Committee on Technology

 Irene Byhovsky, Counsel

Charles Kim, Legislative Policy Analyst
Sebastian Bacchi, Finance Analyst

Committee on Small Business

 Stephanie Jones, Counsel

 Noah Meixler, Legislative Policy Analyst

Aliya Ali, Finance Analyst

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

# **COMMITTEE REPORT OF the Infrastructure Division AND THE GOVERNMENTAL AFFAIRS Division**

*Jeffrey Baker, Legislative Director*

*Terzah Nasser, Deputy Director, Infrastructure*

*Rachel Cordero, Deputy Director, Governmental Affairs*

**COMMITTEE ON TECHNOLOGY**

Hon. Robert Holden, Chair

**COMMITTEE ON SMALL BUSINESS**

Hon. Mark Gjonaj, Chair

##### September 26, 2019

**Oversight:** **Film Industry Expansion and its Impact**

**INT. NO. 158:** By Council Member Levin

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to updating the fees for permits to film on city property

**ADMINISTRATIVE CODE:** Amends § 22-205

**INT. NO. 937:** By Council Members Eugene, Holden, and Yeger

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to requiring film companies to provide residents with at least 72 hours’ notice when film shoots will disrupt parking

**ADMINISTRATIVE CODE:** Adds § 22-1201

**INT. NO. 1495:** By Council Members Barron, Adams, Cumbo, Ampry-Samuel, Yeger, and Brannan

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to creating a local community and media bill of rights addressing the issues that communities face during film and television production

**ADMINISTRATIVE CODE:** Adds §22-1201

**INT. NO. 1515:** By Council Members Barron, Adams, Brannan, and Cumbo

**TITLE:** A Local Law in relation to requiring a task force to review and consider impacts and benefits from the film and television production industry

**INT. NO. 1700:** By Council Members Holden, Ulrich, Constantinides, Rivera, Brannan, Vallone, and Koslowitz

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to a 14-day notification requirement for movie-making, telecasting and photography permit applications when special parking requests are required

**ADMINISTRATIVE CODE:** Amends § 22-205

**INT. NO. 1722:** By Council Member Holden

**TITLE:** A Local Law the administrative code of the city of New York in relation to requiring that certain applicants for film and television production permits pay a fee of $800 and providing that such permits expire 30 days after the date of issue

**ADMINISTRATIVE CODE:** Amends § 22-205

1. **INTRODUCTION**

On September 26, 2019, the Committee on Technology, chaired by Council Member Robert Holden, and the Committee on Small Business, chaired by Council Member Mark Gjonaj, will hold a joint oversight hearing on the expansion and economic impact of the film and television industries on New York City and the following bills: (1) Int. No. 158, in relation to updating the fees for permits to film on city property; (2) Int. No. 937, in relation to requiring film companies to provide residents with at least 72 hours’ notice when film shoots will disrupt parking; (3) Int. No. 1495, in relation to creating a local community and media bill of rights addressing the issues that communities face during film and television production; (4) Int. No. 1515, in relation to requiring a task force to review and consider impacts and benefits from the film and television production industry; (5) Int. No. 1700, in relation to a 14-day notification requirement for movie-making, telecasting and photography permit applications when special parking requests are required; and (6) Int. No. 1722, in in relation to requiring that certain applicants for film and television production permits pay a fee of $800 and providing that such permits expire 30 days after the date of issue.

Those invited to testify include representatives from the Mayor’s Office of Media and Entertainment (“MOME”) and the Department of Small Business Services (“SBS”), associations and unions representing the film industry, Business Improvement Districts (“BIDs”), chambers of commerce, and other community-based non-profit organizations.

1. **BACKGROUND**
2. **Expansion of the Film and Television Industries in New York City**

New York City is a major hotspot for media and entertainment production. As a center of literature and journalism, NYC hosts morning and evening talk shows, a flourishing independent movie scene, and the largest concentration of documentary film production in the United States.[[1]](#footnote-1) New York City’s iconic skyline and diversity of locations make it an attractive location for film and television shoots.[[2]](#footnote-2) For the last several years, mainstream film and television productions have also expanded in the city.[[3]](#footnote-3) The number of movies filmed in the city has been growing steadily.[[4]](#footnote-4) For example, in 2012, 162 movies were filmed in New York City; in 2018, that number rose to over 330.[[5]](#footnote-5) The number of episodic television series filmed in New York City has also continued to grow. In 2016, MOME announced a record-breaking 52 episodic television series were filmed in New York City during the 2015-2016 television season, an increase of 15% over last season’s record year.[[6]](#footnote-6) MOME indicated that 67 television shows[[7]](#footnote-7) were filmed in NYC during the 2018-2019 television season, a new NYC record.[[8]](#footnote-8) The rise in the popularity of streaming services, like Netflix, Amazon, and Hulu has increased the demand for new content and stimulated a surge in television production in NYC.[[9]](#footnote-9)

