

MAYOR'S OFFICE OF MEDIA AND ENTERTAINMENT

Notice of Opportunity to Comment on Proposed Rules

What are we proposing? The Mayor's Office of Media and Entertainment ("MOME") is proposing changes to the rules for premiere permits and the rules for permits for scouting, rigging, and filming activities. The changes include updating the name of the permitting office, adding insurance and indemnification requirements to the conditions for premiere permits, increasing the fee for project account applications for scouting, rigging, and filming activities, updating insurance requirements for permits for scouting, rigging, and filming activities, and making necessary updates to certain requirements.

When and where is the Hearing? MOME will hold a public hearing, at which the public and interested parties are invited to submit comments and testimony on the proposed rule revisions, at **2:00 p.m., ET, on October 31, 2023**. The public hearing will be accessible by phone and video conference.

To participate in the public hearing via phone, please dial 1-646-558-8656.

- Meeting ID: 861 6480 8878
- Passcode: 864747

To participate in the public hearing via videoconference, please follow the online link:

<https://us06web.zoom.us/j/86164808878?pwd=4LK89vGau3M1NYePBCIGWkK1arn3Y6.1>

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How do I comment on the proposed rule revisions? Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to MOME through the NYC rules Website at www.nyc.gov/nycrules.
- **Email.** You can email written comments to MOME at lbarrett-peterson@media.nyc.gov.
- **Mail.** You can mail written comments to MOME at 1 Centre Street, 27th Floor; New York, NY 10007 c/o General Counsel.
- **By Speaking at the Hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by sending an email to lbarrett-peterson@media.nyc.gov by 5:00 p.m., ET, on October 30, 2023, and including your name and affiliation. While you will be given the opportunity during the hearing to indicate that you would like to provide comments, we prefer that you sign up

in advance. You can speak for up to three minutes.

Is there a deadline for submitting written comments? Yes, you must submit written comments by 11:59 p.m., ET, on October 31, 2023.

What if I need assistance to participate in the Hearing? You must tell MOME if you need a reasonable accommodation of a disability at the Hearing, such as an American Sign Language interpreter. You can tell us by contacting MOME’s disability services facilitator, Lori Barrett-Peterson, by email at DisabilityServices@media.nyc.gov or 212-602-7418. Advance notice is requested to allow sufficient time to arrange the accommodation. Please contact us by 4:00 p.m., ET, on October 26, 2023.

Can I review the comments made on the proposed rules? A few days after the hearing, a summary of the hearing and copies of the written comments will be available to the public on MOME’s website, www.nyc.gov/MOME.

What authorizes MOME to promulgate this rule amendment? Sections 389(b) and 1043 of the City Charter authorize MOME to issue this proposed rule amendment. This rule amendment was included in MOME’s regulatory agenda.

Where can I find MOME’s rules? MOME’s rules are found in Title 43 of the Rules of the City of New York.

What laws govern the rulemaking process? MOME must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043(b) of the City Charter.

STATEMENT OF BASIS AND PURPOSE

The Mayor’s Office of Media and Entertainment (“MOME”) comprises five divisions: the Film Office (also known as the “Office of Film, Theatre and Broadcasting,” “MOFTB,” and “OFTB”), which coordinates film and television production throughout the five boroughs; NYC Media, the City’s official broadcast network and production group; the Office of Nightlife, which supports the city’s nighttime economy; the Press Credentials Office, which issues press cards; and Programs and Initiatives to advance industry and workforce development across NYC’s creative sectors.

The Film Office is proposing changes to Chapters 8 and 9 of Title 43 of the Rules of the City of New York.

A. 43 RCNY Chapter 8: Premiere Permits

Pursuant to Chapter 8 of Title 43 of the Rules of the City of New York, the Film Office issues permits for certain entertainment events on public property in the City of New York, including events associated with movie premieres, theatre openings, and other similar events with respect to film, television, and radio. These permits are known as “Premiere Permits.” The Premiere Permits rules became effective in August 2009. Thirteen years later, several amendments are necessary to codify changes in procedures and insurance requirements:

Specifically, the proposed rule would:

- Replace references to the “Office of Film, Theatre and Broadcasting” or “OFTB” with the “Film Office.”
- Expand the definition of “sponsor” or “applicant,” recognizing that any type of legal person may apply for a Premiere Permit.
- Allow for the flexibility to accept different forms of payment.
- Update the role of the Office of Citywide Event Coordination and Management to reflect that Premiere Permit applications became part of the Street Activity Permit Office’s electronic application system known as the Citywide Event Management System, which allows MOME to determine if there are conflicts among activities proposed for the same time and location.
- Add indemnification and insurance requirements, consistent with the City’s requirements for permits for activity on public property.
- Include minor plain language edits throughout.

43 RCNY Chapter 9: Film Permits

For over 50 years, the Film Office has provided one-stop clearance and permit operations for film and television productions in the city. As part of these services, the Film Office continues to coordinate and provide free police assistance, free parking privileges, and free access to most exterior locations. In 2010, the Film Office adopted a rule authorizing a New Project Account application fee of \$300. This New Project Account application fee was valid for the duration of continuous photography for any scouting, rigging and/or shooting activity that requires a permit. For a television series, a single New Project Account application fee covered all Film Office permits for

the entire season. The same is true for a television commercial, which typically involves much less filming on City property than a television series (often only a day or two).

