Cultural Plan for New York City, and we call on The State and City of New York to implement the necessary legislation that will lead to true equity for all New Yorkers.

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## I. Equitable Housing, Land, & Development Policies

**Artists stand with communities threatened by inequitable development policies.** New York City's current policies allow for land and housing speculation that drives up the cost of living for everybody, benefiting a small number of profiteers at the expense of the vast majority of New Yorkers, most of whom are only a paycheck away from missing a rent or mortgage payment. The result of these policies is that in 2016, the median housing price in Queens reached 83% of the median wage, and the median housing price in Brooklyn reached 123% of the median wage, making it the most unaffordable location in the U.S.

**Artists can no longer accept the crumb of "affordable housing for artists" that allows further luxury development, resulting in higher costs of living for everybody else.** Instead, we demand policies to that insure **ALL New Yorkers** (not just artists) can afford to stay where they live, and are not subject to the profiteering that drives rising rents and housing costs.

**A. Artists are tenants first.** In support of residential housing needs in NYC, the People's Cultural Plan calls for:

1. **Another rent freeze of stabilized apartments, and city control over rent regulations.** Working artists stand with communities who are being displaced by unaffordable rents—and most of us are also rent-burdened. The People's Cultural Plan calls for another rent freeze of stabilized apartments, and ~~(also)~~ calls for **overturning the Urstadt Law** (this is the law that gives Albany control over NYC rent regulations). NYC loses many thousands of stabilized apartments each year due to loopholes such as vacancy decontrol and MCIs.
2. **No privatization of Public Housing & adequate funding and resources for NYCHA:** Artists stand with NYCHA residents in opposition to any privatization of NYCHA properties. NYCHA must be strengthened and publicly funded, especially in light of potential significant HUD cuts at the Federal level, by raising real estate taxes on luxury development, and other income streams mentioned below. Community spaces within NYCHA properties should be used for the benefit of NYCHA residents, including for cultural purposes. DCLA must provide additional funding to go toward the development of work spaces for local NYCHA artists, as well as for art classes and performances (*But no work space may be provided there for any artists who don't live in NYCHA houses*). All information on these programs must be published in compliance with Executive Order 120 on Language Access.
3. **Passage of the Housing Not Warehousing Act (HNW), to prevent the warehousing of vacant property that could be used for housing and community organizations.** Vacant properties are pervasive throughout New York City. Picture the Homeless conducted a vacant property count in 2011, which concluded that New York City could house 199,981 people from its vacant property. While New York City has spent years giving away its property assets to for-profit developers that have no intention of providing housing for extremely low income households, a lot of land remains under the City's control that is ripe for development. In 2016, Comptroller Stringer conducted an audit that found more than 1,100 vacant lots throughout the City that can be used for permanently affordable housing for extremely low income households. **The HNW includes:**

- a. Int. 1034 creating a mandatory registry for all landlords holding their property vacant, with fines for failure to register;
  - b. Int. 1036 that will mandate an annual count of all vacant property in New York City; and
  - c. Int. 1039, which will require compilation of a list of all city, state, federal, and authority-owned vacant property suitable for the development of affordable housing, and recommend paths towards developing affordable housing on these sites.
  - d. In addition, we call for all information to be published in compliance with Executive Order 120 on Language Access.
4. **Implement the “Gaining Ground Pilot Project” put forward by *Picture the Homeless***, which proposes to utilize a portion of current DHS funding, in addition to city support and resources, to develop and preserve permanently affordable and high-quality housing for individuals and families who are currently homeless or at-risk of homelessness, and we call on the mayor’s office to:
- a. **follow through on its stated commitment to divert DHS funding into permanent housing solutions** for homeless individuals and families by developing permanent housing options beyond the supportive housing model for extremely-low income and homeless households.
  - b. **publically announce the development of a pilot program in conjunction with *Picture the Homeless* which seeks to divert DHS resources to the provision of permanently affordable housing** for homeless and extremely low-income households; work with *Picture the Homeless* and allies to establish a timeline for the implementation of the pilot project; and develop a task force that regularly meets with affordable housing developers, city agencies, homeless households, *Picture the Homeless* organizers, legal services providers, and allies to oversee the implementation of the Gaining Ground Pilot Project.
  - c. **pledge additional city resources**, including city-owned vacant land and buildings, technical assistance, and targeted support and financing in support of the Gaining Ground Pilot Project, including exempting the buildings included in the Gaining Ground Pilot Project from property taxes in exchange for providing housing for extremely low-income households
5. **Eliminate the 421a tax breaks for developers.** The public should not subsidize luxury housing development. We call for Albany to discontinue 421a, thus cooling the luxury development market and saving the city an estimated \$2.4 billion annually. This revenue should be redirected towards the production of permanently affordable, non-speculative housing through community land trusts. These land trusts could include affordable space for artists and small, POC-led arts organizations in addition to affordable housing.
6. **End further MIH/ZQA rezonings.** The MIH/ZQA rezonings mean an increase in luxury housing in poor neighborhoods. Even if a handful of the units are affordable (and most aren’t truly affordable to the people who currently live in these neighborhoods), the net impact will be to raise surrounding rents and cause massive displacement.
7. **Halt plans for the BQX Connector trolley.** The BQX trolley would be paid for by rising property values along the Brooklyn/Queens waterfront, as developers build a wall of shiny luxury towers along the entire route. Gentrification and displacement are therefore baked into this proposal. It would destroy what is left of the working waterfront in Brooklyn and Queens, cause massive displacement of working artists and manufacturers along the waterfront, and raise rents in surrounding communities to unaffordable levels.
8. **Support and citywide enforcement of the South Bronx Unite “Principles for Private Development”** (<http://southbronxunite.org/principles-for-private-development/>). We call for the city of New York to make the following policies mandatory in all new private development citywide:
- a. **All real estate development construction opportunities to be given to union workers (with preference to local residents of the neighborhood in which development occurs) with a significant percent to be given through apprenticeship programs to residents of color in all building trades.** Commercial enterprises developed as part of real estate development must

hire a significant percent of its long-term workforce from local residents and pay at a living wage or prevailing wage standard, whichever is higher.

