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##### **THE COUNCIL OF THE CITY OF NEW YORK**

##### **BRIEFING PAPER AND COMMITTEE REPORT OF THE**

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**COMMITTEE ON TECHNOLOGY**

*Hon. Robert Holden, Chairperson*

**COMMITTEE ON SMALL BUSINESS**

*Hon. Mark Gjonaj, Chair*

**November 22, 2021**

**Oversight:**  Film Industry and its Impact on Quality of Life

1. **Introduction**

On November 22, 2021 the Committee on Technology, chaired by Council Member Robert Holden, joint with the Committee on Small Business, chaired by Council Member Mark Gjonaj, will hold a hearing on the *Film Industry and its Impact on Quality of Life*.

The Committees have invited to testify representatives from the Mayor’s Office of Media and Entertainment (“MOME”), advocacy groups, film industry members, chambers of commerce, Business Improvement Districts (“BIDs”), and other interested members of the public.

1. **Background**

New York City (NYC or the City) is widely considered the media capital of the world, being home to some of America’s largest newspapers, television networks, radio stations, and providing the backdrop for some of the world’s largest film productions.[[1]](#footnote-1) In particular, the film industry in New York City has long been growing, with a peak number of productions taking place in 2019 and growing steadily again in 2021 after a drop due to COVID-19 in 2020.[[2]](#footnote-2) Additionally, the advent of streaming services during the pandemic saw the number of global streaming subscriptions surpass one billion.[[3]](#footnote-3) Consequently, the rise in streaming service revenue and demand has also led to an overall increase in the number and amount of film productions and film industry investment taking place in the City; companies like Netflix, Amazon, and Apple have sought to secure real estate space in the city for soundstages and other film production operations.[[4]](#footnote-4)

* 1. **The Mayor’s Office of Media and Entertainment**

Created in 1966, the New York City Mayor’s Office of Media and Entertainment (“MOME”) is comprised of four divisions: the Office of Film, Theatre and Broadcasting (“OFTB”) coordinates all film and television production within the City ; NYC Media, the nation’s largest municipal television and radio broadcasting entity; a division focused on workforce and educational initiatives; and the Office of Nightlife, which serves to support the sustainable development of NYC’s night-time economy.[[5]](#footnote-5)

MOME serves as the primary liaison between the City and the film industry, and coordinates with the film industry primarily through film permitting, which it handles through the OFTB.[[6]](#footnote-6) Not all filming in the city requires a permit. Smaller productions with handheld camera equipment generally do not need a permit, but larger productions which tend to have more complex operations have to obtain a film permit with a $300 non-refundable application fee, a fee that has remained unchanged for a decade.[[7]](#footnote-7) The film permitting system requires producers to seek a permit from OFTB to ensure proper documentation of all filming activity and to secure production sets by requiring liability insurance for all productions taking place in the five boroughs.[[8]](#footnote-8) Other municipalities have their own film permitting systems and requirements; Los Angeles, for example, has a series of fees related to film permits and other relevant operations, with their main fee being $795 for a film permit that is good for up to 10 locations in Los Angeles.[[9]](#footnote-9)

The pandemic forced film productions to close for a few months, and MOME issued a series of 11 directives from March to December of 2020 that contained guidance on filming in New York City, with Directive Nos. 1-5 halting film production and permitting in NYC.[[10]](#footnote-10) The Mayoral Administration allowed film permitting to resume with heavy restrictions after June 2020, and Directive Nos. 6-11 outlined the restrictions required for filming.[[11]](#footnote-11) These restrictions were in accordance with State regulations and included measures such as limiting crew size, mandating face coverings, and social distancing requirements.[[12]](#footnote-12)

On July 7, 2021, the Commissioner of MOME issued Directive No. 12 concerning the Coronavirus, in which it repealed all previous directives that placed certain rules and restrictions on film productions to uphold State and City COVID-19 safety guidelines.[[13]](#footnote-13) However, on October 29, 2021, the MOME Commissioner clarified that film permit recipients must follow State regulations on face coverings and social distancing, as well as implement an “Airborne Infectious Disease Prevention Plan,” which is also part of State regulations.[[14]](#footnote-14)

