

Chairman Kenyan McDuffie  
DC Council Committee on Business and Economic Development  
1350 Pennsylvania Avenue NW, Suite 506  
Washington, DC 20004

February 23, 2022

CC: Councilmember Charles Allen, Councilmember Mary Cheh, Councilmember Vincent Gray,  
Councilmember Brooke Pinto

Dear Member of the DC Council's Committee on Business and Economic Development,

The National Independent Venue Association (NIVA) Sound Advisory Task Force supports DC's proposed Harmonious Living Legislation Amendment Act of 2021 and calls upon the Committee on Business and Economic Development to schedule a hearing on this time-sensitive proposed legislation. NIVA is a 501(c)(3) non-profit organization representing independent venues, promoters and festivals across the United States. NIVA was the driving force behind efforts to pass the bipartisan Save Our Stages Act, the legislation that produced the Shuttered Venues Operators Grant Program, which allocated \$16 billion in federal emergency relief to arts businesses of all kinds via the Small Business Administration. Arguably, the SVOG program was the single greatest bulwark against total collapse in the industry after the COVID-19 shutdowns.

NIVA's Sound Advisory Task Force was officially formed in the summer of 2021; it is composed of venues, sound experts and community leaders from more than two dozen states and cities currently working on "Agent of Change" legislation and the drafting of best practices around urban noise complaints.

The Harmonious Living legislation, introduced and supported by five Councilmembers in March of 2021, provides a productive pathway forward in DC's ongoing debate around public noise by employing the "Agent of Change" principle — the proposition that a business or person responsible for a changing a city's landscape must also be responsible for managing the impact of that change. As density, growth, and development surges in cities all around us, the Agent of Change principle places the burden of mitigating acoustic impact on the developers — NOT the street performers and entertainment performance venues toiling to provide for themselves and keep their city's streets culturally vibrant.

Conflict between new development and music/cultural spaces is an issue cities have been grappling with for decades. Unfortunately, the resolution of these conflicts almost always end in the developer having their way, forcing the closure or relocation of the cultural space. The resulting loss of venues and performance spaces means fewer performance and employment opportunities for those in the local music industry, which leads to the inevitable displacement of those communities altogether. Ironically, it is the music venues that often make these neighborhoods, which were once old commercial districts,

more inviting to city residents and therefore more appealing to developers. A recent study showed that every dollar spent at a local venue generates \$12 in local spending. These economic anchors of our communities take years to establish the very neighborhoods that are now creating an uncertain future for the venues and events that helped establish them.

The Harmonious Living Legislation Amendment Act of 2021 is a one-of-a-kind legislation that includes a series of proposals tailored to fit the specific needs of a thriving, diverse, creative District. It stipulates that developers be required to build to higher acoustic standards in entertainment districts; that venues and existing property owners will be eligible for funding or tax incentives to retrofit their properties with acoustic upgrades; that new renters and owners will be provided with disclosures informing them of the nature of the neighborhood they are moving into. Additionally, the legislation will prompt a survey to explore what resources street performers could be provided in order to avoid future conflict over noise complaints, ensuring harmony with DC's older and newer residents alike.

We sincerely hope the committee will consider the timeliness and critical need for the preservation of Washington DC's music and cultural spaces, and will bring this legislation to a hearing in the next couple weeks.

Sincerely,

Christopher Naoum (Listen Local First DC) & Andy Thomas (Levitt Pavilion Denver)

Co-Chairs Sound Advisory Task Force  
National Independent Venue Association