The demand for the Film Office's permits and the Film Office's attendant administrative and personnel costs of issuing permits have significantly increased in the past decade. Accordingly, this rule revision is proposed to (i) increase the fees to reflect the administrative and personnel costs incurred by MOME for processing permit applications, but also (ii) charge lower fees for projects that involve less permitted activity and higher fees for projects that involve more permitted activity. Permit applicants that require permits for longer than a two-week period would pay a fee for each two-week period. Consequently, short-term projects like commercials, that typically require less of the Film Office's staff time, would pay less than long-term projects, like episodic television series that take more of the Film Office's staff time.

In addition to adjusting the fee, the proposed rule amendments would:

- Update the name of the office to the “Film Office.”
- Update the reference to the rule governing press credentials.
- Allow for the flexibility to accept different forms of payment.
- Include provisions concerning unmanned aircraft (including drones) to reflect the new rules set forth in Chapter 24 of Title 38 of the Rules of the City of New York.
- Repeal the rules regarding Optional Permits. The Film Office established an alternative self-certification to the Optional Permit that reduces the administrative burden on both filmmakers and the Film Office and provides filmmakers with documentation that they can present in response to inquiries from the public and law enforcement. That self-certification is available on the Film Office's website: <https://www1.nyc.gov/site/mome/permits/letter-in-lieu-of-optional-permit.page>
- Amend the required information on a permit application to reflect changes in procedures since 2012 when the permit applications became available electronically.
- Update the responsibilities of film permit holders, for example, with respect to maintaining a fire lane, pyrotechnics, and care of trees.
- Amend insurance requirements to be consistent with insurance required for other City permits. Specifically, the proposed changes related to insurance requirements would:
 - Give permittees 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.

- Require permittees 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 if the policy is at least as protective as ISO Form CG 00 01.
- Modify the phrase “Certificate of Insurance Broker or Agent” to reflect a change in the name of the form approved by the New York State Department of Financial Services in 2015.
- Modify requirements for the financial strength ratings of the insurance company to reflect standard citywide requirements necessary to decrease the risk that the permittee’s insurance company will lack resources to pay a claim.
- Amend indemnified parties and the additional insureds to include “officials and employees”. MOME will have the authority to modify insurance requirements for a particular permit applicant if there is an unreasonable hardship and the modification does not pose an unreasonable risk.

“Shall” and “must” denote mandatory requirements and may be used interchangeably unless otherwise specified or unless the context clearly indicates otherwise.

New material is underlined.

[Bracketed material indicates deleted material]

Section 1. Chapter 8 of Title 43 of the Rules of the City of New York is amended to read as follows:

CHAPTER 8 PREMIERE PERMITS AND FEES

§ 8-01 Premiere Permits Relating to Certain Entertainment Events.

[The Mayor's Office of Film, Theatre & Broadcasting (“MOFTB”) shall] The Film Office is authorized to issue Premiere Permits in connection with certain entertainment events held in New York City. These include [special] entertainment events associated with movie premieres, theatre openings, and other similar events held with respect to films, television programs, commercials, and radio productions. [Premiere Permits for such events may, at the discretion of the Commissioner of MOFTB and, as indicated below, be issued to individuals or commercial entities.]

§ 8-02 Definitions.

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

- (a) [Sponsor or applicant.] “Sponsor” or “applicant” [shall mean] means the [individual or commercial entity] person named in an application for a Premiere Permit[,], which application shall be submitted on forms prescribed by the Commissioner of MOFTB.]
- (b) [Extra large event.] “Extra large event” [shall mean]means an event (1) for which there is an anticipated attendance of 5,000 or more people; and (2) that has an extensive impact on the surrounding community and/or on vehicular/pedestrian traffic, in that they include obstructions or structures such as any temporary platforms, bleachers, reviewing stands, outdoor bandstands or similar structures, or tents or canopies that require a Department of Buildings permit. This may involve, but is not limited to, significant coordination by other City agencies,

including permitting agencies; a large and/or complicated permitting role by the Department of Buildings; full closure of streets and/or sidewalks; and extensive coordination [between MOFTB] among the Film Office, the Office of Citywide Events Coordination and Management (“CECM”), the Police Department, the Fire Department, and other City agencies as appropriate.

- (c) [Large event.] “Large event” [shall mean]means an event (1) for which there is an anticipated attendance of fewer than 5,000 people; and (2) that has an extensive impact on the surrounding community and/or on vehicular/pedestrian traffic, in that they include obstructions or structures such as any temporary platforms, bleachers, reviewing stands, outdoor bandstands or similar structures, or tents or canopies that require a Department of Buildings permit. This may involve, but is not limited to, coordination by other City agencies, including permitting agencies; full closure of streets and/or sidewalks; and coordination [between MOFTB] among the Film Office, CECM, and other City agencies as appropriate.
- (d) [Medium event.] “Medium event” [shall mean]means an event (1) for which there is an anticipated attendance of fewer than 1,500 people; and (2) that has an impact on pedestrian and/or vehicular traffic and may include the presence of an obstruction such as a press riser, stage, table, or other structure. Such events require coordination [between MOFTB] among the Film Office, CECM, the Police Department, and the Department of Transportation, but would require minimal involvement of the Department of Buildings or the Fire Department.
- (e) [Small event.] “Small event” [shall mean]means an event (1) for which there is an anticipated attendance of fewer than 1,000 people; and (2) that [occupies a period of time that does not exceed four hours and] has moderate impact on pedestrian and/or vehicular traffic. Such events require some degree of coordination [between MOFTB] among the Film Office, the Department of Transportation, and the Police Department.
- (f) [Extra small event.] “Extra small event” [shall mean]means an event (1) for which there is an anticipated attendance of fewer than 500 people; and (2) that [occupies a period of time that does not exceed four hours and] has low or no impact on pedestrian and/or vehicular traffic. Such events require little or no coordination [between MOFTB] among the Film Office and other City agencies.
- (g) “Film Office” means the office or division of an agency with authority to issue