* 1. **Film Permitting in NYC**

The process for obtaining a permit to film in NYC is outlined on MOME’s website as three steps: first, assessing the need for a permit; second, applying for a permit; and third, notifying the neighborhood.[[15]](#footnote-15) Permits for filming are necessary, for example, when productions need more professional equipment, assert exclusive use of City property, use props, or request parking privileges.[[16]](#footnote-16) Next, when applying for a permit, productions must agree to abide by MOME’s code of conduct, as well as have officers from the New York Police Department’s (“NYPD’s”) Movie & TV unit on site for supervision.[[17]](#footnote-17)

According to NYC’s Open Data portal, MOME issued a total of 14,390 permits from January 1, 2019 to November 18, 2021.[[18]](#footnote-18) The table below details the breakdown of film permits issued by borough, per year:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Borough/Year** | **2019** | **2020** | **2021** | **Total 2019-2021** |
| **Manhattan** | 3,888 | 994 | 1,239 | 6,121 |
| **Brooklyn** | 2,600 | 851 | 1,312 | 4,763 |
| **Queens** | 1,485 | 519 | 669 | 2,673 |
| **The Bronx** | 274 | 135 | 209 | 618 |
| **Staten Island** | 177 | 14 | 24 | 215 |
| **TOTAL** | **8,424** | **2,513** | **3,453** | **14,390** |

*This is a 5x6 table, with the columns detailing the years 2019, 2020, and 2021, as well as total permits from 2019-2021; and the rows detailing the boroughs Manhattan, Brooklyn, Queens, the Bronx, and Staten Island; the numbers indicate the total number of film permits issued in each borough per year, as well as the total number of permits for the 2019-2021 time period.[[19]](#footnote-19)*

Manhattan and Brooklyn are consistently the two most filmed boroughs, followed by, in descending order, Queens, the Bronx, and Staten Island. As indicated previously, 2019 saw a record number of productions filming in NYC, with 2020 representing a downturn due to the COVID-19 pandemic, and 2021 indicating an increase of film permits issued in response to lifted pandemic restrictions.[[20]](#footnote-20)

* 1. **MOME Programs for Film Industry Development in NYC**

MOME has several initiatives that focus on professional development, networking, and support within the film and television industry in NYC.[[21]](#footnote-21) These include a number of specialized programs aimed at supporting the film and television industry workforce, such as: Made in NY Marketing, Made in NY Campus, Made in NY PA Training, Made in NY Postproduction Training, Made in NY Writers Room, Made in NY Career Panels, NYC Women’s Fund for Media, Music, and Theater, NYC Film Green, MOME Finance Lab, Women’s Screenwriting Contest, Movies Under the Stars, Sponsorships of film festivals, and the Animation Project.[[22]](#footnote-22)

The Women’s Fund for Media, Music & Theatre provides up to $50,000 in finishing grants for media projects about and by women; Broadway in the Boros, which hosts Broadway musical performances in NYC’s outer boroughs; and Made in NY, MOME’s titular development and marketing credit program.[[23]](#footnote-23) Made in NY is an incentive program created within MOME in 2005 that offers marketing credits to productions that reach certain filming and spending requirements in New York City, with several tiers available.[[24]](#footnote-24) Beyond marketing credits, the Made in NY program also sponsors several programs that work on training and engaging local residents to grow the entertainment workforce and strengthen and develop the local film industry.[[25]](#footnote-25) These programs include the Made in NY Production Assistant Training Program, Post-Production Training Program, Animation Project, and Career Panels.[[26]](#footnote-26) Information on these programs and their applications are accessible via MOME’s agency website.[[27]](#footnote-27)

1. **Economic Impact of the Film Industry in NYC**

MOME classifies the film industry into seven sectors: motion picture and video production; talent; subscription programming; television broadcasting; advertising and media buying; postproduction and other services; and distribution and consumption.[[28]](#footnote-28) These seven sectors are an essential part of New York City’s economy, having economic impact on diverse levels, ranging from directly employing workers to dealing with local businesses for production needs.[[29]](#footnote-29) Galvanized by the New York State Film Tax Credit Program which includes a 25% production State tax credit which allows studios to utilize up to $420 million per year, production studios were filming over 80 episodic television series and 300 feature films in NYC in 2019, a record number.[[30]](#footnote-30) In addition to the tax credit, New York City has seen heavy public and private investment in renovating existing and building new studio spaces, as well as a strong ecosystem of local labor which provides the largest concentration of talent outside of Los Angeles.[[31]](#footnote-31) This has resulted in a significant economic boon for NYC that reached record levels before the COVID-19 pandemic and is now a significant part of the city’s economic recovery.[[32]](#footnote-32)

