

New Law Promotes Arts “Shared Use” Spaces

By: Gary M. Schuster, Esq.

In August, New York Governor Elliot Spitzer signed into law a new Section 3.15 of the New York Arts and Cultural Affairs Law. The law directs the New York State Council on the Arts (NYSCA) to develop and maintain a pilot grant program to help working artists secure “shared use” facilities. The law defines a “shared use facility” as “a space which provides an artist either studio, performance or gallery space in which to practice or display his or her art form, and living quarters that meet all applicable local and state housing ordinances and statutes.”

In other words, the law promotes what most people in the arts refer to as “live/work” spaces. The legislature invented a new phrase for it, “shared use facility,” which is not a very descriptive or helpful phrase. Even so, the new law is good news for artists and their communities.

The NYSCA grant money is to be used to cover the rent, or a portion of the rent, for a shared use facility. Each grant is to cover a 2-year period and is not to exceed \$12,000 for an individual artist. Do the math, and an individual artist could receive the equivalent of up to \$500 a month to help with rent for a shared use facility over a 2-year period. A limit of \$20,000 applies to “multiple artists” who enter into a cooperative agreement, and to arts organizations. The law states that “special consideration” is to be given to multiple artist arrangements, provided that each artist must fully use the shared use space for both art and living purposes. Arts organizations are expressly authorized to re-grant their grant money to individual or multiple artists.

No particular amount of money has been dedicated to this program. NYSCA is to determine the amount of money it devotes to these grants, from its own budget.

Significantly, this is only a pilot program which applies only to the following four cities: Kingston, New York, Rochester and Syracuse. Initially, artists living and working in these cities will be the only direct beneficiaries. The program is to expire on December 31, 2012. However, the law requires these pilot cities to measure the impact of the program annually. The implication is that if there are clear benefits, the program could be continued or expanded.

One impediment to broader application of the program is local zoning ordinances which generally do not permit commercial activity in residential buildings, or residing in commercial buildings. Many communities throughout the nation have mixed use zoning for artists, but it is still relatively rare and arts activists continue to push for it. Presumably, the four New York pilot cities have mixed use zoning. Peekskill, Beacon and Ellenville also have such zoning. Newburgh’s Arts and Cultural Commission has made a proposal on the issue to the city government, but no official action has yet been taken.

The new law should strengthen the hand of activists. Section 1 of the law states that “the legislature finds that communities having artists living, working and displaying their craft achieve

greater levels of sustainable growth and economic development. It is therefore determined to be in the best interest of the people of the state to enable artists to maintain residences, performance space and work space in our communities.” That legislative finding amounts to Albany's official stamp of approval of live/work spaces for artists, and more generally, an endorsement of the arts as a vehicle of economic development. Local governments should be confident that “shared use” zoning is neither novel nor risky, but a credible vehicle for community and economic development.

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