While the City is home to approximately 118 different production studios and stages,[[10]](#footnote-10) production studios and stage infrastructure have grown to accommodate the rise of film and television content.[[11]](#footnote-11) Steiner Studios in Brooklyn began with five sound stages and one movie in production, and now has 30 stages[[12]](#footnote-12) with a back lot to accommodate multiple shows and movies filming simultaneously.[[13]](#footnote-13) Silvercup Studios in Queens recently added two new production outposts, including a production hub in the Bronx.[[14]](#footnote-14) York Studios in Queens established a new Bronx campus in June of 2017.[[15]](#footnote-15) Empire State Development and Broadway Stages closed a deal in August of 2017 to transform Staten Island’s Arthur Kill Correctional Facility into a production hub, creating over 1,300 film-related jobs and 300 construction jobs.[[16]](#footnote-16) Production studio Kaufman Astoria Studios expanded their operations, as did post-production and visual effects studios Deluxe, Phosphene, Molecule, and Technicolor.[[17]](#footnote-17) Netflix is also seeking to expand their production space in NYC, as they plan on spending up to $100 million to build a production hub and six sound stages in Brooklyn,[[18]](#footnote-18) as well as a new corporate office in Manhattan.[[19]](#footnote-19) Wildflower Studios is also set to construct a $400 million dollar, 600,000 square-foot facility in Astoria, Queens.[[20]](#footnote-20)

Further, the New York City Economic Development Corporation (“EDC”) and MOME have also issued a request for proposals to establish a film and television production campus at Bush Terminal in Sunset Park.[[21]](#footnote-21) The City is investing $136 million to transform Bush Terminal into a center for media production, and the hub is expected to add 1,500 film-related jobs starting in 2020.[[22]](#footnote-22)

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

The Mayor’s Office of Media and Entertainment (“MOME”), created in 1966, serves as a liaison between the film industry and New York City (NYC) government. MOME encompasses the Mayor’s Office of Film, Theatre and Broadcasting (“MOFTB”) and NYC Media.

MOFTB was created to consolidate the permits producers were required to seek an order to film in New York City from multiple permits into one.[[23]](#footnote-23) Under the current system, producers are required to seek a permit from MOFTB if equipment will be used, if production vehicles will need parking privileges, if exclusive use of City property will be required, if stunts will be performed on set, and if prop weapons, prop vehicles, or actors in police uniform will be used.[[24]](#footnote-24) Such permits have a $300 application fee and an insurance requirement (which can be waived for those who demonstrate unreasonable hardship).[[25]](#footnote-25) These permits also provide productions with free police assistance, free parking privileges and access to most exterior locations, including City parks, without charge, although some locations may require additional permission from controlling entities.[[26]](#footnote-26)

In addition to issuing permits, MOFTB is charged with promoting New York City as a production center. As such, MOFTB hosts a variety of trainings, offers cooperative marketing programs, and assists productions in locating spaces for rehearsals and filming.

1. **City Agency Services for Film Industry**

“Made in NY” is an incentive program created within MOME in 2005, founded with the purpose of boosting film and television business in the City by offering marketing credits to qualifying productions.[[27]](#footnote-27) Productions that spend at least $400,000 and either shoot 75% of their total shooting days in New York City or incur 75% of total below-the-line production costs, including pre- and post-production costs, in New York City, will qualify for varying tiers of marketing credits from MOME. MOME will then advertise the production according to how much investment the production made in New York City.[[28]](#footnote-28) For example, the tier with the lowest investment requirements, tier 3, mandates a below-the-line budget of between $400,000 and $5 million, as a minimum. Qualifying for that tier can earn participants a four-week advertising run on up to 20 bus shelters and up to 250 subway cards.[[29]](#footnote-29) Program participants are required to co-brand all MOME-funded media with the “Made in NY” logo, as well as make a contribution to either a cultural institution approved by the New York City Department of Cultural Affairs or a community organization approved through participatory budgeting in New York City.[[30]](#footnote-30)

Since its founding, “Made in NY” has expanded to become a brand that encompasses media, entertainment, technology, and fashion industries, and allows for the coordination between MOME, nonprofits, and industry associations to create programs with positive impacts on these industries in New York City.[[31]](#footnote-31) In the film and television area, these programs include: (a) “Made in NY” Production Assistant Training Program, (b) “Made in NY” Post-Production Training Program, (c) “Made in NY” Writers’ Room Fellowship, (d) “Made in NY” Animation Project, (e) “Made in NY” Women’s Film, TV & Theatre Fund, (f) “Made in NY” Talks Series, and (g) “Made in NY” Discount Card Program.

1. **“Made in NY” Production Assistant Training Program**

The “Made in NY” Production Assistant Training Program was established in 2006 by the Department of Small Business Services (“SBS”), MOFTB, NYC Media, 40 Acres and a Mule, and Brooklyn Workforce Innovations (“BWI”).[[32]](#footnote-32) This free program targets unemployed and low-income NYC residents and provides training for entry-level positions in film production as well as access to employers in NYC’s production industry.[[33]](#footnote-33) The nonprofit BWI administers the program and provides free hiring services to employers looking to hire program graduates for production assistant positions in NYC.[[34]](#footnote-34)

1. **“Made in NY” Post-Production Training Program**

The “Made in NY” Post-Production Training Program was launched in 2017,[[35]](#footnote-35) and provides unemployed and underemployed New Yorkers with the training and connections to gain employment within the post-production industry.[[36]](#footnote-36) Participants learn to use industry-standard post-production software and have access to two years of career guidance after completing the course.[[37]](#footnote-37) BWI administers the free five-week full-time program in conjunction with MOME and SBS and, similar to their Production Assistant Training Program, connects employers with program graduates.[[38]](#footnote-38)

1. **“Made in NY” Writers Room Fellowship**

Established in 2016, the “Made in NY” Writers Room Fellowship is a program designed to help aspiring television writers with diverse backgrounds gain a foothold in the entertainment industry.[[39]](#footnote-39) Fellows chosen through the rigorous selection process receive a stipend to attend a six-month intensive training program helmed by professionals well-established in the television industry.[[40]](#footnote-40) Writers Guild America East Executive Director Lowell Peterson created the program in conjunction with MOME and SBS to establish a diverse pipeline of NYC-based television writers and shows written in the city.[[41]](#footnote-41)

