

FREQUENTLY ASKED QUESTIONS FROM CULTURE IN PUBLIC SPACES: A WEBINAR WITH OUTDOOR EVENT PERMITTING AGENCIES

Versions of the questions below were posed during our 9/16 webinar and answers were provided either live during the webinar by the participating panelists or following the event by relevant agency staff.

The answers below are current as of 9/29/2020. As circumstances and public health guidance regarding the pandemic are rapidly changing, rules and guidance are subject to change. Please refer to the websites of respective permitting agencies, provided below, for the latest and most accurate information.

Questions for film and media-related permitting

Answers prepared by Mayor's Office of Media and Entertainment (MOME). For latest information, please visit <https://www1.nyc.gov/site/mome/permits/permits.page>.

Q: Are audiences for indoor media production activity (e.g., a televised talk show) permitted?

A: By [Executive Order 202.5 \(Mar. 18, 2020\)](#), the state closed performance venues until further notice. Since issuing that order, the state allowed media production activities to resume, subject to the [NYS Department of Health Interim Guidance for Media Production during the COVID-19 Public Health Emergency](#), which allows only paid employees, cast or crew members to be present during a media production activity. Members of the public – whether paying or attending for free – are NOT allowed to be audience members under current state law as of 9/29/20.

Q: For a dance or music workshop in a studio, what are the requirements?

A: It depends on a number of variables (size, activity, etc), but here are some resources that might be helpful to review:

- Depending on the details of your dance workshop, certain activities may be allowed, subject to the [NYS Department of Health Interim Guidance on for Sports and Recreation during the COVID-19 Public Health Emergency](#).
- If your activity is an audition or a rehearsal for a media production activity, the activity is subject to the [NYS Department of Health Interim Guidance for Media Production during the COVID-19 Public Health Emergency](#). A “media production activity” includes all activities undertaken in motion picture, music, television, and streaming productions on set, on location, or at any production or recording site. Additional guidance about music activities is on MOME’s website at <https://www1.nyc.gov/site/mome/industries/covid-resources.page>.

Q: NY Forward Guidelines for Media Production require COVID-19 testing for people whose job function or role involves close/ proximate contact with others. Are there inexpensive testing resources for smaller NYC nonprofits seeking to stream/film programs?

A: Information about free testing is available here: <https://www1.nyc.gov/site/coronavirus/index.page>. All New Yorkers are encouraged to be tested. Test results usually take about three to five days, but some testing sites provide faster results.

Q: How does the media production operation protocol apply when the activity is not being filmed and/or there is not a casted audience present, such as rehearsals?

A: Rehearsals for a performance that will be filmed or recorded are subject to the [NYS Department of Health Interim Guidance for Media Production during the COVID-19 Public Health Emergency](#). The Guidance covers all activities undertaken in motion picture, music, television, and streaming productions on set, on location, or at any production or recording site, including rehearsals.

Q: What is the indoor capacity for live performance?

A: The following guidance applies:

- On September 30, when indoor dining starts in New York City, live or recorded music that is incidental to dining will be allowed in food service establishments (unless the establishment's State Liquor Authority license does not allow music). The capacity for indoor dining will be 25% of the occupancy until further notice. The state has advised that only incidental music will be allowed in food service establishments; other forms of performance such as comedy, theatre, and dance, will not be allowed. All other types of performance venues remain closed by the state.
- Different capacity limits apply to media production activities under the [NYS Department of Health Interim Guidance for Media Production during the COVID-19 Public Health Emergency](#). "Media production activities" means all activities undertaken in motion picture, music, television, and streaming productions on set, on location, or at any production or recording site. Occupancy must never exceed 50%; if there is a casted audience, the audience must not exceed the lesser of 100 or 25% of the occupancy of the space.

Note: This answer is current as of September 29, 2020. The laws and guidance governing capacity are rapidly changing. Where there is a discrepancy between this answer and more recently issued laws or guidance, the more recently issued item should be followed. Visit <https://forward.ny.gov/reopening-new-york-city> for the latest guidance.

Q: What agency enforces / monitors the capacity related to permits for theater, film, music etc?