* 1. **Pre-Pandemic Impact**

The film industry and its productions made up a significant portion of New York City’s economy before the COVID-19 pandemic, providing thousands of jobs and billions of dollars as a result of direct, indirect, and induced economic impact.[[33]](#footnote-33) In the context of the film industry, direct impact includes jobs, wages, and other output within the core film and television industry; indirect impact includes the economic output supported by transactions between film industry and non-film and TV businesses; and induced impact comes from the economic output resulting from wages spent in NYC by those making up these direct and indirect economic impacts.[[34]](#footnote-34) According to a 2021 Economic Impact Study from MOME, in 2019 the film and television industry in NYC had an approximate total economic impact of 185,000 jobs, $18.1 billion in total wages, and $81.6 billion in total economic output.[[35]](#footnote-35) This was an all-time high for NYC’s film and television industry and represented a peak for an industry that had been showing steady growth since 2001.[[36]](#footnote-36)

* 1. **Post-Pandemic Impact**

After the majority of pandemic restrictions were lifted in the summer of 2021, the film industry dramatically increased its activity, continuing a trend from when the City and State started phasing in the resumption of business operations back in the summer and fall of 2020.[[37]](#footnote-37) Film industry production is now assessed as being at or close to pre-pandemic levels, with close to 40 productions actively underway by the end of 2021.[[38]](#footnote-38) Film industry studios also have an increased presence in the City, as several studios have opened in recent years, with more studios, like Netflix’s new Brooklyn production facility, slated for future construction.[[39]](#footnote-39) Additionally, companies like Apple and Lionsgate have signed leases for new production spaces, while existing studios like Steiner Studios, Kaufman Astoria Studios, and Broadway Stages have announced expansions to their existing production space.[[40]](#footnote-40) According to a Deloitte case study on film production in a post-pandemic New York City, demand for studio space is forecasted to exceed supply through at least 2024.[[41]](#footnote-41) While this upward trajectory in film industry activity is undoubtedly a boon for a recovering NYC economy, these productions also impact the local communities where they operate.

1. **Effects of Film Industry Operations on Quality of Life in NYC**

Film and television production as well as general film industry operations are a vital part of New York City’s economy, especially as the City’s economy continues to recover from the financial impact of COVID-19.[[42]](#footnote-42) With a record number of 80 episodic television series being filmed in NYC in 2019, and with a recovering film industry already reaching pre-pandemic levels of activity, the film industry’s impact on the quality of life of New York City residents and small businesses remains a significant interest.[[43]](#footnote-43)

* 1. **Impact on General Welfare**

Film sets have had issues with disrupting local communities in NYC, as the nature of the City’s density and the inherent intrusiveness of the film production process can create unfavorable circumstances for local residents. To combat these issues, MOME has a code of conduct that productions are obligated to follow as part of the film permitting process, and which must be distributed to all working members on a film set.[[44]](#footnote-44) The MOME code of conduct has distinct sections outlining how a production must act regarding notifying a community, parking and vehicles, general safety, and community relations, and includes directions like ensuring a location is clean after filming and ensuring a safe flow of traffic.[[45]](#footnote-45) On its website, MOME states that “[y]ou will definitely be able to access your home, work and local business” when a production is filming in a neighborhood, acknowledging that “[o]ccasionally, you may be asked to pause a few minutes during a scene.”[[46]](#footnote-46) However, inconsistent adherence to procedures outlined by MOME’s code of conduct as well as a lack of enforcement have been cited as recurring issues with film sets in the city’s neighborhoods.[[47]](#footnote-47) Residents have also complained about neighbors renting out their apartments for film shoots, and found little recourse when trying to bring up quality of life issues with the City.[[48]](#footnote-48) In addition, while MOME recommends calling production managers, its own designated hotline, or the NYPD’s Film and TV unit for issues stemming from a film set, residents have stated that calling these numbers lead to dead ends, with nobody receiving or following up on their complaints.[[49]](#footnote-49)

In a September 26, 2019 hearing held by the Committees on Technology and Small Business on the expansion of the film industry in NYC, several City residents submitted testimony detailing the issues they faced regarding film set productions in their neighborhoods.[[50]](#footnote-50) Some residents mentioned that productions extend their operations beyond what they have been permitted, taking over more parking spaces than what is allowed and blocking people and vehicles from accessing their streets.[[51]](#footnote-51) Another common complaint was an absence of communication, with some residents noting a lack of proper notice regarding filming in their community and wishing for more transparency on when filming would occur in their neighborhoods.[[52]](#footnote-52) One resident in particular mentioned how despite being supportive of production in their community, the safety risks posed by productions in their neighborhood has become too dangerous to ignore.[[53]](#footnote-53) Other residents mentioned a lack of proper oversight and enforcement of film sets, stating MOME lacks the ability to effectively manage and enforce their own rules.[[54]](#footnote-54) Residents have not been the only ones impacted by filming in NYC, as small businesses have also been impacted by productions in their vicinities.