- b. **All private developers must set aside a significant percent of any new residential rental and for-sale development for local residents at an affordability rate based on the current average median income of each neighborhood, not the AMI of the region.** We also call upon developers to provide ongoing contributions to an anti-displacement fund to develop tenants' rights materials and outreach, to assess displacement-related impacts of development projects and to further affordable housing construction and other community needs.

9. **Make racial and economic equality a fundamental objective for planning at all levels and give control over zoning and planning decisions back to local communities, as called for by Tom Angotti in Zoned Out! (2016), and enforce changes made to the City Charter in 1989 requiring the city to:** 1. Give more power and resources to community boards, while holding them accountable to inclusionary and democratic principles; 2. Fully implement community-based plans into any rezoning initiatives that are community approved and supported; 3. Place a planner in each community board. Furthermore, we recommend that said planner be approved by local social justice grassroots groups. Moreover, as recommended by Angotti: place all publicly-subsidized housing in Community Land Trusts (CLTs) that guarantee permanent affordability, community control and continuing government support. We also call for any artist studios programs created by the city to be CLTs; we call for the election of community board members by the immediate community rather than their being appointed by borough presidents; and we call upon the city to commit significantly more resources to implement strategies to prevent the displacement of low-income people and communities of color, across all city agencies and institutions that deal with housing.

10. **Support the People's Housing Plan developed by Decolonize This Place**

([http://decolonizethisplace.org/brochures/NYCNot4Sale\\_Brochure\\_FINAL.pdf](http://decolonizethisplace.org/brochures/NYCNot4Sale_Brochure_FINAL.pdf)) which calls for the city to: End homelessness in New York City; Implement universal rent control; Transfer distressed buildings to tenant ownership; Repair and expand high-quality public housing; Democratize development.

**B. In support of small businesses and manufacturers in NYC (many of which include artists themselves), the People's Cultural Plan calls for:**

1. **Passage of the Small Business Jobs Survival Act.** Many artists have commercial leases for their working studios in industrial areas, and all commercial rents are skyrocketing, with no regulation whatsoever. Bodegas, supermarkets, and jobs-providing manufacturers are all equally affected by the absurd rents charged for commercial spaces. The SBJSA would offer every commercial leaseholder in the city mandatory 10-year lease renewals, the basic right to renew, and the ability to negotiate rent increases via mediation and binding arbitration. This bill does not make a distinction between artists, mom & pop stores, or manufacturers: it would benefit us all equally. The SBJSA has been sitting in the City Council for almost 30 years: pass it now. ***Small Business Services (SBS) must take additional measures to insure diversity of ownership, diversity of cultural disciplines, and a mix of artists and business owners, providing subsidies when necessary to insure equity; all SBS programs must be in compliance with Executive Order 120 on Language Access.***
2. **Preservation of manufacturing zones.** Our manufacturing zones are the engines of good jobs in this city. The average manufacturing job pays \$50,000/year for people who don't have a college degree, as opposed to \$25,000/year for the average service economy job. Working artists, artisans, dancers, and musicians also depend upon cheap rents in these zones. The invasion of hotels, restaurants and storage spaces into industrial zones causes rents to skyrocket. We need a moratorium on hotels, restaurants and storage facilities in all industrial zones. In addition, because adding residential units to industrial areas contributes to a rise in surrounding commercial rents, there should be no rezoning to

residential within these industrial zones. And while we do not advocate the relocation of any Loft Law tenants currently residing in manufacturing zones, we believe that no new units should be added under the Loft Law. ***The city must also take measures to insure that access to these manufacturing zones is equitable for all artists of color, arts organizations led by and serving all communities of color, and artists, artisans and craftspeople representing a wide range of cultural traditions and practices, providing additional assistance and subsidies when necessary.***

3. **Separation of working artists from the creative/tech sector.** NYC working artists and manufacturers are in the same boat: we cannot pay high rents. We are in a completely different category from the creative/tech and TAMI (Technology, Advertising, Media, and Information) sector. TAMI creates jobs mostly for the well-educated, and fosters dispossession. Any city-led development in the industrial zones must privilege actual working artists and manufacturers over TAMI tenants.
4. **The Creation of permanent, affordable work space for working artists via Community Land Trusts (CLTs).** Instead of developing city-owned land with big real estate developers for the TAMI sector, the city should work to create permanently affordable CLTs in industrial zones: these CLTs must be equitably distributed to artists of color, and should be for the shared use of working artists alongside jobs-producing manufacturers: market commercial rents are rapidly displacing both sectors. Information on CLTs must be published in compliance with Executive Order 120 on Language Access.

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## II. Labor Equity

The cultural and ethnic makeup of New York City and its 5 boroughs presents a diverse landscape. Yet DCLA's own survey analyzing the employment of workers of color in the cultural institutions of New York reveals disproportionately low numbers in comparison with our representation in the population in the city. The lack of representation of artists of color – not analyzed by DCLA – is even worse, reflecting both a history of deliberate exclusion as well as the greater economic costs and risks faced by all people of color when entering the cultural sector, which depends heavily on the use of free and undercompensated labor at its points of entry.

With the above in mind, a high priority of the People's Cultural Plan is the rebalancing of the workforce to include all people of color in all levels of the cultural sector. Economic justice and cultural equity are indivisible and interdependent. Together they mean wage equity across the supply chain for everyone who contributes to making the arts in New York City a multibillion-dollar industry, as well as an equal representation of all people of color at all levels of cultural institutions, from artists, to the low-wage subcontractors servicing museums, to front-line and programmatic staff, to administrators and leadership.

