

**CITY OF NEW YORK**  
**DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES**

**AMENDED NOTICE OF PUBLIC HEARING AND OPPORTUNITY TO COMMENT  
ON RULE RELATING TO FILM AND PHOTOGRAPHY SHOOTS**

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN the Commissioner of the Department of Citywide Administrative Services by section 1043 of the New York City Charter, that the Department of Citywide Administrative Services proposes to adopt an amendment to Title 55 of the Rules of the City of New York, governing filming and photography shoots, that would add a new Chapter 13 to such title. The proposed rule was not included in the Department's regulatory agenda because the changes to be established by the rule were not anticipated at the time the regulatory agenda was to be published.

The notice of public hearing and opportunity to comment on this proposed rule relating to film and photography shoots published on August 25, 2009 is hereby superseded. Written comment regarding this proposed amendment may be sent to Jennine Ventura, Intergovernmental Analyst, Department of Citywide Administrative Services, One Centre Street, 17<sup>th</sup> Floor South, New York, NY 10007 on or prior to October 2, 2009. Comments may be submitted electronically to Ms. Ventura at [jventura@dcas.nyc.gov](mailto:jventura@dcas.nyc.gov). A hearing for public comment will be held on October 2, 2009 at 125 Worth Street, 2<sup>nd</sup> Floor Auditorium at 10:00 AM. Persons seeking to testify are requested to notify Lina Duque at the Department of Citywide Administrative Services, One Centre Street, 17<sup>th</sup> Floor South, New York, NY 10007 or at [lduque@dcas.nyc.gov](mailto:lduque@dcas.nyc.gov) no fewer than five (5) business days prior to the hearing. Persons who request that a sign language interpreter or other form of reasonable accommodation for a disability be provided at the hearing are asked to notify Ms. Duque at the foregoing address no later than two weeks prior to the hearing. Written comments and a summary of oral comments received at the hearing will be available for public inspection, within a reasonable time after receipt, between the hours of 10:00 AM and 5:00 PM, at the Department of Citywide Administrative Services Film Office located at One Centre Street, 17<sup>th</sup> Floor South, New York, NY 10007.

New material is indicated by underlining.

CHAPTER 13

§ 13-01 Scope.

These rules shall be applicable to all film and photography shoots and related activities conducted on properties and within facilities under the jurisdiction of, and with permission from, the Department of Citywide Administrative Services ("DCAS") that are authorized by a permit issued by the Mayor's Office of Film, Theatre and Broadcasting ("MOFTB"). Nothing contained herein shall preclude the requirement to comply with any other applicable law, rule or case law governing such activity.

§ 13-02 Definitions.

For the purposes of this chapter, the following terms shall have the following meanings:

(a) Commissioner. “Commissioner” shall mean the Commissioner of the Department of Citywide Administrative Services.

(b) Court properties or facilities. “Court properties or facilities” shall mean the interiors and exteriors of buildings under the jurisdiction of the New York State Unified Court System that are managed by DCAS, and shall include the property adjacent to such buildings that is under the jurisdiction of DCAS.

(c) DCAS Film Office. “DCAS Film Office” shall mean the unit of DCAS that oversees the filming and related activities that are conducted on properties and within facilities under the jurisdiction of DCAS.

(d) Equipment. “Equipment” shall include, but not be limited to, television, photographic, film or videocameras or transmitting television equipment, including radio remotes, props, sets, lights, electric and grip equipment, dolly tracks, screens, or microphone devices, and any and all production related materials. “Equipment” shall not include (1) “hand-held devices,” as defined in § 9-02 of the MOFTB Film Permit Rules, and (2) vehicles, as defined in section one hundred fifty-nine of the New York Vehicle and Traffic Law, that are used solely to transport a person or persons while engaged in the activity of filming or photography from within such vehicle, operated in compliance with relevant traffic laws and rules.

(e) Filming. “Filming” shall mean the taking of motion pictures, the taking of still photography or the use and operation of television cameras or transmitting television equipment, including radio remotes and any preparatory activity associated therewith, and shall include events that include, but are not limited to, the making of feature or documentary films, television serials, webcasts, simulcasts or specials.