1. **“Made in NY” Animation Project**

The “Made in NY” Animation Project was created in 2018,[[42]](#footnote-42) and it provides 3D animation classes to at-risk youth across NYC and introduces young animators to paid internships and certification opportunities.[[43]](#footnote-43) The program is a collaborative effort between MOME, The Animation Project, Autodesk, and the Neighborhood Opportunity Network (NeON).[[44]](#footnote-44) Classes teach youth how to use state-of-the-art animation software, and occur on a weekly basis at participating public schools and NeON Centers across the city.[[45]](#footnote-45)

1. **“Made in NY” Women’s Film, TV & Theatre Fund**

The “Made in NY” Women’s Film, TV & Theatre Fund[[46]](#footnote-46) is an initiative started in 2019 by MOME and administered by the New York Foundation for the Arts for the purpose of promoting women’s voices in film, television, and theatre.[[47]](#footnote-47) Established as a $5 million three-year program, $1.9 million has already been awarded to the first round of recipients in early 2019.[[48]](#footnote-48) Program participants are selected through an intensive application process, and the winners receive funding for their productions to make and complete projects that are “by, for, or about all who identify as women.”[[49]](#footnote-49)

1. **“Made in NY” Talks Series**

The “Made in NY” Talks Series was established by MOME in 2013 and presents a variety of free talks and public events on the topics of career development, networking, training, and recruitment.[[50]](#footnote-50) MOME hosts panel discussions by media industry experts and professionals, who provide insight on their fields. Videos of the panel discussions can be found on the “Made in NY” Talks webpage.[[51]](#footnote-51)

1. **“Made in NY” Discount Card Program**

The “Made in NY” Discount Card Program is a service administered by MOFTB, and gives cardholders special offers and discounts with vendors participating in the Discount Card Program.[[52]](#footnote-52) Film, television, and theatre productions that have a valid permit and/or insurance on file with MOFTB are eligible to apply for a “Made in NY” Discount Card, with the card itself expiring at the conclusion of the project’s New York production schedule.[[53]](#footnote-53) A directory of participating vendors can be found on the “Made in NY” Discount Card Program customer webpage,[[54]](#footnote-54) while applications for vendors can be found on the general Discount Card program webpage.[[55]](#footnote-55)

1. **ECONOMICIMPACT OF FILM AND TELEVISION PRODUCTION ON NYC**
2. **New York State Incentives**

The New York State Film Production Tax Credit has played a central role in the growth of film and television productions in New York City. The program was created to increase film and television production and post-production in New York State, with the goal of strengthening the State’s economy.[[56]](#footnote-56) The program offers substantial tax credit incentives to qualifying production companies that produce feature films, television series, television pilots and films for television, and for the post-production costs related to these productions.[[57]](#footnote-57) Empire State Development (“ESD”) manages the Film Production Tax Credit Program. When ESD started issuing the tax incentives, it refunded 10% of a film production’s qualified, taxable, below-the-line (“BTL”) expenses and capped the refund at $25 million.[[58]](#footnote-58) BTL expenses are generally those spent on everything but creative talent (writers, producers, directors, actors), such as lighting, transportation, and crew.[[59]](#footnote-59) State legislation in 2008 increased the refund to 30%[[60]](#footnote-60) and in 2010 increased the cap to $85 million.[[61]](#footnote-61) New York State recently extended the program for the period of 2020-2022.[[62]](#footnote-62)

In 2013, ESD extended the program,[[63]](#footnote-63) and required a third party to conduct an economic impact study and analyze the efficiency of the credit on a biennial basis.[[64]](#footnote-64) Camoin Associates, an economic development consulting firm, was commissioned by the State to review the program for the 2017-2018 period. Camoin Associates found in their 2017-2018 study that credit-eligible projects reported spending over $7.8 billion in state spending in production tax credit applications.[[65]](#footnote-65) Nearly 90% of the $7.8 billion was spent in New York City (see Figure 1, pg 13).[[66]](#footnote-66)

Figure 1

Source: Camoin Associates “Economic Impact of the Film Industry in New York State” 2017-2018 Study

The $7.02 billion spent in New York City by credit-eligible projects only includes direct spending. Direct spending refers to spending by credit-eligible projects on labor, equipment, construction, lodging, food, transportation, and other expenses that directly relate to their productions.[[67]](#footnote-67) An additional $5.02 billion was spent through indirect spending.[[68]](#footnote-68) Indirect spending refers to the businesses supplying products to film producers making purchases from second-tier suppliers, the second-tier suppliers making purchases from third-tier suppliers, and so on throughout the production chain.[[69]](#footnote-69) Accordingly, Camoin Associates found that film producers qualifying for the production credit spent over $12.05 billion in direct and indirect spending in New York City.[[70]](#footnote-70) In comparison, a Camoin Associates report from 2015-2016 found that film producers qualifying for the production credit spent around $10 billion in direct and indirect spending in the City.[[71]](#footnote-71) In total, film and television productions spent over $2 billion more in 2017-2017 than they did in 2015-2016.