This plan calls for the Department of Cultural Affairs to regulate, scrutinize, and put an end to the racist hiring practices of its cultural institutions and to put in place a real equitable framework that will support inclusion of people of color at all levels of cultural institutions. It puts forward a set of policies that ensure a more equitable distribution of resources, and calls for an end to the use of unpaid labor. It challenges a culture of entrepreneurship that has polarized cultural workers as a labor force, pitting artists and administrative staff against manual and service workers along intersecting lines of race and class. It holds responsible the profound lack of government support for artists and arts organizations that has caused a perpetual race to the bottom, and rejects a system that denies access to those who can't afford to work for free.

The following policies are intended to provide equitable standards for artists' fees, employment guidelines and resources allocations, and protections for temporary, contract-based, and non-union labor within institutions funded by the Department of Cultural Affairs. Above all these measures call for the inclusion of all people of color at all levels of the cultural sector, as specified in detail by Artist of Color Bloc's ***A Cultural Roadmap for NYC: Recommendations for NYC Cultural Plan of 2017***.

### A. Citywide policies to end discrimination and labor exploitation:

#### 1. **NYC Commission on Human Rights Partnership**

Data show that NYC cultural institutions are segregated along racial lines. DCLA must partner with the Commission on Human Rights to investigate violations of Title VII of the Civil Rights Act. Due to the racially segregated workforce in cultural institutions, oversight should be organized by NYC commissions independent of DCLA.

#### 2. **City-wide awareness program and help center for all employees of color, LGBTQ, elders and disabled, to file discrimination complaints within cultural institutions.**

Help centers and awareness programs must be established throughout the city and in partnership with worker centers for workers of color, LGBTQ, elders and disabled individuals, protecting and offering

free legal counseling regarding possible discrimination cases within cultural institutions. These centers must be equipped with language access services for limited English proficient New Yorkers, in compliance with Executive Order 120. DCLA must publicly demonstrate their commitment to fighting cultural worker discrimination cases involving violations of Title VII.

3. **Rights for all employees and independent contractors: The City of New York must pass legislation mandating the following:**
  - a. DCLA must mandate minimum artist fees and wages across DCLA-funded organizations, with an absolute floor of \$15/hour for any form of labor performed by employees, and \$25/hour for any labor performed by independent contractors.
  - b. All freelance artists and independent contractors at DCLA-funded organizations must be covered by Disability and Worker's Comp insurance, not only performing artists.
  - c. DCLA must mandate a minimum of 3 months paid family leave for all employees at all DCLA-funded organizations, including part-time workers.
  - d. Paid vacation for both part-time and full-time workers at all city-funded organizations.
  - e. DCLA must provide access to city healthcare plans and the CIRS retirement plan for all employees, independent contractors and artists.
  - f. The right of all employees, independent contractors and artists to unionize, and the right to collective bargaining for all employees and independent contractors at DCLA-funded organizations.
4. **The State of NY must pass the NY Health Act** to protect all artists and freelance workers, at risk of losing healthcare due to proposed cuts and changes to the ACA (*The NY Health Act is a bill that creates a universal, single-payer healthcare system for the state of NY. It passed the Assembly in 2015 and 2016, and was reintroduced earlier this year. Under this plan, every resident of NY is provided insurance through a single-payer system which is funded by a progressive tax. One study estimates a 25% savings in overall healthcare costs, despite the fact that so many more people would be covered*).
5. **Funding must be allocated and baselined in the NYC budget to account for additional expenses resulting from the demands articulated here:** Additional funding for increased expenses at small and mid-sized organizations must be provided concurrently with the implementation of these standards, to insure the continued viability of these vulnerable organizations, many of which are led by and serve communities of color. Additional Funding for increased expenses at large organizations (budgets over \$7M annually) may only be provided as last step after citywide funding equity has been achieved (as defined by the *Funding Equity* Plank of the People's Cultural Plan); and after these organizations demonstrate measurable success in the diversification of their workforces as well as representation of Artists of Color and non-western cultural traditions. ***Funding and initiatives that are intended to redress the history of discriminatory practices at major white-led institutions must be invested primarily in institutions led by and serving the communities that have been the victims of that discrimination – not invested in the offending institutions themselves. This includes funded internships and career training programs, which must be used to support institutions led by and serving people of color.***

## B. Equitable Artist Compensation and the elimination of all Unpaid Labor

Unpaid labor is not only an issue of exploitation—it is an issue of exclusion. Without guaranteed remuneration at the very points of entry that should be most open and inclusive, the current structure excludes artists and cultural workers who cannot afford to work for free, and only allows entry to artists and workers who are privileged and desperate enough to work for free.

In the absence of compensation standards for artists and the enforceable regulation of unpaid internships, well-funded institutions will continue to use their prestige and the promise of exposure to justify non-

payment, while underfunded organizations will become increasingly dependent on free labor for their survival.

The nonprofit sector is uniquely able to perpetuate these conditions by reframing non-payment as charity and opportunity. Internships are filled and exhibitions are curated typically through existing segregated networks that are predominantly white and upper middle class—guaranteeing the reproduction of a system that has historically denied access to all people of color as artists and administrative workers at all levels.

With movement building work and socially engaged practices perpetually in danger of cooptation by institutions, volunteerism has been one approach to maintaining authorship and ownership, but it has also opened up a new area of non-payment and exploitation, as the ‘social’ aspect within social practice is frequently not considered ‘work’ for all the people involved: artists, volunteers, and community members alike.