* 1. **Impact on Small Businesses**

Large film shoots can be disruptive to the daily operations of small business owners. In an interview with CBS New York, Joe DiGangi, owner of Mario’s Meats & Deli, commented, “Deliverers can’t come, people can’t come in, we are losing business. More and more business every day.”[[55]](#footnote-55) Clay Cunningham, owner of Spin Ceramics notes that small businesses “rely on folk just happening to walk by and see our beautiful store. Either the city or the film producers need to compensate us for that loss [of revenue from film shoots].”[[56]](#footnote-56) Michael McCabe, executive chef at Brooklyn Heights Wine Bar and Kitchen, stated in an interview with the *Brooklyn Daily Eagle*, “Unfortunately, it has a slight negative effect on our business. You have all the sets, the lighting and they close down the streets.”[[57]](#footnote-57) As people walking down the street that enter small businesses are a major source of revenue for small businesses, film trucks that obstruct the visibility of small businesses or prohibit residents from walking down the street negatively impact small business profits.[[58]](#footnote-58) These issues, which were covered during a joint Committee on Small Business and Committee on Technology hearing on September 26, 2019, have continued during the pandemic era. Chris McCormack, the head concierge for the Crosby Street Hotel, noted that recent film shoots, which shut down entire city streets for days at a time, can cause local companies to suffer.[[59]](#footnote-59)

While film shoots may benefit the local community by serving catered meals and snacks from small businesses, craft services can come from outside the neighborhood.[[60]](#footnote-60) George Chamoun, owner of Monty Q’s pizza at 158 Montague St. in Brooklyn, similarly explained “[T]hey bring their own foods. The guys working here, they’re not eating on Montague Street, that’s number one…Plus, the customers pull up, there’s no place to park.”[[61]](#footnote-61)

At the same time, film productions in NYC that patronize local businesses can be a major boost to the local small business economy. At the 2019 joint Technology and Small Business Committee hearing, small businesses testified that local film shoots help keep them in business. One business owner testified that they “need even more [staff] because of how busy we are working in this wonderful dynamic industry.”[[62]](#footnote-62) Another business owner testified that they were able to grow their restaurant due to the support from Steiner Studios.[[63]](#footnote-63)

1. **Lack of Data**

The NYC 311 Open Data portal catalogues all service requests received by NYC 311.[[64]](#footnote-64) These service requests include complaints related to a film or television production in NYC, with the ability to report issues pertaining to a production set, such as generator noise, bright film lights, filming without a permit, trailers blocking sidewalks, litter from the set, or not following industry reopening guidelines.[[65]](#footnote-65) However, there are no apparent datasets on film and TV production related complaints to 311, as well as no descriptor or category within the NYC 311 Service Request dataset for film and TV productions.[[66]](#footnote-66) Instead, complaints from film and TV productions are grouped under more general categories such as noise and blocked sidewalks, with the NYPD being the agency categorized as responsible for these complaints.[[67]](#footnote-67) When prompted about this lack of clarity regarding film and tv complaint data in a previous oversight hearing on film industry expansion in 2019, MOME stated that they do receive calls from 311, and that they are aware of who “the bad players are”.[[68]](#footnote-68) However, obtaining a clear picture as to the number of complaints stemming from film production operations is difficult, as the absence of clear data categorization is also accompanied by a disclaimer from NYC 311 which states that the dataset does not represent a full picture of 311 calls or service requests in part because of complexities arising from unique work circumstances and unprecedented call volume from the COVID-19 pandemic.[[69]](#footnote-69)

1. **Conclusion**

The film and television industry is an inseparable aspect of New York City, providing significant economic and cultural value to both the City and the world. Given the importance of the film industry in New York City, especially in its rebounding economy, the Council looks to achieve an improved understanding of the relationship between the film industry, the local communities in which they film, and small businesses related to and impacted by the film industry. The Council awaits testimony from MOME on these issues, and also looks forward to testimony from industry members, advocates, and small business representatives.

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