permits pursuant to Chapter 8 of Title 43 of the Rules of the City of New York formerly known as the Mayor's Office of Film, Theatre & Broadcasting.

§ 8-03 Fees.

- (a) [MOFTB] The Film Office shall determine which fee category is appropriate for a proposed event. Fees are based on the City resources required as determined by the anticipated attendance at events to be held and extent of the impact on City property, and permits will authorize activities including, for example, the placement of a “red carpet”, the setting aside of a “limousine lane”, or the siting of a tent or other structure. [Fees shall be paid in the form of a certified check or money order made payable to “New York City Department of Finance” or, if available as a payment method, through the use of a credit or debit card.] Fees shall be non-refundable, and payment [shall] must accompany each application for a Premiere Permit as follows:
- (1) For an extra large event: \$24,000.00.
 - (2) For a large event: \$14,000.00.
 - (3) For a medium event: \$5,000.00.
 - (4) For a small event: \$2,750.00.
 - (5) For an extra small event: \$450.00.
- (b) Each fee described in subdivision (a) of this section includes permission to use the following:
- (1) One curb lane closure.
 - (2) One red carpet.
 - (3) One press pen.
 - (4) One generator.
 - (5) One klieg light.

- (6) One tent (10 feet by 20 feet).

§ 8-04 Processing of Premiere Permits.

- (a) Applications for Premiere Permits [shall] must be submitted to the [MOFTB] Film Office on forms prescribed by the Commissioner of the Mayor's Office of Media and Entertainment, together with proof of insurance, pursuant to section 8-06 of this chapter, no later than fourteen (14) days prior to the date of the event. The sponsor or applicant must promptly provide additional information necessary to evaluate the application upon request of the Film Office. [Upon receipt of an application, MOFTB shall forward it to CECM, which shall notify and consult, as appropriate, with the Police Department, the Fire Department, the Department of Transportation, and the Department of Sanitation. CECM shall consider information, if any, submitted by any of the foregoing agencies in connection with such notification and shall attempt to resolve any issues in connection with the issuing of a permit.]
- (b) [CECM] The Film Office shall review the application for a Premiere Permit to determine if there are conflicting scheduled activities. The Film Office may consult with other City agencies on the feasibility and logistics of resolving such conflicts. The Film Office may require the sponsor or applicant to modify its permit application to avoid or mitigate its impact on conflicting activities. [Where such exist, CECM shall make recommendations regarding ways to resolve them, and shall forward such recommendations to MOFTB. Prior to issuing a Premiere Permit, MOFTB and CECM shall have resolved any outstanding scheduling issues.]
- [(c) At any time during the review of an application for a Premiere Permit, the applicant or sponsor may be required to submit such additional information as is deemed necessary, during evaluation of the application or the particular facts surrounding the proposed event that is the subject of the permit request.]
- [(d)] (c) [MOFTB] The Film Office shall have the authority to deny an application, to condition the approval of an application, or to revoke a Premiere Permit, based on one or more of the following reasons: [the past or present failure of the applicant or sponsor]
- (1) The sponsor or applicant failed to make payment of the application fee;
[or]

- (2) The sponsor or applicant failed to present proof of insurance and proof that all necessary and proper licenses, permits or authorizations have been received; [or]
- (3) The sponsor or applicant requested a date and time that was previously requested by another applicant;
- (4) Conditions exist that may pose a danger or a threat to participants, onlookers, or the general public;
- [(3)](5) [to comply with applicable laws or rules] The Film Office has concluded, based on specific information, that the applicant is unlikely to comply with the material terms of the requested permit, laws, or rules; [or]
- [(4)](6)The sponsor or applicant failed to comply with a condition imposed on a permit issued previously to the sponsor or applicant[.];
- (7) Any of the City or other government agencies which were notified of the Premiere Permit application had reason to raise objections regarding the permit request;
- (8) The proposed activity, when considered in conjunction with other proposed activities, would produce an excessive burden on the community, City services or City personnel; or
- (9) Approval of the application is not in the best interest of the City for reasons that may include, but are not limited to, honesty, integrity or financial responsibility of the sponsor or applicant.

[(e) CECM shall have the authority to recommend denial of an application, the conditioning of approval of an application, or revocation of a Premiere Permit on any or all of the following grounds:

- (1) any of the City or other government agencies which were notified of the Premiere Permit application had reason to raise objections regarding the permit request; or

- (2) the proposed activity, when considered in conjunction with other proposed activities, would produce an excessive burden on the community, City services or City personnel; or
 - (3) approval of the application is not in the best interest of the community, the City or the general public for reasons that may include, but are not limited to, honesty, integrity or financial responsibility of the sponsor.
- (f) Upon completing its review of a Premiere Permit application, CECM shall indicate its recommendation on the MOFTB permit application and shall return such form to MOFTB.
- (g) Permits received pursuant to this section shall be non-transferable.]