In an effort to desegregate the field at its points of entry, this plan calls for an end to unpaid labor by making DCLA funding contingent on compensating artists for the content they provide, including the activist and advocacy work of socially engaged artists, and on paying interns a living wage.

#### 1. **Equitable Artists Representation and Compensation**

People of color make up a largest percent of the population in all the five boroughs, but the majority of exhibitions and programs in our cultural institutions are focused on non-POC artists. Without mandating an equitable distribution of artist fees to artists of color and to artist practicing non-European cultural traditions, the current system will continue disproportionately to benefit only a small population of non-POC artists. Therefore, the Department of Cultural Affairs must oversee that artists fees be distributed equitably in the five boroughs; and that **institutions receiving DCLA funding be required to report and publicly disclose the distribution(€)of artists fees specifically according to ethnicity, gender, disability, and age, as well as race and cultural tradition.**

#### 2. **General Artist Compensation**

All artists working for cultural institutions must be compensated for their labor, inclusive of all phases of production leading up the exhibition of work; including but not limited to concept phases, meetings, presentations, discussions, and technical consultations. DCLA must make mandatory the payment of minimum artist fees by its grantees:

- a. for all musicians and performing artists (regardless of genre – and inclusive of performing artists working in non-Western traditions) not less than the minimum fees set by Musicians 802, The Actors' Equity Association (AEA), The American Guild of Variety Artists (AGVA), and The American Guild of Musical Artists (AGMA) **whichever is greatest**;
- b. for stagehands and theater workers not less than the minimum fees set by IATSE;
- c. for visual artists according to the guidelines and standards established by Working Artists and the Greater Economy (W.A.G.E.), which includes both a compensation floor and ceiling.

#### 3. **Internships:** DCLA mandates that no organization receiving public funding may offer unpaid internships; interns must be recognized as employees, paid a fair living wage and guaranteed the same respect and workplace protections as other employees. Subsidies must be made available for work training and internship programs for low-income families and individuals seeking training within cultural institutions.

#### 4. **Ethical Movement Building and Social Practice Work**

DCLA must offer funding for nonprofit organizations to support movement building through the provision of space, resources, and compensation that foregrounds the needs of all communities of color and LGBTQ communities, by independent, grassroots organizing initiatives. All artists in residence at city funded and operated agencies must receive compensation according to guidelines set forth



above, so that this work empowers local community artists and members. Funding must prioritize communities most affected by injustices relating to health, housing, education, employment, retirement and other basic civil rights.

### C. Cultural Workforce Related to Composition, Expansion, and work Qualifications

This plan calls for institutional hiring practices to reflect the ethnic demographics of the neighborhoods in which they are based, while also introducing a baseline standard for the equal representation of all workers of color in already gentrified neighborhoods.

Challenges to equal representation have been compounded by the requirement of a Master's degree and now often a PhD to enter the workforce. The outrageous debt burden of college renders education an undeniable privilege and therefore accessible only to predominantly white and upper middle class people. With the increasing proliferation of Art History and Arts Administration programs, artists themselves are now also unqualified or unprepared for these positions; where self-taught immigrant artists' skills were already overlooked and undervalued, they are now likely to be entirely shut out of institutional life.

The few black workers and other workers of color currently on staff in cultural institutions are without recourse for dealing with and challenging workplace discrimination—particularly a problem for part-time and freelancers. Institutional practices more broadly are geared to the placement and advancement of white workers, and lack consideration of the systemic challenges faced by POC staff within the institutions that have historically marginalized them. Finally, it should also be understood that front-line workers (Teaching Artists, Museum Educators, Visitor Experience Agents and Community Engagement Workers) are not always looking to move 'up' and into administration—using their skills and vocations for direct engagement with community members is often by choice. The fact that administrative jobs are better paid presupposes that they are more highly valued by the institution. Many frontline workers know their work is invaluable and simply want this fact recognized and compensated as such.

#### 1. **Workers of Color in all levels of Cultural Institutions:**

Our cultural institutions must provide a fair and equal opportunity to the diverse workforce of each neighborhood. The workforce must be reflective and in proportion to the ethnic workforce of each of the five boroughs in which the institution is situated (as well as inclusive of LGBTQ, elders and disabled individuals). To make this possible, Cultural Institutions receiving DCLA-funding must:

- a. Post all job listings publicly in multiple languages, and make efforts to disseminate them through networks that reach all communities of color, as well as LGBTQ, elders and disabled individuals, including through ethnic and local press.
- b. Establish diversity officers to oversee the integration of POC in the cultural workforce.
- c. Provide full transparency around: pipeline and worker tracks & skill levels required for job advancement; post salary levels publicly; the filing of grievances and third party worker-employer negotiations. HR must evaluate current wages of the lowest paid workers as well as move toward equitably compensating frontline workers.
- d. Publicly disclose workforce statistics regarding cultural workers in respect to race, gender, sexual orientation, disability, and age of all candidates reviewed, subsequently employed, and/or discharged;
- e. Job training programs must be subsidized by the DCLA in the cases where special skills are required to meet these equitable guidelines, including workers of color's career development, institutional and educational advancement, and technology job training.

#### 2. **Accreditation and maximum wage for Institutional Directors:**

- a. Salary caps and/or maximum salary ratios to the lowest-paid workers, for the highest paid

employees at all DCLA funded organizations; limits on travel and expense budgets for all employees earning over \$250,000.

- b. Top-level executive and administrative positions must be filled by individuals who meet national museum accreditation or cultural job related requirements, and who show a long-time dedication to the arts, rather than taken from the ranks of fundraising and financial professionals.

3. **Fair Compensation before Capital Expansion:** DCLA may not provide funding for building expansion until or unless worker compensation and conditions meet standards as articulated in this plan. This includes international expansion and the use of migrant labor.