(f) Holding. “Holding” shall mean the temporary accommodation of cast or crew members and other individuals associated with a production in a space in which filming is not taking place. “Holding” may include the space in which an independent company provides meals or catering services to cast or crew members and other individuals associated with a production.

(g) MOFTB Film Permit Rules. “MOFTB Film Permit Rules” shall mean the rules promulgated by the Mayor’s Office of Film, Theatre and Broadcasting, codified as Chapter 9 of Title 43 of the Rules of the City of New York, as amended from time to time.

(h) Photography. “Photography” shall mean the taking of moving or still images.

(i) Rigging/de-rigging. “Rigging/de-rigging” shall mean the loading in or loading out, loading or unloading, of any shooting or production related equipment, including but not limited to props, sets, electric and grip equipment, at any location, time and date where film or theatrical production is not occurring. Such term shall have the same meaning as the commonly used term “prepping/wrapping.”

(j) Scouting. "Scouting" shall mean the act of viewing, assessing and photographing locations for filming or photography during pre-production or production for, including, but not limited to, still photography, feature films, television series, mini-series or specials.

(k) Shooting. "Shooting" shall mean (a) filming on properties, in the interiors or on exteriors of buildings or facilities under the jurisdiction of DCAS, and (b) theatrical productions whose performances are presented outdoors on property under the jurisdiction of DCAS or indoors at buildings or facilities under the jurisdiction of DCAS.

#### § 13-03 Pre-Production.

(a) Prior to any production related activities on properties or within facilities under the jurisdiction of DCAS, a scouting, rigging, and/or shooting permit shall be obtained from MOFTB.

(b) Prior to conducting any scouting on properties or within facilities under the jurisdiction of DCAS, a permittee shall schedule an appointment with the DCAS Film Office to make arrangements for such activities.

(c) A holder of a permit obtained from MOFTB who is authorized to conduct filming activities on properties or within facilities under the jurisdiction of DCAS agrees to protect all persons and property from damage, loss or injury arising from any of the operations performed by or on behalf of such permittee, and to indemnify and hold harmless the City of New York, to the fullest extent permitted by law, from all claims, losses and expenses, including attorneys' fees, that may result therefrom.

(d) A holder of a permit obtained from MOFTB who is authorized to conduct filming activities on properties or within facilities under the jurisdiction of DCAS shall maintain, during the entire course of its operations, a liability insurance policy with a limit of not less than one million dollars (\$1,000,000) per occurrence. Such policy shall name the City of New York as an additional insured with coverage at least as broad as provided by Insurance Services Office (ISO) form CG 20 12 (07/98 ed.). The permittee shall provide to MOFTB the original certificate of insurance signed in ink, to which a copy of the required endorsement is attached, and shall also provide a copy of such documentation to DCAS. For currently enrolled film students, proof of insurance obtained through their school and proof of the student's current attendance shall satisfy this requirement.

(e) If it is determined, in light of the activity for which a permit was obtained, that such activity may increase the potential for injury to individuals and/or damage to property, and that the minimum limit of insurance should be higher than one million dollars (\$1,000,000) per occurrence referenced in subdivision (d) of this section, it shall be determined what higher minimum limit is to be required and the permittee shall be advised of such higher limit. Factors to be considered shall include, but shall not be limited to, the number of people involved, the location of the activity and the nature of the activity. The permittee shall thereafter provide proof of such insurance in accordance with subdivision (d) of this section. Such determination may be appealed by written request to the Commissioner, who may reverse, affirm, or modify the determination and provide a written explanation of his or her decision.

(f) In addition to providing the permit issued by MOFTB, the following shall be submitted to the DCAS Film Office no later than one week prior to the date on which the prepping or rigging for film and/or photography shoots is scheduled to commence:

- (1) Completed MOFTB Permit;
- (2) Copy of the Certificate of Insurance;
- (3) Completed and signed "Buildings Under DCAS Jurisdiction Activity Approval Form";
- (4) DCAS "Letter of Intent";
- (5) Signed "Prohibited Conduct" Memorandum;
- (6) Accurate and updated information concerning a permittee's forwarding postal address and, if available, an e-mail address, telephone number and facsimile number for purposes of receiving reimbursement notification from DCAS; and
- (7) Any other documents, including but not limited to equipment specifications and architectural renderings, that may be required by the DCAS Film Office.