§ 8-05 Non-Transferability.

A Premiere Permit may not be transferred.

§ 8-06 Indemnification and Insurance.

- (a) In connection with operations performed by or on behalf of the permittee under a Premiere Permit, the permittee must (i) protect persons and property from damage, loss, or injury (including death) and (ii) defend, indemnify, and hold harmless the City, including its officials and employees, to the fullest extent permitted by law, from all claims, losses, and expenses, including attorneys' fees.
- (b) A permittee must maintain, during the entire course of its operations, commercial general liability insurance that
 - (1) has a limit of at least one million dollars (\$1,000,000) per occurrence; provided, however, that the Film Office may require a higher minimum limit of insurance based on the risk of bodily injury, property damage, or both arising from factors including, but not limited to, the projected attendance, the location of the activity, and the nature of the activity;
 - (2) provides coverage at least as broad as provided by the most recently issued Insurance Services Office (ISO) form CG 00 01;

- (3) is occurrence based (not claims-made);
 - (4) includes a policy provision or endorsement covering the City of New York, including its officials and employees, as an additional insured with coverage at least as broad as coverage provided by ISO form CG 20 26 or form CG 20 12; and
 - (5) is issued by a company that may lawfully issue the policy and has an A.M. Best rating of at least A-/VII, a Standard and Poor's rating of at least A, a Moody's Investors Service rating of at least A3, a Fitch Ratings rating of at least A-, or a similar rating by any other nationally recognized statistical organization acceptable to the City.
- (c) An sponsor or applicant must provide proof of such insurance prior to the issuance of a Premiere Permit by submitting a Certificate of Insurance in a form acceptable to the Commissioner certifying compliance with the foregoing requirements, accompanied by a duly executed Certification by Broker or Agent in the form required by the New York City Law Department and the specific endorsement or policy language by which the City of New York, including its officials and employees, has been made an Additional Insured.
- (d) Acceptance by the Commissioner of any purported proof of insurance shall not be deemed to constitute a waiver of the permittee's obligation to ensure that insurance fully consistent with these requirements is maintained, and the permittee shall be liable to the City of New York, including its officials and employees, for any failure to do so.

§ 2. Chapter 9 of Title 43 of the Rules of the City of New York is amended to read as follows:

CHAPTER 9 PERMITS ISSUED BY [MAYOR'S OFFICE OF FILM, THEATRE AND BROADCASTING] THE FILM OFFICE

§ 9-01 Permits for Scouting, Rigging and Production Activities.

- (a) **Scope of Rules.** The [Mayor's Office of Film Theatre and Broadcasting ("MOFTB")] Film Office, a division of the Mayor's Office of Media and

Entertainment as established by mayoral executive order number 21 for the year 2022, or any successor to such office shall issue permits in connection with filming, including but not limited to the taking of motion pictures; the taking of photographs; the use and operation of television cameras, transmitting television equipment, or radio remotes in or about city property; load-ins or load-outs supporting indoor performances; or such activities in or about any street, park, marginal street, pier, wharf, dock, bridge or tunnel within the jurisdiction of any City department or agency, or involving the use of any City owned or maintained facilities or equipment. As defined herein, [MOFTB] the Film Office will issue permits for scouting, rigging, and shooting activities. Obtaining such a permit does not obviate the need to comply with other applicable laws, rules or case law also governing such activity.

[(b) **Required and Optional Permits.** Unless a permit is designated in these rules as an “Optional Permit”, the use of the term “permit” herein shall be deemed to be a “Required Permit”.

(1) (b) **[Required] Permits.**

[a.] (1) The following activities require that a permit be obtained pursuant to this chapter:

[(i)] (a) Filming, photography, production, television, or radio remotes occurring on City property, as described in subdivision (a) of this section, that uses vehicles or equipment.

[(ii)] (b) Filming, photography, production, television or radio remotes occurring on City property, as described in subdivision (a) of this section, (A) if such activity involves the assertion by any means, including physical or verbal, of exclusive use of one or more lanes of a street or walkway of a bridge or (B) if such activity involves the assertion by any means, including physical or verbal, of exclusive use of more than one-half width of a sidewalk or other pedestrian passageway or, in a situation in which the sidewalk or pedestrian passageway is narrower than sixteen feet, if such activity involves the assertion by any means, including physical or verbal, of exclusive use of the sidewalk or pedestrian passageway such that less than eight feet is otherwise available for pedestrian use.

[For purposes of this subparagraph, standing on a street, walkway of a bridge, sidewalk, or other pedestrian passageway while using a handheld device and not

otherwise asserting exclusive use by any means, including physical or verbal, is not activity that requires a permit.]

[a.] (2) The following activities do not require that a permit be obtained pursuant to this chapter:

(a) Standing on a sidewalk, walkway of a bridge or other pedestrian passageway while using a handheld device and not otherwise asserting exclusive use by any means.