## D. Equitable Freelance & Contractual Labor & Non-Union Service Work

Freelance, part-time, and contracted workers are particularly vulnerable to exploitation without the protections and benefits fought for and maintained by local unions including SEIU Local 32BJ and DC 37. With low-wage services disproportionately supplied by black workers and other workers of color, this plan pushes institutions to prioritize POC-owned businesses when contracting third-party vendors, and focuses on supporting, strengthening and diversifying non-unionized and freelance labor.

While black workers and other workers of color are relegated to providing so-called 'unskilled' low-wage services like security and custodial work, the manual labor of professional Art Handlers now tends to be provided by white male college-educated artists. Previously filled by working class people of color, these 'skilled' jobs represented a valuable source of income for those without a college degree while also providing arts education, community, and access to culture. With the unprecedented influx of college-educated white artists into the city over the past decade, hiring practices now tend to favor this constituency, resulting in a homogeneous workforce with an underrepresentation of women and people of color.

Like Art Handlers, part-time and freelance Visitor Experience Agents, Museum Educators, Teaching Artists, and others tasked with community engagement are often more in need of workplace protections than salaried administrative staff, because they work on the frontline or offsite in public schools. Despite being highly visible as an institution's public face, their contributions are highly undervalued—particularly those of workers of color and queer and trans workers who are already underpaid, but also called upon to perform the additional uncompensated labor of educating their white, straight/heterosexual, and cisgender colleagues about the very institutional racism, homophobia and transphobia that devalues them.

1. **Equity in Freelance and Contract Jobs of People of Color:** job contracts for art handling, consulting, staging, catering, and other services must be equally distributed to POC-run businesses, reflective of the true population/workforce percentage in each borough. Institutions receiving city funding must report the ethnic and racial makeup of all freelance, contract jobs and third party vendor contracts that have been reviewed and subsequently hired, as well their allotted budgets. This transparency will allow for direct oversight to any discriminatory practices by our city's cultural institutions.
2. **Third-Party Vendors:** Those DCLA funded institutions not contracting unionized labor for low-wage service work (SEIU Local 32BJ and DC 37) must distribute contracts for third-party vendors equally to businesses of color. Additionally, all non-unionized workers hired through such contracts must be paid at the same rate as unionized workers.
3. **Art Handlers:** All DCLA funded institutions contracting the labor of non-unionized art handlers must follow the standards and guidelines of the **Art Handler's Bill of Rights**.
4. **Teaching Artists and Museum Educators:** Without the security of a salaried position, contracted Teaching Artists and Museum Educators have no guarantee of ongoing work. This plan calls for the establishment of a freelance educator's fund, with all DCLA funded institutions required to pay in and

pool benefits for healthcare and retirement plans. All public facing workers must receive employee identification (such as business cards) even if part-time. DCLA must develop standards for the inclusion of practitioners of non-western artistic and cultural traditions, as well as multi-lingual teaching artists, as teaching artists within NYC public schools and cultural institutions, and offer additional subsidized job training and career advancement opportunities to such artists. Organizations and institutions who employ teaching artists and educators must provide a language access plan for making their programs and services available to LEP (Limited English Proficiency) students, adults, and communities.

5. **Visitor Experience Agents and Community Engagement Workers:** These positions are located at the intersection of various roles. This plan calls for institutions to value the complexity of these roles and to compensate those working in these positions fully for the range of activities and interactions with the public that they have. The work of connecting visitors with the meaning of the artwork at a museum, or of building trust and connecting with people in communities is nuanced, difficult, highly skilled work and should be compensated and valued as such. Additionally (,) because of the way that interacting in a genuine way with the public often includes emotional and other types of labor that are not included within job descriptions, we call for a clear analysis and mapping of responsibilities of workers so that their workload is not beyond what is fair and healthy for workers. There needs to be a language access plan for these workers with internal resources allocated to carry out that plan. Finally, space and support must be provided for these workers to compile a specific list of needs that would improve working conditions at each institution.

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### III. Public Funding Equity

Funding to arts and culture is one of the most unequally distributed resources in NYC, earning a score of just **10 out of 100** from the CUNY Institute for State and Local Governance's Equality Indicators studies in both 2015 and 2016, which concluded that DCLA funding "continues to be disproportionately awarded to those in wealthy areas." In 2013 more than 61% of DCLA funding was directed to Manhattan alone, and 77% of its funding in FY15 to just 33 out of the 1000 organizations funded (the Cultural Institutions Group, CIG). The CIG is a group of mostly large institutions, the majority of which are not grassroots or community-based; have continuing problems with representation of people of color in leadership positions and artists presented; and largely maintain a colonial perspective of elite Western/European cultural superiority within one of the most diverse cities in the world.

None of these funds were earmarked to provide access to the 1.8 million New Yorkers with limited English proficiency (LEP), shutting out 25% of NY's population from these services.

In FY15, Manhattan received \$45.88 per capita in DCLA operating and program funding, vs. just \$4.58 per capita in Queens, \$8.87 in Brooklyn, \$12.80 in Staten Island, and \$17.30 in the Bronx. From 2010 to 2014, the DCLA directed more funding to Lincoln Center and the Met alone (over \$160 million) than it did to the entire Cultural Development Fund (\$148 million), the group of 1000 institutions who have to compete for 23% of DCLA's funding annually.

Gross disparities such as these privilege already wealthy neighborhoods, while enforcing austerity on the most oppressed and exploited communities of NYC – indigenous people, black people and all people of color, immigrants, and working people. Austerity in public funding exacerbates other social problems, leads to an upward distribution of wealth, and allows neighborhoods to disintegrate, making communities ever more vulnerable to displacement and dispossession. Without adequate resources, the cultural and artistic practices of communities of color cannot thrive, and they are forced to assimilate to the dominant culture, which continues to erase and appropriate their lives and cultures.