1. **Impact on Job Creation within the City of New York**

The rise in production spending in the City has led to increased employment opportunities for New Yorkers. The 2017-2018 Camoin Associates report found that the $7.02 billion spent by production studios in New York City created nearly 61,000 jobs in New York City. Around 35,000 of these jobs related directly to the film industry and 26,000 jobs indirectly related to film production (see Figure 3, pg. 14).[[72]](#footnote-72) This represents an increase in film industry jobs from previous years, as the Camoin Associates 2015-2016 report found that the tax incentive credit led to the creation of 48,627 jobs, 26,285 of which were directly related to the film industry and 22,342 jobs indirectly related to film production.[[73]](#footnote-73)

Figure 3

Source: Camoin Associates, “Economic Impact of the Film Industry in New York State,” 2017-2018 Study

The increase in jobs for New Yorkers in the film industry in 2017 and 2018 led New York City productions to pay $3.95 billion in earnings to New York City workers, $2.12 billion of which were directly related to production activities and $1.83 billion were indirectly related to the film industry.[[74]](#footnote-74) The wages New York City workers earned have further benefited the city’s economy, as a portion of their wages is used to purchase local goods and services.[[75]](#footnote-75)

It is important to note, however, that the nearly 61,000 jobs created by the expansion of the film industry are not full-time annual jobs. If one person is employed part-time for a number of months, then takes a few months off, and is hired again for a different job, Camoin Associates counts that person as having worked two jobs.[[76]](#footnote-76) As Camoin Associates’ employment information is based on the total number of jobs produced instead of the number of full-time equivalent jobs, it is unclear how many annual full time jobs have been created by the film industry.[[77]](#footnote-77)

The opportunities for New Yorkers in the film industry has enabled workers to gain greater skills in working on film shoots. As production studios expand their presence in New York, producers will have access to an increasing amount of high-quality workers.[[78]](#footnote-78) As mentioned, New York City agencies conduct a number of programs to further promote employment opportunities for New Yorkers in the film industry.

1. **ADVERSE EFFECTS OF FILM INDUSTRY EXPANSION**
2. **Impact on General Welfare**

While the expansion of the film industry has diversified the New York City economy, film and television productions can negatively impact New Yorkers’ quality of life. Residents have complained of sound pollution from generator trucks, bright lights, and being prevented from walking on their streets during film shoots.[[79]](#footnote-79) Film productions can also inconvenience City residents by limiting the number of available parking spots in both commercial and residential areas.[[80]](#footnote-80) According to MOME’s code of conduct, productions filming in a residential neighborhood or business district must notify affected merchants or neighbors at least 48 hours prior to filming.[[81]](#footnote-81) Introduction 158 would alleviate this problem by extending the notice to 72 hours that film companies must provide residents when film shoots block public parking spots. Introduction 1495 would require the commissioner of MOME to create a local community and media bill of rights, which would help local residents understand their protections.

Quality of life issues also affect city residents living in “hot spot” areas, neighborhoods most frequently used for film shoots. By designating certain areas as “hot spots,” the city provides these neighborhoods with mandatory time off periods from filming to alleviate the concerns of local residents. The City may also declare a moratorium on filming in these areas for a designated period of time.[[82]](#footnote-82) In the past, for example, the City placed a temporary film ban on filming from 46th Avenue to 49th Avenue between Center Blvd. and Vernon Blvd. in Long Island City due to the high number of film shoots.[[83]](#footnote-83)

1. **Impact on Small Businesses**

While the film industry argues film shoots benefit small businesses, since film staff purchase food, drinks, and materials from local businesses, large film shoots can disrupt daily business operations. Film shoots occurring around the holiday season are especially damaging to local businesses. In an interview with CBS New York about film shoots occurring during the holiday season, 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.”[[84]](#footnote-84) Clay Cunningham, owner of Spin Ceramics, similarly explained in an interview with DNA Info 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].”[[85]](#footnote-85) 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.”[[86]](#footnote-86) 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.[[87]](#footnote-87)

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.[[88]](#footnote-88) 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.”[[89]](#footnote-89)

1. **Lack of Data**

**Generally speaking, it is difficult to obtain data regarding complaints about the film industry. While residents affected by the expansion of the film industry have raised concerns both in online groups and to 311, the 311 data on the Open Data Portal has no distinct category for complaints related to the film industry. Without a separate category of data, it is difficult to take a deeper look into the nature of 311 complaints related to the film industry, as there is no way to identify common issues across 311 complaints. Additionally, the dataset regarding film permits on the Open Data Portal is missing records for film permits issued in 2016 or 2017. The gaps in the data complicate the ability for interested parties, including good government groups, to conduct oversight on MOME.**

1. **Legislative Analysis**

**Int. No. 158, A Local Law to amend the administrative code of the city of New York, in relation to updating the fees for permits to film on city property**

Currently, MOFTB currently charges a $300 application fee for new projects seeking MOFTB permits and assistance to film or photograph on city property. Int. No. 158 would require MOFTB to charge an application fee high enough to cover the amount of money it costs the City to review and process the application. The bill would allow MOFTB to create a sliding scale for application fees based on the applicant’s ability to pay.

The bill would take effect 120 days after it becomes a law, except that the Commissioner of Small Business Services or any other person or entity designated by the mayor to issue film and television production permits pursuant to paragraph r of section 1301 of the New York City Charter may take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

**Int. No. 937, A Local Law to amend the administrative code of the city of New York, in relation to requiring film companies to provide residents with at least 72 hours’ notice when film shoots will disrupt parking**

The City, currently requires that companies provide 48 hours’ notice when parking will be disrupted due to filming. Int. No. 937 would require that film companies provide residents with at least 72 hours’ notice.

The bill would take effect 90 days after it becomes law, except that the Department of Small Business Services or the entity designated by the mayor, as set forth in section one of this local law, shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

**Int. No. 1515, A Local Law in relation to requiring a task force to review and consider impacts and benefits from the film and television production industry**

Int. No. 1515 would create a task force to produce an action plan on film and television production to improve the economic impact on local communities in New York City.

