



New York City Mayor Bill Blasio signs legislation to repeal the Cabaret Law requiring small businesses to have a dancing license. | Edwin J. Torres/Mayoral Photography Office

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Cabaret Law repeal lets New York City dance – as long as you’re zoned for it

Bill de Blasio repeals Cabaret Law and lets New York City dance – as long as you’re zoned for it

By *DEREK EVERS (/author/derek-evers)* | NOVEMBER 29, 2017



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On Monday night, New York City Mayor Bill de Blasio made his third appearance on a Brooklyn stage in as many months. While one was for his re-election party, the other two were bill signings specifically designed to help give a boost to the local music economy. After signing a bill to establish the Office of Nightlife in September, de Blasio repealed the city's 91-year-old – and very contentious – Cabaret Law.

Originally enacted in 1926 during prohibition, the Cabaret Law required any businesses in the city that sells food and/or drink to obtain a cabaret license in order to host “musical entertainment, singing, dancing or other form of amusement.” While aimed at illegal speakeasies, the law was often used in discriminating fashion. From targeting largely African American jazz venues at its inception to requiring mid-century musicians to carry a “cabaret card” to Rudy Giuliani’s use of the law as part of his “broken windows” policing, the selective nature of its use has found plenty of opponents, which is why the law’s repeal was widely championed throughout the city.

But while proponents were celebrating the move, a look at the legal implications suggests there’s much further to go for the city that never sleeps to dance away its insomnia. Specifically, the zoning for any establishment that wants to host dancing and music still needs to be addressed, which is not lost on City Councilman Rafael Espinal, who was the key sponsor of legislation to establish an office of nightlife and repeal the Cabaret Law.

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(http://cityandstateny.com/articles/personality/interviews-and-profiles/rafael-espinal-how-to-become-night-mayor.html)

“Monday night was a historic event and the start of a new chapter for our city,” Espinal said in a statement. “We doubled down on our commitment that NYC is truly a sanctuary city, open to all people who want to live and express themselves. The city that never sleeps sent a signal that we are a place where people can conduct business, and now dance, without fear of the dance police.”

Espinal added that he is looking forward to working with the office of nightlife and advocates “to explore our city's archaic zoning code to see how we can build on this progress.”

Those “archaic” zoning laws have less to do with how long they’ve been on the books and more to do with a lack of clarity. While it’s been widely reported [_____ \(https://www.nytimes.com/2017/10/30/nyregion/new-york-cabaret-law-repeal.html\)](https://www.nytimes.com/2017/10/30/nyregion/new-york-cabaret-law-repeal.html) that only 97 out of the roughly 25,000 eating and drinking establishments in New York City had a cabaret license in 2017, unless the zoning changes, many of these establishments are still not permitted to allow dancing, even without any requirement to obtain a cabaret license, Derek Wolman, chairman of the restaurant and hospitality practice group at Davidoff Hutcher & Citron, wrote in an email to City & State.

New York City neighborhoods are zoned into three categories: residential, commercial and manufacturing. Within those zones are “use groups [_____ \(https://www1.nyc.gov/site/planning/zoning/districts-tools/use-groups.page\)](https://www1.nyc.gov/site/planning/zoning/districts-tools/use-groups.page)” that determine specifically where and how different businesses can operate within a zone. Making things difficult for proprietors who wish to hold music events is that they fall under “Use Group 12,” which spans both commercial and manufacturing.

Wolman broke it down in all of its complexity:

“Use Group 12 (eating or drinking establishment with entertainment and a capacity of more than 200 persons or establishments of any capacity with dancing) are permitted in C2 zoning districts (with Special Permit from the Board of Standards and Appeals), C3 zoning districts (with Special Permit from the Board of Standards and Appeals), C4 zoning districts (with Special Permit from the Board of Standards and Appeals) [permitted as of right or by special permit in C4 districts, depending upon location], C6 zoning districts

[permitted as of right in C6 districts with conditions], C7 zoning districts, C8 zoning districts, M1 zoning districts [permitted in M1-5A, M1-5B, M1-5M, and M1-6M districts only as provided by special permit under Zoning Resolution Section 73-244], M2 zoning districts and M3 zoning districts.”

The repeal also does little to ease the licensing process.

“The cabaret license did add an additional checklist item and timeline for operators to keep track of, but the information/documentation would be otherwise needed for the premises’ lawful operation,” Wolman wrote.

Even with a repeal of the Cabaret Law, New York City establishments wishing to host music performances and dancing still must hold the various other permits needed from, for example, the city’s health, buildings and fire departments, as well as the state liquor authority.

Which is to say, repealing a nearly century-old, prohibition-era law is merely the first step in creating an understandable playing field for New York City’s music industry.

But at least you don’t have to worry about getting a ticket for dancing.



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