***We demand that all marginalized and dispossessed people's arts and culture as it defines their neighborhoods, communities, and way of life, be repatriated to them through the adoption of a new cultural plan.*** Amerinda has called for a recognition of the UN Declaration on the Rights of Indigenous Peoples (2007) as the framework for cultural equity for ALL peoples – specifically Article 8 expressing the right against forced assimilation as a distinct people, Articles 11 and 13 referencing the right to practice and maintain cultural traditions and practices, and article 15 referencing the right to maintain the "dignity and diversity" of their cultures and traditions. The UN Declaration calls for states to provide adequate support to make all of these rights possible – and we assert that **equitable public funding to all peoples and neighborhoods in New York City is necessary to the maintenance of these rights.** *We therefore call on the U.S.'s largest funder of arts and culture (the NYC DCLA) to:*

1. **Significantly increase public funding to the neighborhoods, organizations, and artists that are currently the most under-resourced, with a goal of total funding equity.** Instead of redistributing current funds, develop a plan to increase the DCLA's overall expense budget (see revenue proposals below) so that all areas of the city receive an annual investment equal to that in the most-funded districts, and organizations led by and serving people of color receive allocations as generous as those currently going to white-led institutions.

- a. **All funding increases to DCLA’s budget, in any amount, must go first to neighborhoods, districts, organizations and artists that currently receive the lowest allocations, and first to organizations led by and serving communities of color,** to correct for historic undercapitalization of those organizations, rather than distributing funding increases in proportion to current allocations (a process that preserves existing inequities). The target goal must be public funding that reflects the demographics of the city and that recognizes NYC’s extraordinary cultural diversity as its most valuable asset.
  - b. The initial target must be \$48 per capita across the board, bringing to \$410M the total annual budget of DCLA for operating support of cultural organizations, which represents an increase of \$269M over FY15 levels; the target for all the initiatives in the People’s Cultural Plan must be 1% of NYC’s total budget (see below), around \$840M annually according to the proposed FY2018 budget.
  - c. Each of the 51 council districts must have a minimum allocation of at least \$6M in annual DCLA operating support for artists and arts organizations based within the district, with the remainder going to borough-wide and city-wide initiatives in an equitable distribution.
2. **Eliminate the competitive project-based funding system,** which stymies the development of the City’s small and mid-sized institutions (representing the majority of all institutions) **and replace it with baselined general operating support for the “program groups” (current CDF grantees),** not just for the CIGs, which will help cut operating costs *across the sector*. Leverage this moment to take action in response to the wealth of data proving the detrimental effects of the current *short-term project grant*-based system in sustaining a “nonprofit starvation cycle” which studies show has impacted ethnically and culturally specific organizations most negatively.<sup>1</sup> The project-based grant system also brings additional harms to artists, by forcing small organizations to rely heavily on independent contractor labor (since at least 80% and often more of grant funds must be spent outside the organization), and projects are often expected to change with each cycle.
    - a. Given the significant reduction in DCLA administrative burdens that will result from elimination of annual project grant applications, **liberate existing DCLA program staff to become public-facing arts and cultural officers who regularly visit and engage directly with organizations and artists.** In its work to ensure meaningful community service and legal compliance, bring DCLA program staff out into the neighborhoods they serve to execute their duties based on values of trust, mutual support, and face-to-face interaction. (Specialists can visit regularly with non-Western arts practitioners to understand and facilitate their cultural growth.)
  3. **Develop significant, direct, non-project-based funding streams for artists and artist collectives, with priority given to working-class artists of color,** with a target of \$100M annually in direct funding to artists across NYC.
  4. **Mandate grantee compliance with Executive Order 120, and require each grantee to develop a Language Access Plan that seeks to ensure meaningful access to our most vital cultural services. Create a separate fund for language access** to be used as a shared translation and interpretation services pool for all grantees - small and large. These services and monies - to be used for outreach, multilingual materials and signage - could be accessed based on a sliding scale pegged to organizational

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<sup>1</sup> For a recent discussion of funder policies that limit investment in “indirect costs” and their role in sustaining a sector-wide “nonprofit starvation cycle,” see Jeri Eckhart-Queenan, Michael Etzel, & Sridhar Prasad, “Pay-What-It-Takes Philanthropy,” *Stanford Social Innovation Review* (Summer 2016), accessed September 1, 2016, [http://ssir.org/up\\_for\\_debate/article/pay\\_what\\_it\\_takes\\_philanthropy](http://ssir.org/up_for_debate/article/pay_what_it_takes_philanthropy). For an analysis of the especially detrimental impact on ethnocultural arts organizations of the project grant-based system “endemic to the arts support environment,” see M.P. Matlon, I. Van Haastrecht, & K. Wittig Mengüç, *Figuring the Plural: Needs and Supports of Canadian and US Ethnocultural Arts Organizations* (Chicago, IL: Plural, 2014), 298 – 328, accessed September 1, 2016, <http://www.pluralculture.org/programs-services/figuring-the-plural-book/>.

budget, so as not to disproportionately burden small and emerging arts organizations. Create incentives for hiring multilingual staff who can create multilingual programs.

