

DEPARTMENT COMMUNICATIONS	DIVISION ALL DEPARTMENTS AND DEVELOPMENTS	EFFECTIVE DATE ISSUED APRIL 1, 2005 REVISED April 21, 2011	INDEX NO. 004:05:1
SUBJECT FILM AND TELEVISION PRODUCTION	ADMINISTERED BY Lynn Godfrey Chief Communications Officer	APPROVED BY Natalie Y. Rivers First Deputy General Manager	

I. Purpose

The purpose of this procedure is to establish uniform standards to follow when an individual or production company requests permission to videotape, film, or produce still photography on New York City Housing Authority (NYCHA) property.

II. Policy

The safety of public housing residents, NYCHA employees, and the protection of NYCHA property are the primary concerns in granting permission for film or television production on NYCHA property. NYCHA developments and grounds are private property, and therefore prior permission must be granted.

A Letter of Intent must be approved, proof of liability insurance must be submitted, a Mayor's permit must be obtained, and a Letter Agreement must be signed and approved by NYCHA before any production can commence on development grounds.

III. Location Scouting

Location Scouting is a process conducted by production companies or individuals who wish to determine the most appropriate locations for their production. Location scouting consists of still photography, note taking, and general observation. No videotaping of any NYCHA property or personnel is permitted.

All requests to scout are to be directed to the Department of Communications. Approval for scouting requests is given verbally to the production company location scout by the Department of Communications. The Department of Communications makes notification to the respective Property Manager or Property Maintenance Supervisor of the decision to allow scouting. Production companies are allowed to scout rooftop locations as long as they are accompanied by a member of the development staff.

If a location scout requests to view any apartments, occupied or otherwise, they must be accompanied by a member of the development staff. An occupied apartment cannot be entered without resident permission.

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IV. Approval for Production on Housing Authority Property

An individual or production company is required to submit a Letter of Intent that provides a brief synopsis of the story and responds to specific questions concerning the date, time, and place of the proposed production. If the Letter of Intent is approved, the individual or production company must obtain a Certificate of General Liability Insurance and, if required, a permit from the Mayor's Office of Film, Theatre, and Broadcasting before the NYCHA issues a Letter Agreement for production on NYCHA property.

A. Approval Process

1. Letter of Intent

An individual or production company wishing to produce any type of feature film, television programming for cable or network broadcast, music video, student or government production, production for internet distribution, or conduct still photography must submit a detailed written Letter of Intent. This letter must be submitted seven (7) to ten (10) business days prior to the intended start date. NYCHA reserves the right to automatically deny approval of any request submitted later than the seven (7) to ten (10) day time constraint. The Letter of Intent must contain the following:

- a. Synopsis of production
- b. Name of development where shoot takes place
- c. Date(s) of proposed shoot
- d. Time(s) of proposed shoot
- e. Specific area within the development wishing to be utilized, e.g., apartment address and number, basketball court)
- f. Number of persons in cast and crew
- g. Plans to temporarily alter property
- h. Type of production, e.g., documentary, feature film, etc.
- i. Production Company Name
- j. Contact Person and Telephone Number

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The Letter of Intent must be sent to a Department of Communications media service technician. Upon receipt and initial review, the Letter of Intent is forwarded to the Chief Communications Officer of the Department of Communications or designee who either gives preliminary approval to the project or denies it. The Department of Communications forwards a copy of the Letter of Intent to the Mayor's Office of Film, Theatre, and Broadcasting with a note indicating its approval or disapproval. This prevents the Mayor's Office of Film, Theatre, and Broadcasting from issuing a permit for a production that NYCHA has denied.

2. NYCHA Insurance Requirement for Production Companies

- a. All Insurance cited in Section 2b. below must be presented to the NYCHA Risk Finance Division with a copy to the Department of Communications. All certificate holders must be the following: New York City Housing Authority, 90 Church Street, 6th floor, New York, New York 10007-2919, Attn: Risk Finance Division. Any other certificate holder is rejected. Additionally, NYCHA must be included as an additional insured for all liability insurance coverage i.e. Comprehensive General Liability and Automobile Liability, as required.

