

## **Sound Mind Collective Statement to Nightlife Advisory Board [SPOKEN STATEMENT]**

**Chris St. Hilaire**

*Wednesday, March 27 - 4:40pm*

*University Settlement at Houston Street Center - 273 Bowery, New York, NY 10002*

Good evening. My name is Chris St. Hilaire and I am here representing the Sound Mind Collective, or SMC, an organization of independent musicians and music business professionals founded in 2017. SMC aims to strengthen New York City's music community by cultivating meaningful connections with each other and with the greater community through education, advocacy, social justice and the arts. We are grateful to the Nightlife Advisory Board for the opportunity to present today.

SMC members are full-time artists, session players, DJs, composers, songwriters, managers, sound engineers, bookers, and promoters who have collectively worked more than 2,000 gigs in the past year. Our members' day to day creative and economic lives are bound up with this city's nightlife industry. We have navigated the terrain both individually and collectively, and look forward to working hand in hand with the Office of Nightlife. Together, we can strive to make living and working in this city more feasible for professional musicians and industry workers. Performing artists make up a necessary component of this city's vibrant nightlife while facing many unique challenges.

The challenges we see include, but are not limited to:

- A lack of affordable housing, rehearsal and work spaces
- Unfair contracts, and often a complete absence of contracts, leading to wage theft, withholding of wages, and overly restrictive radius clauses
- Stagnant performance wages in spite of increased costs of living
- Lopsided marketing expectations where the burden to draw patrons is almost solely on the artist
- An increasingly segregated local music landscape in which the economic barriers to entry work to sideline artists from marginalized communities, and
- Closing of many of the small venues local artists rely on to cultivate their following and earn a living

Although the challenges for the average professional musician are myriad, we believe that the number one issue facing musicians all across the city is fair compensation. While local artist communities represent more jobs than any other sector of the music industry, their wages rank lowest<sup>1</sup>. According to the 2019 Nightlife Economic Impact Study, 70 percent of artists and entertainers cited low wages as a challenge in their field, while 60 percent agreed that wage theft or withholding of wages was a major issue for them in their work<sup>2</sup>. These and other findings directly correspond with our experience and that of our peers.

On a personal note, I've spent over 15 years as a full-time musician in New York, playing as many as 200 shows a year - from Carnegie Hall and the Beacon Theater, to Governor's Ball and

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<sup>1</sup> Music In New York City: Economic Impacts, Trends and Opportunities (2017) p 16-17

<sup>2</sup> Nightlife Economic Impact Report (2019) p 57

Celebrate Brooklyn - yet I still qualify for Medicaid and have to supplement my income with sessions and tours outside of NYC to make ends meet.

As a community of self-starters, entrepreneurs and freelancers, we are sensitive to the pressures nightlife businesses feel as a result of high rents, heavy regulations, extensive permit processes and other operating expenses. In fact, one of our founding members owned and operated a music venue for over ten years.

However, the musical workforce that many venues rely on to promote their businesses need better protections and government support if New York is to remain home to world-class nightlife and musical innovation. To counteract the many challenges independent musicians face throughout the five boroughs, we propose the Fair Play NYC Initiative. This initiative would expand existing resources and programs, as well as establish new resources and programs for career development and financial success.

The Fair Play NYC Initiative would:

- Require plain language contracts between venues and musicians followed by transparent and timely settlements.
- Guarantee a minimum wage and door-split for shows
- Provide city-sponsored promotion for participating venues and artists<sup>3</sup>
- Commit venues to source programming from and for our local communities<sup>4</sup>
- Expand free and affordable rehearsal space models, such as Spaceworks, to sites in lower income neighborhoods
- Expand and promote existing City programs and incentives specifically to the music community, for example affordable health care<sup>5</sup> and discounted MetroCards
- Secure commitments to community-focused music programming and educational opportunities for underrepresented communities, in order to ensure a diverse and vibrant future for music in NYC, and
- Create a source for anonymous venue complaints regarding unfair settlements or inadequate working conditions (separate from 311).
- Disallow music venues from taking a cut of artist merch sales

Our proposal, radical though it may seem, reflects basic guarantees offered to workers in most other professional fields. We are doing our part to teach musicians to better advocate for themselves as professionals deserving of respect and most importantly a living wage, but we need the assistance of government to bring employers and other stakeholders to the table.

SMC is aware further data is necessary to inform more inclusive policy change. We have begun outreach to graduate programs at The New School and NYU to explore potential partnerships

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<sup>3</sup> LinkNYC kiosks, bus shelters, resources from NYC & Co, etc.

<sup>4</sup> This may look like booking a certain number of local acts per year

<sup>5</sup> MetroPlus

for the design and implementation of a study of NYC's independent music workforce, and we welcome the Advisory Board's support in this effort.

The Sound Mind Collective supports the Office of Nightlife's mission to promote a healthy and vibrant nightlife community, and we want to ensure that musicians voices remain central to these conversations. Thank you!