A: There are multiple state and city agencies with authority to enforce capacity limits. For example, the State Liquor Authority can enforce capacity limits in connection with music performances in SLA-licensed venues. MOME/NYPD Movie/TV Unit can enforce limits on cast and crew on permitted activity. Health authorities can enforce health and safety violations. To report a potential violation, call 311.

Q: What are the regulations for film/media productions and live performance or theatre in outdoor locations?

A:

- For film production on exterior locations on public property in New York City, cast and crew is limited to 100 people and a distance of at least six feet must be maintained between all

employees, cast, and crew in all locations unless the core activity they are involved in requires a shorter distance (e.g., hair and makeup).

- For live music incidental music at an outdoor restaurant, there is no fixed limit on the number of people. The restaurant's seating must comply with the NYS Department of Health Interim [Guidance for Outdoor and Take-out/Delivery Food Services During the COVID-19 Public Health Emergency](#) and all patrons must be seated except when it is necessary to stand (e.g., when walking to the restroom).
- For drive-in movies and concerts, if everyone remains in a car (except when necessary (e.g., to walk to a restroom), there are no fixed limits.
- For parks and open recreation areas (like City streets), live performances, including theatrical performances, are allowed, subject to the state's non-essential gathering limit (currently 50 people as of 9/29/20). [Special safety limitations and requirements](#) including physical distancing requirements apply during the COVID-19 emergency.
 - You must secure a [Special Event permit](#) from NYC Parks to hold any gathering or event with more than 20 people in a NYC park or beach. Applications should be submitted no less than 21 days prior to the day of your requested date.
 - The [NYC Street Activity Permit Office](#) issues permits for activity on public streets.

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Q: Do you need a permit for something being filmed on the street?

A: Please visit MOME's film permit webpage for information about when a permit is required to film on public property: <https://www1.nyc.gov/site/mome/permits/when-permit-required.page>.

Q: Is a permit required for doing a livestreamed event from inside a theater?

A: You do not need a film permit to film on private property as long as you are not using any public property (e.g., for parking), but you do need to follow the [NYS Department of Health Interim Guidance for Media Production during the COVID-19 Public Health Emergency](#).

Q: Is performance activity only permitted to take place indoors if it's related to filming?

A:

- On September 30, when indoor dining starts in New York City, live or recorded music that is incidental to dining will be allowed in food service establishments. The state has advised that only incidental music will be allowed in food service establishments; other forms of performance such as comedy, theatre, and dance, will not be allowed. All other types of venues remain closed by the state.
- Media production activity may take place indoors, subject to compliance with the [NYS Department of Health Interim Guidance for Media Production during the COVID-19 Public Health Emergency](#). "Media production activities" means all activities undertaken in motion picture, music, television, and streaming productions on set, on location, or at any production or recording site.

Note: This answer is current as of September 23, 2020. The laws and guidance governing capacity are rapidly changing. Where there is a discrepancy between this answer and more recently issued laws or guidance, the more recently issued item should be followed.

Questions for events permitting in streets and plazas

Answers prepared by Mayor's Office of Citywide Events Coordination and Management, which includes the Street Activity Permit Office (SAPO), and NYC Department of Transportation. For latest information, please visit nyc.gov/cecm.

Q: Is amplified sound without a stage/video screen permitted? Is a stage / video screen without amplified sound permitted?

A: Yes, both of those scenarios are allowable. We recommend anyone trying to utilize amplified sound check in with their local police precinct.

Q: Are there waivers on fees for non-profits in the pandemic?

A: Fees are waived for events deemed cultural and/or educational, though they must also be free to the public.

Q: For outdoor performances there is a 50-person limit. Do you have suggestions for how to limit the audience size to the allowable number for a free event?

A: Pop up events are recommended, with no prior promotion/advertisements, to help limit the attendance to the allowable threshold of 50

Q: If a street is already an open street, do you need a permit to host a booth or small event in that space?

A: No permits are being issued on open streets currently.

Q: Are there fees attached to applying for each of those permits?