Minimum insurance requirements include Comprehensive General Liability (CGL) for a minimum of \$1,000,000 per occurrence, and \$2,000,000 in the aggregate. The CGL, in addition to including the additional insured interests of NYCHA and other standard clauses, is listed in Appendix C, *Standard Insurance Requirements*. If vehicles are used for any purpose related to the production or the company's production fleet is parked within NYCHA borders, automobile liability coverage of \$1,000,000 combined single limit is required.

If vehicles used by the production are either hired or leased by the vendor for the production and there are no owned vehicles separately insured for business use, then the CGL certificate that evidences the CGL policy must include an endorsement covering the use of hired or non-owned vehicles. The production company must supply a certificate evidencing New York State (NYS) Statutory Worker's Compensation (WC) coverage including Employer's Liability (EL).

If the vendor is an out of state vendor, it is suggested that a NYS Amendatory Endorsement be attached to their WC EL Policy and such endorsement be included. If such endorsement is not procured, minimum limits for EL is \$1,000,000.

If the production company is exempt from NYS WC procurement, then a NYS WC Board waiver form CE-200 must be filed, signed, dated,

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and submitted with the entity for work showing the New York City Housing Authority. The exemption form is available on the following NYS WC website:

http://www.wcb.state.ny.us/content/ebiz/wc_db_exemptions/requestExemptionOverview.jsp

- b. Only the NYCHA Risk Finance Division can waive insurance requirements prior to production. All certificates and copies must be issued and sent by a licensed insurance representative of the vendor.
 - c. Copies of the applicable evidence of insurance are distributed to the NYCHA Risk Finance Division. The insurance requirements are approved and/or waived by the NYCHA Risk Finance Division.
3. Mayor's Office of Film, Theatre, and Broadcasting Permit

In addition to an approved Letter of Intent and Certificate of Comprehensive General Liability Insurance, an approved Mayor's Office of Film, Theatre, and Broadcasting permit must be obtained and forwarded to the Department of Communications except when the Mayor's Office of Film, Theatre, and Broadcasting does not require the permit, or the permit is optional. If obtained, the permit must be signed and dated by a Mayor's Office of Film, Theatre, and Broadcasting Business Promotion Coordinator in order to be accepted by NYCHA.

4. Production Letter Agreement with NYCHA
- a. Provided that the requirements for the Letter of Intent, Certificate of Comprehensive General Liability Insurance and, if required, the Mayor's Office of Film, Theatre, and Broadcasting permit have been satisfied, and NYCHA has given its approval, NYCHA then issues a Letter Agreement to the production company or individual. This Letter Agreement sets forth the terms and conditions under which the production takes place. It names the development and the specific area(s) within the development being utilized for the production. It also indicates the date(s) and time(s) for the production, as well as the company or individual being granted permission.
 - b. The Letter Agreement must be signed by the Chief Communications Officer of the Department of Communications or designee on behalf of NYCHA and the production company or individual.
 - c. Both the Department of Communications and the production company, or individual must maintain executed copies of the Letter Agreement. The Property Manager of the development is faxed an executed copy of the Letter Agreement for their files.

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V. Time Frames

Due to the nature of the approval process, the Department of Communications requires a set amount of time to review and process the necessary paperwork. A production company or individual wishing to film, videotape, or engage in still photography on NYCHA grounds must begin the approval process a minimum of seven (7) to ten (10) business days prior to their scheduled start date. NYCHA reserves the right to deny approval to any request filed later than the seven (7) to ten (10) business days time frame. Exceptions to this policy can be made only by the Chief Communications Officer of the Department of Communications.

VI. Role of the Property Management Department

- A. The Department of Communications contacts the appropriate Property Management Department Director or Deputy Director during the approval process and advises them of the proposed production. The purpose of this contact is to obtain input from the Property Management Department Director or Deputy Director and determine if there are any conflicts or situations which may necessitate a change in the shoot date, time, or location. At this time, the Property Management Department Director or Deputy Director raises any other objections or concerns as they relate to the production, e.g., driving through and parking on NYCHA grounds as a pedestrian safety issue.
- B. The Property Manager or designee assists the Department of Communications in determining potential overtime costs as they relate to development staff who may be required to work additional hours as a result of the production.
- C. If necessary, the Property Manager or designee makes provisions for appropriate staff to be present while the production is taking place in order to assist with any needs or last minute production company requests.