[(i)](b) Filming, photography, production, television or radio remotes occurring on City property, as described in subdivision (a) of this section, involving the use of handheld devices as defined in paragraph three of subdivision (a) of §9-02, (A) if such activity does not involve the assertion by any means, including physical or verbal, of exclusive use of [one or more lanes of a street] a sidewalk or walkway of a bridge or (B) if such activity does not involve the assertion by any means, including physical or verbal, of exclusive use of more than one-half width of a sidewalk or other pedestrian passageway or, in a situation in which the sidewalk or pedestrian passageway is narrower than sixteen feet, does not involve the assertion by any means, including physical or verbal, of exclusive use of the sidewalk or pedestrian passageway such that less than eight feet is otherwise available for pedestrian use. [For purposes of this subparagraph, standing on a street, walkway of a bridge, sidewalk, or other pedestrian passageway while using a handheld device and not otherwise asserting exclusive use by any means, including physical or verbal, is not activity that requires a permit.]

[(ii)](c) Filming or photography of a parade[, rally, protest, or demonstration] except when using vehicles or equipment.

(d) Filming or photography of a rally, protest, or demonstration.

(e) The takeoff or landing of unmanned aircraft (including drones) if such takeoff or landing is entirely within the authority of Chapter 24 of Title 38 of the Rules of the City of New York.

[(2) Optional Permits: Persons who are engaged in filming or still photography and are not otherwise required to obtain a permit pursuant to paragraph (1) of subdivision (b) of this section may be issued an Optional Permit.

- a. Persons requesting such an Optional Permit shall provide accurate information concerning their postal address, and, if available, e-mail address, telephone number and fax number; and accurate information as to the location(s) of such activities, the date(s) and time(s) during which such activities are proposed to take place.
- b. MOFTB shall process Optional Permit requests in accordance with the provisions of paragraphs four, five, six, seven, eight, nine and ten of subdivision (b) of § 9-02 of these rules.]
- (c) **Press [passes] cards.** The use of a press [pass] card issued [by the New York City Police Department (“NYPD”)] in accordance with Chapter [11 of Title 38] 16 of Title 43 of the Rules of the City of New York (“Press Credentials”), where an individual is acting in furtherance of the activity authorized by such press [pass] card, and is engaged in filming as defined in these rules, does not require that a permit be obtained pursuant to this chapter.
- (d) **Authorization from other agencies[:].** Notwithstanding the provisions of subdivision (a) of this section, scouting, rigging, or shooting activities within City parks or the interiors of City buildings, bridges or tunnels require, if applicable, separate authorization from the City agency with jurisdiction over the location. The use of certain items or activities, including but not limited to animals, firearms (actual or simulated), special effects, pyrotechnics, police uniforms, police vehicles, unmanned aircraft (including drones), driving shots with tow or camera rigs, and conditions that require holding of traffic may require authorization and/or assistance from the relevant government agency.

§ 9-02 Processing of Permit Applications.

(a) **Definitions.** For purposes of this chapter, the following terms shall have the following meanings:

[(1)] “Equipment” [shall include]includes, but is not limited to, television, photographic, film or videocameras or transmitting television equipment, including radio remotes, unmanned aircraft (including drones), props, sets, lights, electric and grip

equipment, dolly tracks, screens, or microphone devices, and any and all production related materials. “Equipment” [shall] does not include (a) “hand-held devices,” as defined in paragraph (3) of this subdivision, and (b) 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.

[(2)] “Filming” [shall mean]means 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] includes [events that include], but are not limited to, the making of feature or documentary films, television serials, webcasts, simulcasts, or specials.

“Film Office” means the office or division of an agency with authority to issue permits pursuant to Chapter 9 of Title 43 of the Rules of the City of New York formerly known as the Mayor’s Office of Film, Theatre & Broadcasting.

[(3)] “Hand-held devices” [shall mean]means (a) film, still or television cameras, videocameras or other equipment which are held in the photographer’s or filmmaker’s hand and carried at all times with the photographer or filmmaker during the course of filming, or (b) tripods used to support film, still, television cameras or videocameras. “Hand-held devices” [shall] does not include cables or any other item or equipment not carried by the photographer or filmmaker at all times during the course of photography, filming, or transmission.

[(4)] “New Project Account application” [shall mean]means a request submitted on [an MOFTB form] the Film Office’s electronic application by an applicant indicating that the applicant intends to request one or more permits for scouting, rigging and/or shooting activities.

[(5)] “Photography” [shall mean]means the taking of moving or still images.

[(6)] “Pre-permit reserve” shall mean the designation by MOFTB, at the request of a permit applicant, of a location(s) where the applicant intends to conduct rigging or shooting activities.]

[(7)] “Rigging/de-rigging” [shall mean]means 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.

[(8)] “Same date” [shall mean]means the same actual calendar date (numerical date and month). [or the same day of the same week in a given month, as relevant. For example, “same date” shall encompass the date July 11, as well as the second Sunday in the month of July, as relevant.]

[(9)] “Same location” [shall mean]means the location identified in the rigging permit or the [filming] shooting permit application.

[(10)] “Scouting” [shall mean]means 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.

[(11)] “Shooting” [shall include]includes (a) filming interiors or exteriors, and (b) theatrical productions whose performances are presented indoors.

(b) New Project Account application and Permit application for scouting, rigging and/or shooting activities.

(1) The following steps [shall] must be taken to obtain a scouting, rigging, and/or shooting permit:

a. Submission of a New Project Account application to [MOFTB] the Film Office.