The billwould take effect immediately.

**Int. No. 1495, A Local Law to amend the administrative code of the city of New York, in relation to creating a local community and media bill of rights addressing the issues that communities face during film and television production**

Int. No. 1495 would require the Commissioner of the Mayor's office of Media and Entertainment to prepare a local community and media bill of rights for New York City residents. Such local community and media bill of rights shall include, but not be limited to guidelines on: parking, safety, sanitation during film and television productions, and communication between the public and production companies.

The billwould take effect immediately.

**Int. No. 1700, A Local Law to amend the administrative code of the city of New York, in relation to a 14-day notification requirement for movie-making, telecasting and photography permit applications when special parking requests are required**

Int. No. 1700 would require an applicant for a movie-making, telecasting and photography permit to file the application no less than 14 days prior to the date of the requested activity for which on-street parking would be requested or required to be removed.

The bill would take effect 120 days after it becomes law, except that the Commissioner of Small Business Services or any other person or entity designated by the mayor to issue permits for movie-making, telecasting and photography pursuant to paragraph r of subdivision 1 of section 1301 of the charter may take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

**Int. No. 1722, A Local Law to amend the administrative code of the city of New York, in relation to requiring that certain applicants for film and television production permits pay a fee of $800 and providing that such permits expire 30 days after the date of issue**

This bill would require that certain applicants for film and television production permits pay a fee of $800 to cover the costs to the City of providing such permits. The permits would be valid for a period of 30 days.

**VI. CONCLUSION**

The Council seeks to gain a better understanding of the relationship between the film industry and the local communities in which they film. The Council looks forward to hearing testimony from MOME on its entertainment initiatives and learning more about the economic opportunities that exist to benefit these industries. As the film and television industries continue to grow in New York City, the Council looks forward to hearing from local community and business representatives about their concerns, and from the Administration about the steps MOME has taken to address the issues facing local communities. The Council also looks forward to hearing about any policies that have been implemented to ensure that both small businesses and the film and television industries can thrive.

Int. No. 158

By Council Member Levin

..Title

A Local Law to amend the administrative code of the city of New York, in relation to updating the fees for permits to film on city property

..Body

Be it enacted by the Council as follows:

Section 1. Section 22-205 of the administrative code of the city of New York is amended to read as follows:

a. The[ executive director of the office for economic development] commissioner of small business services or any other person or entity designated by the mayor to issue film and television production permits pursuant to paragraph r of subdivision 1 of section 1301 of the New York city charter shall not issue to any applicant any permit for any activity subject to the provisions of that section[subdivision thirteen of section thirteen hundred of the charter], unless and until:

(1) all other permits, approvals and sanctions required by any other provision of law for the conduct of such activities by the applicant have been obtained by the commissioner or mayor’s designee[executive director], in the name and in behalf of the applicant, from the agency or agencies having jurisdiction; [and]

(2) all fees required to be paid by, or imposed pursuant to, any provision of law for the issuance of such other permits, approvals and sanctions have been paid by the applicant[.]; and

(3) for any project for which a permit is required under the rules promulgated by the commissioner or mayor’s designee, the applicant has paid an application fee that shall be equal to the estimated average cost of processing an application. The commissioner or mayor’s designee shall establish by rule a schedule for reducing or limiting the application fee according to the applicant’s ability to pay, which schedule shall be applied without regard to any viewpoint or opinion expressed by the applicant or as part of the activity for which the permit is sought, or the subject matter of such activity.

b. It shall be unlawful for any person to conduct, without a permit from the commissioner or mayor’s designee[such executive director], any activity with respect to which the commissioner or mayor’s designee[such executive director] is authorized to issue a permit under the provisions of the charter referred to in subdivision a of this section. Any violation of the provisions of this subdivision b shall be punishable by a fine of not more than five hundred dollars or by imprisonment for not more than ninety days, or both.

§ 2. This local law takes effect 120 days after it becomes a law, except that the commissioner of small business services or any other person or entity designated by the mayor to issue film and television production permits pursuant to paragraph r of section 1301 of the New York city charter may take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

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Int. No. 937

By Council Member Eugene

..Title

A Local Law to amend the administrative code of the city of New York, in relation to requiring film companies to provide residents with at least 72 hours’ notice when film shoots will disrupt parking

..Body

Be it enacted by the Council as follows:

Section 1. Title 22 of the administrative code of the city of New York is amended by adding a new chapter 12 to read as follows:

CHAPTER 12

PRODUCTION COMPANY PARKING NOTICE

§ 22-1201 a. Definitions. For purposes of this section, the term “department” means the department of small business services.

b. The department, or any entity designated by the mayor, shall establish and implement a notice program to require film and television companies providing at least 72 hours’ notice to residents within a block radius of the film or television set when filming will disturb parking.

c. Such program shall, at a minimum, include the posting of signs, community outreach, either in hard copy or electronically, related to parking options.

d. The department, or any entity designated by the mayor as provided in subdivision c of this section, shall determine the format and requirements of the signs required pursuant to this section. At a minimum, such signs shall include the names and telephone numbers of the film or television production companies.

§ 2. This local law takes effect 90 days after it becomes law, except that the department of small business services or the entity designated by the mayor, as set forth in section one of this local law, shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

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4/20/2018 5:30 p.m.