(g) All determinations regarding structural conditions, landmark status issues, equipment specifics, weight, load and other similar considerations shall be made by DCAS.

(h) Where appropriate, a permittee may be required to attend a security meeting with DCAS staff, depending on the nature and location of the activity to be undertaken.

(i) For film and photography shoots, scouting or holding, the Commissioner shall make determinations about all DCAS staffing matters, including any decision as to the scope, type, number or level of staff required.

(j) The use of smoke, pyrotechnics, firearms, weapons, animals and other special effects or unusual scenes shall be subject to approval by the Commissioner and all applicable laws and rules governing such activities.

(k) An administrative fee of \$3,200.00 shall be paid to MOFTB prior to the commencement of prepping for film and/or photography shoots on properties or within facilities under the jurisdiction of DCAS.

#### § 13-04 During Production.

(a) Holding on properties and within facilities under the jurisdiction of DCAS is available only for those productions taking place on or within such properties or facilities, upon the approval of the Commissioner.

(b) DCAS shall provide security personnel to protect City property under its jurisdiction during production activities at non-court properties and facilities, the cost of which shall be reimbursed by the permittee.

(c) All individuals affiliated with the permittee and the production shall be required to present a valid, government-issued photo identification card to receive security clearance to have access to

properties and facilities under the jurisdiction of DCAS where the production and related activities are taking place.

(d) All individuals affiliated with the permittee and the production shall wear a laminated identification card on non-court properties and within non-court facilities under the jurisdiction of DCAS. The identification cards shall be similar in form and include the name of the production. Failure to display such identification cards at all times may lead to ejection from such properties and facilities.

(e) All production equipment and props brought to properties and facilities under the jurisdiction of DCAS shall be subject to inspection at any time prior to or during the production.

(f) DCAS shall not be responsible for any injury to persons and/or damage or loss to any property on properties and within facilities under the jurisdiction of DCAS arising from any of the operations performed by or on behalf of the permittee.

(g) A permittee requesting use of properties and facilities under the jurisdiction of DCAS for twenty-eight (28) days or longer shall be required to enter into an agreement providing for the payment of renting or leasing such space in an amount not to exceed \$5,000 per month, in accordance with Administrative Code § 4-203(b).

#### § 13-05 Post-Production.

(a) A permittee is responsible for cleaning and restoring the properties and facilities under the jurisdiction of DCAS after the rigging, shooting and/or holding. The cost of any DCAS employee time incurred due to a permittee failing to clean and/or restore such properties and facilities following the rigging, shooting and/or holding shall be borne by the permittee and reimbursed to DCAS.

(b) Any fixtures, furniture, books, doors, windows, walls, and other structures and/or objects shall be returned to their original position and/or restored to their original condition by the permittee during the de-rigging, unless the permittee has obtained prior approval from the Commissioner. The permittee shall immediately remove any props used during the production from properties and facilities under the jurisdiction of DCAS. The permittee shall reimburse DCAS for any property and facility damage arising from such production activities.

(c) Following all film and photography shoots, the permittee shall reimburse DCAS for all production related costs, including but not limited to DCAS personnel costs contemplated by § 13-03(i) and subdivision (a) of this section, and reimbursement for any property or facility damage in accordance with subdivision (b) of this section.

### **Statement of Basis and Purpose**

The Department of Citywide Administrative Services (“DCAS”) and its predecessor City agencies have for more than twenty years allowed and supported film production activities on properties and within facilities under the jurisdiction of the agency. Given the frequency and

complexity of filming activities by both amateurs and professionals, it has become necessary to codify the process that has been followed over time. Such codification is also consistent with the City Charter requirement that agencies whose procedures or requirements affect the general public shall promulgate rules governing such activities. The purpose of these rules is thus to provide clear guidance to the persons and entities who wish to engage in film and photography shoots on properties and within facilities under the jurisdiction of DCAS, activities which require that they obtain permits from the Mayor's Office of Film, Theatre and Broadcasting. This proposal would be encompassed in a new Chapter 13 of Title 55 of the Rules of the City of New York.