5. **Mandate community oversight and self-determination over allocations to their neighborhoods.**
  - a. Establish democratically-elected **Community Accountability Boards (CABs)** in each district, to insure that communities of color receive equitable funding, that allocations reflect a balance of organizations serving different disciplines and cultural groups, and that funded artists and organizations maintain a high level of service to the local community. Measure data on organizations' long-term commitment and value to the neighborhood ecosystem as laid out by the Loisaída policy brief.
  - b. CAB members shall consist of artists in multiple disciplines, representatives of local arts organizations with established histories in each neighborhood, and representatives of various cultural groups. **Developers and others in the real estate industry may not sit on CABs.** Local Community Board Members may be involved in making recommendations to CABs, but as they are currently appointed rather than elected, may not serve in a decision making capacity. (An exact structure for the member sources, size, term and composition of CABs are to be negotiated.)
  - c. CABs must have a say in allocating funding to mid-sized and larger institutions in their neighborhoods, so that those institutions can be accountable to the people they claim to serve. (For example, if a community feels that a particular cultural institution needs a staff position with particular artistic expertise or language fluency in order to serve them better, they should have power to require that, and allocate the funding for it.)
  - d. In neighborhoods where there are insufficient cultural non-profits to receive and manage the funding mandated in #1, and no Community Land Trusts (CLTs) have yet been established, direct the funding to immigrant-, POC-, LGBTQ-, disabled- and elder-serving **social-service non-profits with a record of presenting cultural programs**, to be used for artist fees for cultural programs.
6. **Develop new initiatives, falling within the guidelines above (i.e., significant increases to under-funded communities, with accountability to local communities), to:**
  - a. Invest in career development and mentoring for working-class youth of color in arts and culture, with priority given to programs run by organizations whose senior leaders fully reflect the diversity (and potential) of participants.
  - b. Recognize and support cultural organizing as an essential asset of a neighborhood's vitality and enforcement of cultural equity.
  - c. Create subsidies for studio space rental costs for artists of color.
  - d. Invest new resources into the borough arts councils for the purposes of better outreach and coordination (including translation, community outreach, and the development of tools for coordination of information on borough-wide arts activities, including artist and cultural organization registries, event pages and blogs, etc.). Strengthen advocacy for the transfer of information and intangible resources of formal and informal cultural actors & amplify the voice of marginalized and excluded cultural workers and community-based organizations.
  - e. Change metrics that currently measure cultural participation only by attendance, to include frequency of contact and ongoing participation, in this way creating a new framework of engagement. More responsive and accurate techniques to measure participation must look beyond the focus on benchmarked arts disciplines, passive audiences and formal arts venues.
  - f. Support cultural collaborations with the social service sector, including work in homeless shelters, prisons, hospitals, immigrant services, schools and family services.
  - g. Reject requests from CIGs for funding to underwrite organization collaborations with the underfunded "programs groups," which have historically been structured in an exploitative

manner with a range of consequences including tokenization, cultural appropriation, and loss of funding and resources for organizations of color.

7. **Set aside city-owned land for use and cooperative management by local organizations, artists, and arts collectives with a track record of serving the neighborhood.**
  - a. Require a portion of all future DCLA capital allocations (minimum 40% in any year) for the purpose of establishing Community Land Trusts (CLTs) on city owned land, and mandate that these be distributed equitably to POC artists and arts organizations;
  - b. Grant the Cultural CLTs to organizations with a track record of residence and service in the community (approved by the local CAB), to be established as cooperatively-run cultural organizations (along the lines of worker-owned cooperatives that have proven more productive than normal companies: <https://www.thenation.com/article/worker-cooperatives-are-more-productive-than-normal-companies/>); and
  - c. Establish a baselined funding stream (minimum \$150,000 annually) for each of these organizations for the purpose of supporting and presenting the arts, particularly encouraging folk or “pop” and non-western cultural traditions.
8. **Put an end to the criminalization of community-driven spaces of cultural production, and create greater access to Financial and Administrative Support for these spaces, as called for by the NYC Artist Coalition.**
  - a. Repeal the antiquated Cabaret Law, which is used to target communities of color and immigrants and that effectively prohibits social dancing to all New Yorkers. Facilitate transparency on MARCH (Multi-Agency Response to Community Hotspots) operations and on how targeted venues are selected. Community ‘hotspots’ are precious and need to be protected and sustained, not targeted.
  - b. Create alternative methods to remedy noncompliant community-driven spaces, such as a task force of confidential facilitators called Cultural Liaisons and establish an Urgent Repair Fund to cover the costs of urgently needed safety work at such venues.
9. **Preserve public funding for the largest NYC cultural institutions *only on condition* of their meeting wage and artist fee standards documented in the labor plank of the People’s Cultural Plan; creating a language access plan inclusive of budget allocation to implement plan; and on condition that they achieve measurable, documented progress in correcting the racial and ethnic disparities exposed in the 2015-2016 report, *Diversity in the New York City Department of Cultural Affairs Community*, including progress in hiring more people of color to senior staff positions and (paid) representation on their Boards of Directors by working-class people.** The 2015-2016 DLCA Diversity Study should be repeated every 2-4 years, or if too costly, similar metrics should be integrated into routine, pre-existing DCLA grantee data collection, particularly for the CIGs (given the extent of the public’s investment in their operations).
  - a. **Expand the Diversity Survey so that artists, exhibitions, acquisitions, and programs presented are also tracked, not simply staff and board composition.** Preserve public funding for the largest NYC cultural institutions *only on condition* that they achieve measurable, documented progress on correcting the continued exclusion of artists of color, art works by people of color, and exhibition subjects and programs related to the experiences of people of color, with an equitable percentage of artists of color who live and work in New York City.
  - b. **Expand the Diversity Survey to track language access,** and preserve public funding for the largest NYC institutions on condition of the development of language access programs and increased hiring of multi-lingual staff to serve LEP people.
  - c. For DCLA-funded institutions reporting insufficient levels of engagement with artists of color, insufficient annual acquisitions of works of art by people of color, and/or insufficient exhibitions and programs related to the experiences of people of color, preserve funding *only on condition* that they establish a dedicated, permanent acquisitions fund for artworks by people of color,

and a compensated advisory committee comprised of artists and researchers of color, whose role is to consult on the annual exhibitions and program calendars.