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Int. No. 1495

By Council Members Barron and Adams

..Title

A Local Law to amend the administrative code of the city of New York, in relation to creating a local community and media bill of rights addressing the issues that communities face during film and television production

..Body

Be it enacted by the Council as follows:

Section 1. Title 22 of the administrative code of the city of New York is amended by adding a new chapter 12 to read as follows:

CHAPTER 12

MEDIA AND ENTERTAINMENT INDUSTRY

§22-1201 Local community and media bill of rights. a. Not later than July 2020, the commissioner of the mayor's office of media and entertainment, or any other entity designated by the mayor to issue film and television production permits pursuant to section 1301 of the New York city charter, shall prepare a draft local community and media bill of rights for New York city residents.

b. Such local community and media bill of rights shall include, but not be limited to guidelines on:

1. parking;

2. safety;

3. sanitation during film and television productions;

4. communication between the public and production companies, including the issuance of notices regarding any temporary loss of parking or a temporary restriction of access to streets or buildings; and

5. any other issue the commissioner deems appropriate.

c. Within 90 days following the preparation of such draft local community and media bill of rights and prior to the preparation of a final local community and media bill of rights, the commissioner shall distribute such local community and media bill of rights to the city council, all community boards, and to all others whom the commissioner deems appropriate, and hold a noticed public hearing, at which the public shall be given an opportunity to comment on such draft local community and media bill of rights.

d. The commissioner shall prepare a final local community and media bill of rights within thirty days after the conclusion of such public hearing. The commissioner shall review and, at the discretion of the commissioner, may revise such final local community and media bill of rights on a biennial basis. Such review shall require a public hearing.

e. The final local community and media bill of rights shall be posted on the website of the mayor's office of media and entertainment.

f. Nothing in this section or in such document or draft document shall be construed to create a cause of action or constitute a defense in any legal, administrative, or other proceeding.

§ 2. This local law takes effect immediately.

LS# 4558

IB

2/28/2019 3:10 pm

Int. No. 1515

By Council Members Barron and Adams

..Title

A Local Law in relation to requiring a task force to review and consider impacts and benefits from the film and television production industry

..Body

Be it enacted by the Council as follows:

Section 1. Film and television production industry impact task force. a. The department of small business services, in collaboration with the mayor's office of media and entertainment, or any other entity designated by the mayor to issue film and television production permits pursuant to section 1301 of the New York city charter, shall establish a task force to conduct a study and submit a report with recommendations on how to reduce negative impact on general public and local businesses and maximize the benefits from the city’s film and television industry.

b. Such task force shall consist of seven members:

(1) The commissioner of small business services, or the designee thereof;

(2) The commissioner of the mayor's office of media and entertainment, or the designee thereof;

(3) Two members appointed by the mayor, provided that at least one such member shall be an owner, shareholder, or the designee of such owner or shareholder, of a business involved in the sale of goods or services directly to the public that is accessible directly from the street located in a neighborhood where a high volume of film permits were issued within the last year, and at least one such member shall have a background in or be affiliated with an organization in the film and television production industry;

(4) Two members appointed by the speaker of the council, provided that at least one such member shall be an owner, shareholder, or the designee of such owner or shareholder, of a business involved in the sale of goods and/or services directly to the public that is accessible directly from the street located in the neighborhood with a high volume of film permits issued, and at least one such member shall have a background in or be affiliated with an organization engaged in the film and television production industry; and

(5) One member appointed by the public advocate.

c. The members of such task force shall be appointed within ninety days after the effective date of this local law.

d. At the first meeting of such task force, the task force shall select a chairperson from among its members by a majority vote of the task force.

e. Each member of such task force shall serve for a term of twelve months, to commence after the final member of the task force is appointed. Any vacancies in the membership of the task force shall be filled in the same manner as the original appointment for the remainder of the unexpired term.

f. The task force shall consult with small business owners, members of business improvement districts, representatives from the various chambers of commerce operations within the city, small business advocates, community boards, and the police department to determine the best way to maximize the benefits and reduce the negative impact on small businesses and New York City residents during film and television production. All members of the task force shall serve without compensation and shall meet, at a minimum, on a quarterly basis and shall hold at least two meetings to solicit comments from the public prior to the submission of the final report.

g. The task force shall also create and conduct a survey for outreach to the general public and local businesses impacted by film and television production. The finding of the survey shall be included in the final report. The report shall be submitted to the mayor and the speaker of the city council no later than 18 months after the effective date of this law.

h. Such report shall include a plan to improve the economic impact on residents and local businesses from film and television production.

i. In developing such plan as required by this local law, the task force shall also review and consider the following:

1. Complaints related to film and television production submitted to 311 by members of the general public for the last 3 years.

2. The result of the survey on the economic impact on local businesses of film production industry as required by subdivision f.

3. Issues related to parking, safety, sanitation, noise, building access, communication with the public, and adequate notice provided by film production industry to local businesses and residents of potential loss of parking or access to streets.

j. In developing such plan as required by this local law, the task force shall include the following:

1. Measures to improve parking conditions for residents of neighborhoods where filming or television production is taking place;

2. Suggestions on how the City can encourage film and television companies to create both temporary and permanent job opportunities in local communities;

3. Methods to improve communication between film or television permit holders and local communities; and

4. Any other issues brought to the attention of the task force through consultation with small business owners and the general public

§ 2. This local law takes effect in 90 days.