A: There is a \$25 application fee for event permits. Fee information is available on the CECM website nyc.gov/cecm.

Q: Are there any requirements for who can apply for a SAPO permit? Mutual aid groups, individuals, etc?

A: SAPO permits are issued to all types of applicants including non-profits, individuals and commercial entities. Fees will vary or be waived depending on that status and the activity type.

Q: Can artists get a permit on the street and accept donations/tips?

A: SAPO can permit fundraising on the street with some conditions, however permit fees may apply for fundraising events. More information available here: <https://www1.nyc.gov/site/cecm/permitting/civic-and-charitable-events.page>.

Q: Would block parties or street festivals need to adhere to that 50-person maximum that was mentioned?

A: Block Parties must adhere to the 50 non-essential gathering limit. Street festivals are currently prohibited through Dec. 31, 2020.

Questions for events permitting in public parks

Answers prepared by NYC Department of Parks and Recreation. For latest information please visit: <https://nyceventpermits.nyc.gov/parks/>

Q: Would a youth basketball tournament be permitted?

A: Unfortunately, competitive basketball of any sort is still prohibited by the Governor's NY Forward plan and so Parks is unable to permit any tournament of competitive play for the time being. The only basketball activity we have been able to permit is related to skills and drills. These were permitted as special events.

Q: Could you apply for a park event through the Street Activities Permit Office?

A: There is no opportunity to apply for Park space through the SAPO E-Apply system or vice versa. If you are looking for a street or pedestrian plaza you would need to apply through [SAPO](#), and if you are looking for an NYC Parks you should apply through [Parks](#).

Q: What is the process for a dance organization to get a permit to do a performance in a park or public space?

A: Permits must be submitted to the Parks Department Citywide Special Events and a \$25 application fee is required for events with more than 20 people, inclusive of performers and audience.

Q: Would a sound permit be issued if the stage is a part of the park (example: Central Park Bandshell)?

A: No, sound permits are still prohibited when the use is in conjunction with a stage or video screen, even on pre-existing stages (bandshells, amphitheaters, etc.)

Q: Are events at community gardens under Parks permit jurisdiction?

A: Yes, community gardens are under the jurisdiction of NYC Parks through the GreenThumb division. The Parks Dept is working closely with GreenThumb to getting permits ready for community garden events, but these events would be allowed completely at the discretion of garden volunteers and will be limited to no more than 25 people to start. For more information and resources regarding our GreenThumb Community Gardens and contacts, please visit <https://greenthumb.nycgovparks.org/>

Q: How long does it take for Parks permit to be approved?

A: Parks requires a minimum of 21 days from the date being requested to review and approve the application. This is the minimum time, but we ask that people apply as far in advance as possible.

Q: Do we need to permit for workshops of fewer than 25 participants in a city park?

A: Permits for events with less than 25 people are not necessary, but highly recommended in order to ensure that space will be available to you on the day of the workshop.

Q: Where can we review guidelines for activities in privately-owned public spaces (POPS)?

A: While Parks strongly suggests looking into NYC Park space for your event before considering POPS, you can find more general information regarding POPS here, <https://www1.nyc.gov/site/planning/plans/pops/pops.page>

Q: Are Parks rules inclusive of beaches as a venue?

A: Yes, all Parks rules pertaining to special events also apply to our beaches, however there are additional policies Parks will request be followed regarding beach use. We avoid permitting our beaches inside of beach season (Memorial Day -Labor Day) to ensure as much of our beaches are available to public use as possible, given their popularity.

Q: If a park also has a conservancy, do you need to work with that group as well in any way to coordinate events (for example, Fort Greene Park Conservancy)?

A: Yes, working with relevant parks conservancies is encouraged, along with contact with NYC Parks Special Events division regarding the event.

Question for DCLA-related funding for cultural programming

Answer prepared by NYC Department of Cultural Affairs

Q: Recognizing that DCLA is usually now finalizing funding FY21 proposals, will DCLA greenlight funding for events larger than 50 people for 2021?

A: We will authorize payment for all eligible/permissible programs under City guidelines at the time of performance (recognizing that they are subject to change).