(i) For any activity needing a [Required] [Permit] permit, a New Project Account application shall be valid for [the duration of continuous photography] one or more consecutive periods of 14 consecutive calendar days, as requested on such application.

(ii) [For a television series, such application shall be valid for no more than one season.] A new Project Account application shall be valid for no more than one season (for episodic programs) or for no more than one year (for other activities).

(iii) For [a special event] special content produced by a [television] program, including but not limited to a concert or awards show [or street event involving an outdoor public audience,] a separate New Project Account application shall be required. If such special [event] content requires a Premiere Permit as set forth in chapter 8 of this title, a separate New Project Account application will not be required.

b. A New Project Account application, when submitted in connection with a [Required P]permit, [shall] must be accompanied by a non-refundable fee of [\$300.00] \$500.00 per each requested period of 14 consecutive calendar days. [paid in the form of a credit card payment or certified check or money order and made payable to “New York City Department of Finance.” An applicant may make a request for a waiver of such fee, which shall accompany the application when submitted.] An applicant may make a request for a waiver of such fee prior to submitting an application. [MOFTB]

The Film Office shall have the authority to waive such fee where the applicant is able to demonstrate unreasonable hardship. The burden of demonstrating unreasonable hardship shall be on the applicant.

- c. At the same time, [or some time thereafter,] an applicant [shall] must seek a scouting, rigging, and/or shooting permit.
- d. At the same time, or prior thereto, the applicant [shall] must have obtained and provided to [MOFTB a certificate] the Film Office proof of insurance for a policy that reflects the requirements contained in § 9-03 of this chapter.

(2) New Project Account Application contents. Applicants [shall] must complete an application, on a form prescribed by [MOFTB] the Commissioner of the Mayor's Office of Media and Entertainment, [which shall contain] providing detailed [identifying] information about the applicant and the project, proof of insurance required pursuant to section 9-03 of this chapter, and, for film school applicants, a letter from the school confirming insurance coverage and the student's enrollment and a copy of the student's school identification card. [In completing such form, applications shall provide the information set forth below.

- a. A postal address (but not a post office box) and, if available, an e-mail address, and a telephone number and a facsimile number for purposes of receiving notification from MOFTB.
- b. Valid photo identification of the applicant or, if the applicant is not a natural person, a valid photo identification of the natural person authorized by the applicant to act on its behalf in connection with the application.
- c. If known at the time of the application, the dates, and times of scouting, rigging, or shooting and location of such activity, and any special circumstances including, but not limited to, information regarding whether the activity involves special parking requests, traffic control issues or special effects.
- d. Film school students shall provide a letter from the student's school confirming insurance coverage, and the student's current enrollment, subject to the provisions of §9-03.]

(3) Scouting, Rigging and/or Shooting Permit Applications. When applicants submit a scouting, rigging and/or shooting permit application, on a form prescribed by [MOFTB] the Film Office, they [shall] must:

- a. identify the date(s), time(s) and location(s) of such activity; and
- b. identify any special circumstances including, but not limited to, information regarding whether the activity involves requests for [special] parking [requests], traffic control [issues], or special effects[;].
- [c. for applicants requesting a scouting permit, provide a letter from the applicant’s producing/financing entity verifying the project by name and identifying the natural person(s) on-site who will be performing scouting activities on behalf of the applicant;
- d. for applicants requesting a scouting permit, provide documents of incorporation, financing documents for the project or grant or foundation award letter.]

(4) Processing of Permits. All permit applications will be processed based on the date of the proposed activity. If there are multiple applications for film permits for the same location on the same date and time, the Film Office will review the applications in order of receipt. [on a “first come, first served” basis. Upon request by an applicant for a Required Permit, MOFTB will place a pre-permit reserve on the location(s) identified in the New Project Account application or the rigging and/or shooting application. An applicant can request such pre-permit reserve no more than three weeks in advance of the activity, but upon a need demonstrated in writing by the applicant, MOFTB may grant a greater period of time. If two or more permit applicants request the same date and the same location, the New Project Account application request that was received first shall be first eligible for approval.]

(5) [MOFTB] The Film Office shall respond to the applicant with one of the responses enumerated in subparagraphs a through c of paragraph (6) of this section in accordance with the following schedule:

- a. for applications filed 45 days or more prior to the date for which such permit is sought, [MOFTB] the Film Office shall respond no later than 30 days after the receipt of such applications;
- b. for applications filed less than 45 days but more than 15 days prior to the date for which such permit is sought, [MOFTB] the Film Office shall respond no later than ten days after the receipt of such applications; or
- c. for applications filed 15 days or less prior to the date for which such permit is sought, [MOFTB] the Film Office shall respond as soon as is reasonably practicable.

- d. No application may be filed more than sixty days prior to the date of the requested event, unless special circumstances are presented to the commissioner or [her] the commissioner's designee for approval.

(6) Determination upon review of application. Following receipt of an application, [the MOFTB] the Film Office will make one or more of the following determinations:

- a. issuance of the particular permit.
- b. written notification that more information is needed before [MOFTB] the Film Office can make a determination as to a particular permit application.
- c. written notification that the particular permit application has been denied and a statement of the reason or reasons pursuant to paragraph (7) of this subdivision for such denial.