LS# 4559

IB

1/17/19 5:57pm

Int. No. 1700

By Council Members Holden, Constantinides, Rivera, Brannan, Vallone, Koslowitz and Ulrich

..Title

A Local Law to amend the administrative code of the city of New York, in relation to a 14-day notification requirement for movie-making, telecasting and photography permit applications when special parking requests are required

..Body

Be it enacted by the Council as follows:

Section 1. Section 22-205 of the administrative code of the city of New York is amended to read as follows:

§ 22-205 Permits for movie-making, telecasting and photography [in public places]; violations; penalties. a. The [executive director of the office for economic development] commissioner of small business services or any other person or entity designated by the mayor to issue permits pursuant to paragraph r of subdivision 1 of section 1301 of the charter shall not issue to any applicant any permit for any activity subject to the provisions of [subdivision thirteen of section thirteen hundred of the charter] that section, unless and until:

(1) all other permits, approvals and sanctions required by any other provision of law for the conduct of such activities by the applicant have been obtained by the [executive director] commissioner or mayor’s designee, in the name and in behalf of the applicant, from the agency or agencies having jurisdiction; [and]

(2) all fees required to be paid by, or imposed pursuant to, any provision of law for the issuance of such other permits, approvals and sanctions have been paid by the applicant[.]; and

(3) for any activity for which on-street parking would be requested or required to be removed, the applicant has filed an application no less than 14 days prior to the date of the requested activity, provided that such requirement may be waived by the commissioner or mayor’s designee upon a showing of special or unusual circumstances.

b. It shall be unlawful for any person to conduct, without a permit from [such executive director] the commissioner or mayor’s designee, any activity with respect to which [such executive director] the commissioner or mayor’s designee is authorized to issue a permit under the provisions of the charter referred to in subdivision a of this section. Any violation of the provisions of this subdivision b shall be punishable by a fine of not more than five hundred dollars or by imprisonment for not more than ninety days, or both.

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of small business services or any other person or entity designated by the mayor to issue permits for movie-making, telecasting and photography pursuant to paragraph r of subdivision 1 of section 1301 of the charter may take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

IB

LS #9435

8/7/2019 at 2:00 pm

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Int. No. 1722

By Council Member Holden

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to requiring that certain applicants for film and television production permits pay a fee of $800 and providing that such permits expire 30 days after the date of issue

Be it enacted by the Council as follows:

Section 1. Section 22-205 of chapter 2 of title 22 of the administrative code of the city of New York is renumbered and amended to read as follows:

§ [22-205] 22-290 Permits for movie-making, telecasting and photography in public places; violations; penalties. a. The [executive director of the office for economic development] commissioner of small business services or any other person or entity designated by the mayor to issue film and television production permits pursuant to paragraph r of subdivision 1 of section 1301 of the charter shall not issue to any applicant any permit for any activity subject to the provisions of [subdivision thirteen of section thirteen hundred of the charter] that section, unless and until:

(1) all other permits, approvals and sanctions required by any other provision of law for the conduct of such activities by the applicant have been obtained by the [executive director] commissioner or mayor’s designee, in the name and in behalf of the applicant, from the agency or agencies having jurisdiction; [and]

(2) all fees required to be paid by, or imposed pursuant to, any provision of law for the issuance of such other permits, approvals and sanctions have been paid by the applicant[.]; and

(3) for any project for which a permit is required under the rules promulgated by the commissioner or mayor’s designee, the applicant has paid an application fee of $800 to cover activity for a period of 30 days. The commissioner or mayor’s designee shall waive such fee if the applicant provides satisfactory evidence that the project is being produced in the course of pursuing an academic degree or diploma.

b. It shall be unlawful for any person to conduct, without a permit from [such executive director] the commissioner or mayor’s designee, any activity with respect to which [such executive director] the commissioner or mayor’s designee is authorized to issue a permit under the provisions of the charter referred to in subdivision a of this section. Any violation of the provisions of this subdivision b shall be punishable by a fine of not more than [five hundred dollars] $500 or by imprisonment for not more than [ninety] 90 days, or both.

c. A permit described in paragraph (3) of subdivision a expires 30 days after the date of issue. The commissioner or mayor’s designee may renew any such permit for an additional period of 30 days if the applicant pays an additional application fee of $800 and satisfies all other applicable conditions set forth in this section and applicable law.

§ 2. This local law takes effect 30 days after it becomes a law.

