

Citywide Administrative Procedure Act (CAPA)
Mayor's Office of Media and Entertainment
Regulatory Agenda FY2021

Part 1: Summary of Overall Regulatory Agenda

The Mayor's Office of Media and Entertainment ("MOME") intends to propose a rule that would change the fees for permits issued pursuant to Chapter 9, Title 43, of the Rules of the City of New York ("Film Permits") and amend the insurance requirements for Film Permits to be consistent with insurance required for other City permits.

MOME also intends to propose two rules relating to licensing the "Made in NY" logo, a federally registered trademark used in connection with promoting production of film, television, and theatrical productions in the City of New York and for promoting economic development in the City of New York by providing marketing and workforce development programs, all in an effort to promote digital industries in the City of New York.

- The first rule would establish a formal program that would allow film and television production companies to use the "Made in NY" logo in the marketing and credits of films and television programs. This will promote NYC as a film and television production hub and denote that films and programs were made in New York City if they have qualified production costs of at least \$50,000 in New York City.
- The second rule would establish a formal program that would allow digital game creators to use the "Made in NY" logo in the marketing and credits of digital games. This will promote NYC as a center for game developers and denote that video game products were made in New York City if they have qualified costs of at least \$10,000 in New York City.

The proposed regulations are consistent with the policy objectives of the Administration because they better reflect the City's administrative and personnel costs relating to Film Permits and because they promote the film/TV and digital gaming industries in NYC.

The proposed rules were not identified through the City's Retrospective Rules Review.

Details about the proposed rules appear below.

Mayor's Office of Media and Entertainment
Regulatory Agenda FY2021

A. FEE CHANGE

1. **Description:**

The Mayor's Office of Media and Entertainment ("MOME") intends to propose a rule that would increase the fees for permits issued pursuant to Chapter 9, Title 43, of the Rules of the City of New York ("Film Permits") and amend the insurance requirements for Film Permits to be consistent with insurance required for other City permits. MOME issues Film Permits for scouting, rigging, and filming-related activity on City property.

2. **Reason:**

MOME is considering this action because its current fees do not reflect all of MOME's current administrative costs relating to Film Permits.

Since 2010, MOME has charged an administrative fee of \$300 for a project account application, which reflected only MOME's costs of processing the application and did not include other fees incurred by MOME relating to Film Permits. Under the existing system, a Film Permittee receives an unlimited number of one-day Film Permits for a particular project such as an episodic television series or a feature film without a fee for the actual permits. Under the proposed rule, permittees will pay \$500 for an unlimited number of daily Film Permits for each two-week period. The fee change both captures MOME's costs that are not reflected in the project account application fee (for example, costs for field representatives to inspect film shoots) and reflects the increase in administrative costs relating to Film Permits in the past decade. OMB approved the fee increase.

3. **Summary:**

- The fee would change from \$300 for a project application (and unlimited Film Permits per project) to \$500 for a two-week period of unlimited Film Permits.
- Permittees would be given the option of covering the City of New York, including its officials and employees, as an "additional insured" with a coverage form that is at least as broad as Insurance Services Office ("ISO") Form CG 20 12 (Additional Insured – State or Governmental Agency or Subdivision or Political Subdivision – Permits or Authorizations) in lieu of coverage at least as broad as that provided by ISO Form CG 20 26.
- Permittees would be required to obtain a commercial general liability insurance policy that is at least as broad as the most recently issued version of ISO Form CG 00 01, which is a commonly issued insurance policy. Permittees may maintain commercial general liability insurance on a different insurance policy form as long as the policy is at least as protective as ISO Form CG 00 01.
- The phrase "Certificate of Insurance Broker or Agent" will be modified to reflect a change in the name of the form approved by the New York State Department of Financial Services in 2015.
- Requirements for the financial strength ratings of the insurance company will be modified to reflect standard citywide requirements necessary to decrease the risk that the permittee's insurance company will lack resources to pay a claim.

4. **Objectives:**

- Increase MOME's fees to capture all of MOME's costs relating to Film Permits and more closely reflect the increase in MOME's costs relating to Film Permits since 2010.
- Amend the insurance requirements for Film Permits to be consistent with insurance required for other City permits.

Mayor's Office of Media and Entertainment
Regulatory Agenda FY2021 (continued)

B. MADE IN NY LOGO PROGRAM FOR FILM AND TELEVISION

1. **Description:**

The proposed rule would establish a formal program (the “Made in NY” Logo Program for Film and Television) that would allow film and television production companies to use the City’s “Made in NY” logo in the marketing and credits of films and television programs to denote that such product was made in New York City if it has paid qualified production costs of at least \$50,000 in New York City.