VII. Location Fees

NYCHA charges a minimum daily location fee for the right to use its' properties for any type of film, television production, production for internet distribution, or still photography. For purposes of this fee, a day is zero (0) – twelve (12) hours. Any shooting which continues past twelve (12) hours is automatically considered a second day. NYCHA reserves the right to charge additional amounts or fees above and beyond those listed, depending on the nature of the production and other factors. Exceptions to this location fee schedule can be made only at the discretion of the Chief Communications Officer of the Department of Communications. The fee schedule is found in Appendix B, *Location Fee Range*.

Location fees are payable to NYCHA. NYCHA's Accounting and Fiscal Services Department, Revenue and Receivables Division, is notified by the Department of Communications upon completion of the production via a copy of the contract which

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contains the location fee, overtime reimbursement, and any other applicable fees. NYCHA's Accounting and Fiscal Services Department, Revenue and Receivables Division, generates and sends an invoice to the production company for payment.

In addition to the location fees, production companies or individuals may make a voluntary donation directly to NYCHA at the discretion of the donor.

VIII. Overtime Reimbursements

The film, television production company, or individual must reimburse NYCHA for any and all overtime incurred by NYCHA personnel. All reimbursements are handled in the following manner:

- A. The Department of Communications consults with the production company's location manager or individual to determine the number of NYCHA staff and hours necessary to be worked by each staff member. This information is then forwarded to and discussed with the Property Manager for a final decision.
- B. The Department of Communications confers with the Property Manager who calculates an approximate dollar amount of overtime costs based on the current rates of pay.
- C. The anticipated costs of NYCHA personnel overtime is forwarded to the production company by the Department of Communications.
- D. Once the production begins, the Property Manager provides the Department of Communications with the names of NYCHA staff working overtime, their rates of pay, and the dates and hours worked. At the conclusion of the production, the Department of Communications forwards a summary of this information to the NYCHA's Accounting and Fiscal Services Department, Revenue and Receivables Division, to generate an invoice(s) and send it to the production company or individual.

IX. Content

NYCHA reserves the right to make certain stipulations in regard to the content of scenes being filmed, videotaped, or photographed on its property. Elements of such scenes, which portray NYCHA negatively or are considered to be inappropriate, may prevent the Letter Agreement from being approved.

X. Non-NYCHA Contracts and Releases

No resident or employee of NYCHA is required to sign or agree to any other contract except the Letter Agreement provided by the NYCHA. NYCHA does not sign or agree to any other production contracts or releases provided by an

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organization wishing to videotape, film, or produce still photography on NYCHA property.

XI. Production Guidelines

NYCHA provides the following guidelines to be adhered to by the production company:

A. Before the Production

To prepare the residents and the neighborhood for the production, the production company is expected to do the following:

1. Familiarize themselves with the neighborhood and to be considerate of schools, churches, senior centers, funeral homes, etc.
2. Post letters on NYCHA premises to notify residents and development staff of the dates and times of the production. The letters outline how production may affect the residents' normal routines and must include production office contact names and phone numbers. These letters must be posted in lobbies and on light poles.
3. Provide blackout material for residents' windows for night exterior shoots if it is possible that lighting may spill over into apartments.
4. Assure businesses that you allow customer access and all regular deliveries.

B. During the Production

The production company is expected to continuously monitor the production to ensure safety and to minimize the inconvenience imposed on residents. They should:

1. Not block buildings or keep equipment in front of buildings that are not directly involved with the shoot
2. Be sensitive to neighborhood needs while holding parking spaces for their own staff. Be aware of and respect special parking areas, such as handicapped parking, moving van access zones, or resident paid non-reserved spaces
3. Not park generator trucks in front of the buildings and never leave truck engines idling under residents' windows
4. Make certain that trucks and campers fit under trees to avoid damage to branches

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5. Not hold or block traffic without a police officer. The New York Police Department Film Unit exists to work with the production company on traffic and security needs.
6. Keep noise to a minimum when arriving in a neighborhood before 7:00 AM or filming past 10:00 PM
7. Ensure safe pedestrian passage through and around the set by covering cables with mats, and not allowing crew members to congregate in pedestrian passageways
8. Remind crews to speak courteously to residents

C. After the Production

The production company must restore the area to its original condition. They must make a clean sweep of the area to ensure that nothing is left behind, including equipment, garbage, resident letters, parking signs, and Vehicular Tow Unit signs that the production posted.