- d. For DCLA-funded institutions presenting any racist depictions, including ‘red face’ (Native American equivalent of ‘black face’) ‘yellow face’ or ‘black face’; or the use of Native American people as mascots, preserve funding **only on condition that they cease these activities**.
- e. In recognition of the continued exclusion of cultural workers and working artists of color at city-funded arts institutions, as well as the neglect of communities of color, documented in the 2016 Diversity Survey, **develop a plan to invest deeply in the already-existing POC-led cultural organizations**, preserving their body of accumulated knowledge, and expanding their career development and training programs, including languages other than English for multilingual employees.

10. **Develop a plan to document and support traditional cultural and artistic practices**, both originating in Native American Nations and around the globe, that are practiced by indigenous and small, marginalized, unknown groups of immigrant practitioners resident in NYC, with priority given to groups with significant legacies of neglect within mainstream repositories of history. Establish a dedicated fund to archive the work and practice of these groups, with digital and administrative support to make gathered materials available to the widest possible audience, not only academically credentialed researchers.

**Additionally we call on NYC Government to:**

11. **Provide equitable funding for Arts Ed in NYC schools through the DOE (in addition to DCLA funding), with particular attention to under-resourced schools. Develop a process for certification of more teaching artists from tribally-enrolled indigenous communities and from other non-western cultural traditions.** Develop funding for local arts and culture to be involved with schools in their area, particularly those located in neighborhoods with a high percentage of people of color, and who deliver services in languages other than English. NYC’s most important asset is its global character, and that should be intentionally cultivated as part of its competitive advantage. Develop significant funding streams for outside teaching artists, and for cultural org partners who also deliver services in languages other than English, in order to bring in more cultural self-representation to NYC schools. The goal must be to create “a multiplicity of canons” as the basis for Arts Education in NYC, as called for in the ACRE platform.

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## Public Revenue and Schedule of Increases

*The People’s Cultural Plan proposes a target of \$840M for the annual budget of the NYC Department of Cultural Affairs (DCLA), equivalent to 1% of the budget of the City of New York, based on the preliminary budget for Fiscal Year 2018 of \$84B.*

The proposed annual DCLA budget of **\$840M** is broken down into the following categories:

1. Maintenance of the existing budget for DCLA = **\$330M** (according to the DCLA figure advertised through CreateNYC)
  - a. expense budget of approximately **\$140M**
  - b. Capital budget as an estimate of **\$190M** as a slice of the 4-year capital budget which hovers around \$800M
2. Funding increases to achieve per capita funding equity across the city, which would also include raising the budgets of small orgs and holding large org budgets level (see #1 above) = **\$270M**



3. New direct funding streams for artists (see #3 above) = **\$100M**
4. Initiatives in support of POC artists & cultural workers, increases to accommodate stronger wage and artist fee standards for DCLA-funded organizations (see LABOR PLANK), and funding for language access = **\$140M**
5. Funding for the creation of Community Land Trusts (CLTs) on city-owned land for artists and cultural organizations (see HOUSING PLANK & FUNDING PLANK) = **reserving a portion of existing capital budget.**

### Schedule of Increases:

Because we understand that the \$510M annual funding increase proposed in the PCP (\$840M - \$330M = \$510M) is not likely to come all at once, we demand that all increases go first to the communities, artists, and organizations with the greatest need, before going to any already well-funded organizations and neighborhoods. We therefore propose these three tiers of budgetary increases, in priority order:

1. (a) Funding for LABOR PLANK directed to organizations with annual budgets under \$1M in the council districts receiving the smallest current DCLA allocations; (b) a portion of direct funding to artists; (c) a portion of the funding equity increase to the organizations with the greatest need in the most under-funded council districts, where not already reflected in 1(a); (d) the creation of POC initiatives; (e) the immediate allocation of a portion of all new Capital funding to CLTs.
2. (a) funding for the LABOR PLANK at organizations with annual budgets under \$7M; (b) completion of the direct funding proposal to artists; (c) completion of the funding equity proposal city-wide.
3. Funding for the LABOR PLANK & POC Initiatives at organizations with annual budgets over \$7M.

**Note:** ALL funded organizations, *regardless of size*, are required to meet the wage and fee standards set forth in the LABOR PLANK, immediately upon adoption of this plan. If they do not receive the funding increases necessary to cover additional expenses in Tiers 1 or 2, they must fund those expenses from their own privately-raised funding until such time as equity is reached in public funding citywide. ***Funding and initiatives that are intended to redress the history of discriminatory practices at major white-led institutions must be invested primarily in institutions led by and serving the communities that have been the victims of that discrimination – not invested in the offending institutions themselves. This includes funded internships and career training programs, which must be used to support institutions led by and serving people of color***

### City Revenue for \$510M funding increase to DCLA annual budget:

- OTHER SOCIAL SERVICES MUST BE KEPT WHOLE (e.g. healthcare, education (DOE), daycare centers, immigrant services, fire departments, libraries, transportation, etc.)
- Raising income taxes on NY households earning more than \$250,000
  - **We call on NY State Government to allow The City of New York to raise income taxes on its wealthiest residents.**
- Elimination or reduction of tax breaks for developers, including the elimination of the 421a tax break
- Hotel & luxury taxes
- Financial Transaction Taxes
- ***The PCP currently does not propose exact figures for these revenue increases***; see recommendations from the Creative NY report (2015), housing activists, etc.

**Additional note:** Private revenue to the cultural sector is HUGELY INEQUITABLE, even more so than public funding. The current PCP makes demands addressed to the public sector only. We recommend a future DEMOCRATIC, PEOPLE-LED effort to create policies for the private sector. Perhaps a “**People’s Cultural Plan, Part II: The Private Sector**”

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