(7) Denial of new project account applications or scouting, rigging, and/or shooting permit application. [MOFTB] The Film Office may deny a permit if any one or more of the following issues exists:

- a. conditions exist that may pose a danger or a threat to participants, onlookers or the general public;
- b. the location sought is not suitable because the proposed use cannot reasonably be accommodated in the proposed location;
- c. the date and time requested for a particular location is not available because (i) a permit has previously been issued for such date and time, or (ii) [the permit request is the subject of a new project account application, as provided in paragraph (4) of this subdivision,] the date and time has already been requested by another applicant, or (iii) another City agency has issued a permit for such date or time;
- d. [MOFTB] The Film Office has concluded, based on specific information, that the applicant is unlikely to comply with the material terms of the requested permit;
- e. use of the location or the proposed activity at the location would otherwise violate any law, ordinance, statute, or regulation; or

f. use of the location would interfere unreasonably with the operation of City functions.

(8) If the permit has been denied pursuant to subparagraphs a, b, c, e (with respect to location) or f of paragraph (7) of this subdivision, [MOFTB] the Film Office shall employ reasonable efforts to offer the applicant suitable alternative locations and/or times and/or dates for the proposed rigging or shooting. If the permit has been denied pursuant to subparagraph d, [the MOFTB] the Film Office may consider whether special conditions may be placed or whether additional steps can be taken to address its concern about potential non-compliance.

(9) The denial of a permit shall be in writing and shall contain information about the right to appeal such denial unless the applicant, in its application, authorizes [MOFTB] the Film Office to issue an oral determination in connection with the filing of the application. Subsequent to the filing of such application, an applicant may request a written determination upon notifying [MOFTB] the Film Office in writing that such applicant now seeks a written determination. Upon receiving such request for a written determination, [MOFTB] the Film Office shall respond in accordance with the requirements of paragraph (5) of this subdivision, such time to respond commencing on the date of receipt by [MOFTB] the Film Office of the notification.

(10) After a permit application is denied, the applicant may appeal a written determination by written request filed with the appeals officer who may reverse, affirm, or modify the original determination and provide a written explanation of his or her finding.

- a. If a permit application is denied more than 30 days prior to the proposed scouting, rigging, or shooting, the applicant shall have 10 days from the date that such denial is e-mailed [or faxed] to the applicant to appeal such denial. [MOFTB] The Film Office shall render a decision on such appeal within 10 days of receipt of such appeal.
- b. If a permit application is denied more than 10 days and less than 30 days prior to the proposed scouting, rigging, or shooting, the applicant shall have 5 days from the date such denial is e-mailed [or faxed] to the applicant to appeal such denial. [MOFTB] The Film Office shall render a decision on such appeal within 5 days of receipt of such appeal.
- c. If a permit application is denied 10 days or less prior to the proposed scouting, rigging, or shooting, the applicant shall have one day from the date such denial is e-mailed [or faxed] to the applicant to appeal such denial. [MOFTB] The Film Office shall render a decision on such appeal as soon as is reasonably practicable.

(c) Responsibilities of Holders of Required [and Optional] Permits.

- (1) **Rules:** All permittees are subject to the rules of [MOFTB] the Film Office, the specific terms and conditions of the permit, and all applicable city, state, and federal laws or rules. Nothing herein is intended to authorize activities that are illegal under any applicable city, state or federal law or rule, except that permittees may engage in such conduct as is expressly authorized by the permit issued to them.
- (2) **Display of permit:** All permittees shall have the permit in their possession on location at the time and site of the scouting, rigging, or shooting, as well as any other permits required by [MOFTB] the Film Office or any other governmental agency, and shall make such permit available for inspection at the request of an employee of the Police Department or other government agency.
- (3) **Permit restrictions:** All permittees shall confine their activities to the locations and times specified on their permit. [MOFTB] The Film Office may establish specific guidelines to address conditions that exist at certain designated locations and the use of vehicles and equipment at locations based on, among other considerations, the time of day, weather conditions, season, location, and day of the week.
- (4) **Non-transferability:** [Required] Permits [and Optional Permits] are not transferable.
- (5) **Clean-up:** All permittees are responsible for cleaning and restoring the site after the rigging or shooting. The cost of any City employee time incurred because of a permittee's failure to clean and/or restore the site following the rigging or shooting will be borne by the permittee.
- (6) **Accidents or injuries:** Should there be any injuries, accidents, other health incidents or damage to private, [or] City, or other public property at a permitted [event] location, the permittee [shall] must notify [MOFTB] the Film Office immediately.
- (7) **Vehicle Parking:** Only vehicles [with permits issued by MOFTB] registered with the Film Office will be allowed to park in areas designated for the rigging or shooting activity at the time(s) and location(s) described in the applicable permit.