If any NYCHA or resident property has been damaged, such damage should be reported as soon as possible to the Property Manager or Property Maintenance Supervisor. The Property Manager completes NYCHA form 128.024, *Occurrence Report*, and submits the form to the Department of Communications who will then forward all information and documentation to NYCHA's Risk Finance Division.

XII. Forms

The following form is referenced in this procedure:

- NYCHA form 128.024, *Occurrence Report*

Appendix A – N.Y.C.H.A. Overtime Expenses and the Human Resources Department

Overtime expenses are most likely to be incurred, as a result of Film and Television Production, for employees in the titles below. N.Y.C.H.A. Human Resources Department should be contacted per production and for overtime rates if other titles are involved. These rates are subject to change as a result of collective bargaining.

- 1) Caretakers with a classification of “G” or “J” receive overtime wages of **\$28.06/hour**. If any work is performed on a Sunday, the rate is **\$32.74/hour**.
- 2) Caretakers with a classification of “X” receive overtime wages of **\$29.14/hour**. If any work is performed on a Sunday, the rate is **\$34.00/hour**
- 3) A Caretaker Supervisor receives overtime wages of **\$39.69/hour**. If any work is performed on a Sunday, the overtime rate is **\$46.30/hour**.
- 4) A Groundskeeper Supervisor receives overtime wages of **\$40.17/hour**. If any work is performed on a Sunday, the overtime rate is **\$46.86/hour**.

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Appendix B - Location Fee Range

- 1) Feature film shot on 35mm film or high-definition videotape - **\$1,000.00- \$5,000.00/day**
- 2) Feature or limited-release film shot on 16mm film or other digital format - **\$750.00 - \$3,000/day.**
- 3) Television production for network or cable broadcast - **\$500.00 - \$2,000.00/day**
- 4) City, state or federal government programming - **\$250.00 - \$500/day**
- 5) Still photography - **\$350.00 - \$1,000.00/day**
- 6) Internet Productions – start at **\$250.00/day**
- 7) Student production (with proof of student status from a recognized school) - **\$50.00 - \$150.00/day**

Appendix C – Standard Insurance Requirements

COVERAGE TYPE	EXTENT OF REQUIREMENT	MINIMUM LIMITS	FORMS & REQUIRED ENDORSEMENTS
Workers' Compensation/Employer's Liability	Mandatory for ALL	Workers' Compensation: Statutory for the State of New York Minimum Employer's Liability: \$1,000,000 Each Employee \$1,000,000 Each Accident \$1,000,000 Policy Limit	Form: As required in the State of New York Endorsements: <ul style="list-style-type: none"> • Waiver of Subrogation • Primary and Non-Contributory Clause
Commercial General Liability	Mandatory for ALL	\$1,000,000 per Occurrence \$2,000,000 General Aggregate \$2,000,000 Products/Completed Operations \$1,000,000 Personal/Advertising Injury \$5,000 Medical Expense	Form: General Liability Form ISO CG 00 01 or equivalent Endorsements: <ul style="list-style-type: none"> • Additional Insured ISO Form CG2010 and CG2037 or their equivalents • Waiver of Subrogation • Primary and Non-Contributory Clause • Severability of Interest Clause
Business Auto Liability	Mandatory for ALL	\$1,000,000 Combined Single Limit	Form: Business Auto Form CA 00 01 or equivalent Coverage to be applicable to Owned, Non-Owned and Hired Autos Endorsements: <ul style="list-style-type: none"> • Additional Insured ISO Form CA2048 or its equivalent • Waiver of Subrogation • Primary and Non-Contributory Clause • Severability of Interest Clause

- All policies must be written by insurers with minimum AM Best Rating of "A" and Financial Size Category of "VII".
- Contractors are required to confirm and maintain proof of coverage for all their subcontractors for the duration of the contract.
- Limits can be adjusted depending on scope and size of contract.