2. **Reason:**

MOME receives numerous requests from film and television production companies to use the “Made in NY” logo in the marketing and credits of films and television programs to denote that such products were made in New York City. Accordingly, MOME seeks to establish a formal rule setting forth the criteria that a production must meet in order to license the “Made in NY” logo from MOME. By featuring the logo graphic in the media’s credits or in promotional materials, projects both promote that they were made in New York City and showcase MOME’s and the City’s efforts as a production center.

3. **Summary:**

- Establish a program for licensing the Made in NY logo to qualified film and television productions.
- Establish a process for applying for a license to use the Made in NY logo in qualified film and television productions.
- Require that “qualified films” have production costs of at least \$50,000 to ensure that such productions are generating economic activity for the City.

4. **Objectives:**

The purpose of this rule is to outline the application process for “Made in NY” Logo Program for Film and Television. These procedures would govern the licensing of the “Made in NY” logo to qualified film and television productions, including the application process, standards for evaluating applications, and other provisions necessary and appropriate for fulfilling the purposes of the Program.

5. **Legal Basis:**

Under Executive Order 31 of 2018 and predecessor executive orders, MOME has the duty to supervise and/or manage the City as a location for film, theater and television production. MOME has oversight of the City’s “Made in NY” logo. The logo is a federally registered trademark that may be used in connection with “promoting production of film, television, and theatrical productions in the City of New York.”

6. **Relevant Laws:**

Chapter 15, Title 43, Rules of the City of New York sets forth the Marketing Credit Program, which provides complimentary advertising (“marketing credits”) and use of the Made in NY logo to certain films with over \$400,000 of qualified costs in New York City. The proposed rule is intended to complement the existing Marketing Credit Program by giving films that do not qualify for marketing credits an opportunity to use the logo.

7. **Individuals and Entities Affected:**

Film and television productions.

8. **Approximate Schedule:**

First Quarter of FY 2021.

9. Agency Contact for Rulemaking:

Agency: Mayor's Office of Media and Entertainment

N/A

Bureau or Division: Lori Barrett-Peterson, General Counsel

Rulemaking Contact Person: 646-300-1280

Telephone: 646-300-1280 **Email:** Lbarrett-peterson@media.nyc.gov

Mayor's Office of Media and Entertainment
Regulatory Agenda FY2021 (continued)

A. MADE IN NY LOGO PROGRAM FOR DIGITAL GAMES

1. **Description:**

The proposed rule would establish a formal program (the "Made in NY" Logo Program for Digital Games) that would allow qualified digital games the opportunity to use the City's "Made in NY" logo in end credits and promotional materials to denote that such product was made in New York City if it has paid qualified production costs of at least \$10,000 in New York City.

2. **Reasons:**

MOME has received requests from video game creators to use the "Made in NY" logo in the marketing and credits of digital games. Providing use of the logo through this program will promote NYC as a center for game developers and denote that video game products were made in New York City.

3. **Summary:**

- Establish a program for licensing the Made in NY logo to qualified digital games.
- Establish a process for applying for a license to use the Made in NY logo in qualified digital games.
- Require that "qualified digital games" have production costs of at least \$10,000 to ensure that such productions are generating economic activity for the City.

4. **Objectives:**

The purpose of this rule is to outline the application process for the Made in NY Logo Program for Digital Games. These procedures govern the licensing of the "Made in NY" logo to qualified digital games, including the application process, standards for evaluating applications, and other provisions necessary and appropriate for fulfilling the purposes of the Program.

5. **Legal Basis:**

Under Executive Order 31 of 2018 and predecessor executive orders, MOME has the duty to supervise and/or manage the development of programs and activities in support of the growth and retention of digital content production and distribution industries in New York City. The logo is a federally registered trademark that may be used for promoting economic development in the City of New York by providing marketing and workforce development programs, all in an effort to promote digital industries in the City of New York.

6. **Relevant Laws:**

Chapter 15, Title 43, Rules of the City of New York sets forth the Marketing Credit Program, which provides complimentary advertising ("marketing credits") and use of the Made in NY logo to certain films with over \$400,000 of qualified costs in New York City. This rule does not duplicate, overlap or conflict with the proposed rule.

7. **Individuals and Entities Affected:**

Publishers, developers and/or distributors of qualified video games.

8. **Approximate Schedule:**

First Quarter of FY 2021.

9. Agency Contact for Rulemaking:

Agency: Mayor's Office of Media and Entertainment

N/A

Bureau or Division: _____

Lori Barrett-Peterson, General Counsel

Rulemaking Contact Person: _____

646-300-1280

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