JB

LS #9437

August 19, 2019

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2. *Id.* [↑](#footnote-ref-2)
3. *Id.* [↑](#footnote-ref-3)
4. Except for a 7.4% decrease from 2015-2016. *See* Number of movies filmed in NYC, <https://mycrains.crainsnewyork.com/stats-and-the-city/2017/entertainment/how-many-movies-have-been-filmed-in-nyc>. [↑](#footnote-ref-4)
5. *See id.*; Matthew Haag, *De Niro and Netflix Bet That New York Can Be a New Hollywood*, New York Times, July 10, 2019, <https://www.nytimes.com/2019/07/10/nyregion/robert-de-niro-studio-queens.html>. [↑](#footnote-ref-5)
6. *Surging Television Production in New York City Breaks New Record*, <https://www1.nyc.gov/site/mome/news/tv-series-announce-5-23-16.page>. [↑](#footnote-ref-6)
7. *Id*. [↑](#footnote-ref-7)
8. *Mayor de Blasio Appoints Anne del Castillo as Commissioner of the Mayor's Office of Media and Entertainment*, <https://www1.nyc.gov/site/mome/news/04172019-anne-del-castillo-commissioner.page> [↑](#footnote-ref-8)
9. *Mayor's Office of Media and Entertainment Announces Sharp Rise in Number of Broadcast Pilots Shooting in NYC*, <https://www1.nyc.gov/site/mome/news/03222018-nyc-tv-pilots.page>. [↑](#footnote-ref-9)
10. *TV/Film*, NYC MOME, <https://www1.nyc.gov/site/mome/industries/studios-stages.page>. [↑](#footnote-ref-10)
11. *Governor Cuomo and Legislature Extend NYS Film Tax Credit Program Through 2022*, April 11, 2017, <https://esd.ny.gov/esd-media-center/press-releases/governor-cuomo-and-legislature-extend-nys-film-tax-credit-program>. [↑](#footnote-ref-11)
12. *See* Steiner Studios, <http://www.steinerstudios.com/about/>. [↑](#footnote-ref-12)
13. Matthew Haag, *De Niro and Netflix Bet That New York Can Be a New Hollywood*, New York Times, July 10, 2019, <https://www.nytimes.com/2019/07/10/nyregion/robert-de-niro-studio-queens.html>. [↑](#footnote-ref-13)
14. *Id.* [↑](#footnote-ref-14)
15. *Economic Impact of the Film Industry in New York State – 2015 & 2016*, Empire State Development, Camoin Associates, p 17, <https://esd.ny.gov/sites/default/files/news-articles/2017_CamoinAssociates_FilmTaxCreditReport.pdf>. [↑](#footnote-ref-15)
16. *Id.* [↑](#footnote-ref-16)
17. *From Montauk to Buffalo, New York State is camera-ready and film-friendly*, Empire State Development, <https://esd.ny.gov/industries/tv-and-film>. [↑](#footnote-ref-17)
18. [Patrick McGeehan](https://www.nytimes.com/by/patrick-mcgeehan)*, Netflix, Which Made ‘Kimmy Schmidt’ in Brooklyn, to Expand Production Studios There*, New York Times, April 18, 2019, <https://www.nytimes.com/2019/04/18/nyregion/netflix-new-york-brooklyn.html>. [↑](#footnote-ref-18)
19. Matthew Haag, *De Niro and Netflix Bet That New York Can Be a New Hollywood*, New York Times, July 10, 2019, <https://www.nytimes.com/2019/07/10/nyregion/robert-de-niro-studio-queens.html>. [↑](#footnote-ref-19)
20. *Id.* [↑](#footnote-ref-20)
21. *De Blasio Administration Seeking Proposals to Develop and Operate TV/Film and Media Production Campus in Sunset Park*, <https://www1.nyc.gov/site/mome/news/08012018-made-in-ny-campus.page>. [↑](#footnote-ref-21)
22. *Id.* [↑](#footnote-ref-22)
23. *See* Mayor’s Office of Media and Entertainment Website, Office History, <http://www1.nyc.gov/site/mome/about/office-history.page>. [↑](#footnote-ref-23)
24. *When a Permit is Required*, Office of Film, Theatre and Broadcasting, <http://www.nyc.gov/html/film/html/permits/permit_required_fee.shtml>.

(Note: Some City buildings, such as the borough halls and other municipal buildings, require a higher permit fee.) [↑](#footnote-ref-24)
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27. Mayor’s Office of Film, Theatre, and Broadcasting, *The Made in New York Incentive Program*, October 8, 2006, [https://web.archive.org/web/20061008193254/http://www.nyc.gov/html/film/html/incentives/made\_ny\_incentive.shtml](https://web.archive.org/web/20061008193254/http%3A//www.nyc.gov/html/film/html/incentives/made_ny_incentive.shtml); Mayor’s Office of Media and Entertainment, *Made in NY Marketing Credit*, 2019, <https://www1.nyc.gov/site/mome/industries/marketing-credit.page>. [↑](#footnote-ref-27)
28. *Id.* [↑](#footnote-ref-28)
29. *Id.* [↑](#footnote-ref-29)
30. *Id*. [↑](#footnote-ref-30)
31. Digital NYC, *We are Made in NY*, 2019, <https://www.digital.nyc/startup-collection/we-are-made-ny>. [↑](#footnote-ref-31)
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33. *Id*. [↑](#footnote-ref-33)
34. Brooklyn Workforce Innovations, “*Made in NY” Production Assistant Training Program*, <https://bwiny.org/made-in-ny-pa-training-program/overview/>. [↑](#footnote-ref-34)
35. *See* Mayor’s Office of Media and Entertainment, *Made in NY Post-Production Training Program*, 2019, <https://www1.nyc.gov/site/mome/industries/post-production.page>. [↑](#footnote-ref-35)
36. *Id.* [↑](#footnote-ref-36)
37. *Id.* [↑](#footnote-ref-37)
38. Brooklyn Workforce Innovations, *Made in NY Post Production Training Program*, <https://bwiny.org/post/overview/>. [↑](#footnote-ref-38)
39. *See Writers Guild of America East*, Made in NY Writers Room, <https://www.wgaeast.org/miny-writers-room/>; Littleton, Cynthia, *Made in NY Writers Room Program Unveils Fellows, Showrunner Mentors*, Variety Media, LLC. May 25, 2017, <https://variety.com/2017/tv/news/made-in-ny-writers-room-fellows-showrunners-1202445309/>. [↑](#footnote-ref-39)
40. *Supra* note 15. [↑](#footnote-ref-40)
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48. Mayor’s Office of Media and Entertainment, *Deputy Mayor Alicia Glen and Mayor’s Office of Media and Entertainment Announce Inaugural Round of Grant Recipients of Groundbreaking “Made in NY” Women’s Film, TV & Theatre Fund*, 2019, <https://www1.nyc.gov/site/mome/news/02282019-womens-fund.page>. [↑](#footnote-ref-48)
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60. *Id.* [↑](#footnote-ref-60)
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