- (8) **Dolly track or other equipment:** No dolly track or other equipment, including cables, may be laid across a street or a bike lane or block [a fire lane] an emergency access lane without prior approval of [MOFTB] the Film Office and NYPD and, with respect to an emergency access lane, the FDNY.
- (9) [Pyrotechnics: The use of pyrotechnics, fire effects, and explosions, including simulated smoke and smoke effects shall be conducted only upon authorization by the New York City Fire Department and subsequent approval shall be obtained from MOFTB and the NYPD prior to shooting.] **FDNY Permits and Approvals:** As a condition of obtaining a permit under this chapter, the permittee must obtain all relevant required permits from the FDNY pursuant to Fire Code section 105.6, including, but not limited to, permits for fireworks, flammable and combustible liquids, hot work operations, liquified petroleum gas, open flames, pyrotechnic material, and special effects. In addition to obtaining a permit from FDNY, the permittee must obtain permission from the Film Office and NYPD.
- (10) **Animals:** [The use of wild] Wild animals, as defined in Article 161, [§161.02]§161.01 of the New York City Health Code, shall be used only upon authorization by the New York City Department of Health and Mental Hygiene, and subsequent approval [shall] must be obtained from [MOFTB] the Film Office prior to shooting.
- (11) **Potentially dangerous activities:** Conduct or activities associated with rigging or shooting permits [which] that are determined by [MOFTB] the Film Office to cause a potential danger to persons or property will be referred by [MOFTB] the Film Office for approval by the NYPD or other governmental agency having jurisdiction over such activity. Such activities shall include, but not be limited to, the use of stunts, helicopters, the takeoff and landing of certain unmanned aircraft, firearms, or simulated firearms.
- (12) [Traffic control: Where a public street is closed in connection with rigging or production activities, a 13.5-foot lane shall be kept open.] **Emergency Access:** The permittee [shall] must maintain an unobstructed lane of not less than 15 feet in width. Such requirement may be waived or reduced by [MOFTB] the Film Office upon an appropriate showing of need or at the discretion of the NYPD and the FDNY.
- (13) **Trees and plantings:** Trimming, [damaging,] removing, [or] cutting, or otherwise altering trees or vegetation on City property is prohibited without the

prior approval of the New York City Department of Parks and Recreation. If a tree or vegetation is damaged or destroyed by the permittee and the permittee (including the permittee's employee, officer, contractor, or agent) has actual knowledge of such damage or destruction, the permittee must promptly notify the designated unit or office of the New York City Department of Parks and Recreation and the Film Office.

- (14) **Street structures:** No street signs, lights, [postal boxes,] parking meters or any other permanent street structure may be removed or altered without the prior approval of the New York City Department of Transportation or other agency charged with maintaining such structures.
- (15) **Production location access:** If determined by [MOFTB] the Film Office to be appropriate, permittees [shall] must submit a mitigation plan for minimizing the potential inconvenience to residents and/or businesses caused by rigging or shooting activities.
- (16) **Food services:** There shall be no sit-down catered meals permitted on public streets or sidewalks.
- (17) **Code of Conduct:** [MOFTB shall issue a location Code of Conduct that addresses the importance of considerate behavior on the set of all rigging and shooting activities. A copy of the Code of Conduct shall be given to holders of Required and Optional Permits under these rules.] All permittees are subject to the Code of Conduct issued by the Film Office and must ensure that all cast and crew comply with such Code of Conduct. The Film Office shall publish the Code of Conduct on its webpage. The permittee is responsible for providing a copy of the Code of Conduct to the cast and crew of each permitted rigging or shooting activity and each cast and crew member is required to follow the Code of Conduct. [Permittees shall be required to encourage participants in the permitted event to act in accordance with such code.]

(d) Modifications to or Suspension of Required [or Optional] Permits.

- (1) If a permittee seeks to modify its permit, it [shall] must submit [an addendum] a revision to [its original request] said permit, which will be governed by the same timetable as provided in paragraph (5) of subdivision (b) of this section.

- (2) If [MOFTB] the Film Office determines that modifications should be made to the terms or conditions of any permit, or that a permit should be revoked, after notice and opportunity to be heard, [MOFTB] the Film Office may do so, based upon reasons set forth in paragraph (7) of subdivision (b) of this section.
- (3) If [MOFTB] the Film Office revokes any permit prior to the date of the scouting, rigging, or shooting, the permittee may appeal the revocation, subject to the time limitations set forth in paragraph (10) of subdivision (b) of this section.
- (4) During the course of scouting, rigging, or shooting, [MOFTB] the Film Office or the NYPD may suspend any permit where public health or safety risks are found or where exigent circumstances warrant such action. Where a suspension lasting longer than six hours occurs, permittees shall be given notice and an opportunity to be heard within ten days after the suspension.

§ 9-03 Indemnification and Insurance.

- (a) By accepting a permit, a permittee agrees to protect all persons and property from damage, loss, or injury (including death) arising from any of the operations performed by or on behalf of the permittee, and to defend, indemnify and hold harmless the City, including its officials and employees, to the fullest extent permitted by law, from all claims, losses, and expenses, including attorneys' fees, that may result therefrom. [This indemnification requirement does not apply to any person or entity acting with an Optional Permit in accordance with §9-01(b)(2).]
- (b) Every holder of a [Required P]permit [shall] must maintain, during the entire course of its operations, commercial general liability insurance with a limit of at least one million dollars (\$1,000,000) per occurrence with coverage at least as broad as provided by the most recently issued Insurance Services Office (ISO) form CG 00 01. Such insurance [shall] must be occurrence based (not claims-made) and must include a policy provision or endorsement [naming] covering the City of New York, including its officials and employees, as an additional insured with coverage at least as broad as provided by [Insurance Services Office (ISO)] ISO form CG 20 26 or form CG 20 12. Such insurance must be issued by a company that may lawfully issue the policy and has an A.M. Best rating of at least A-/VII, a Standard and Poor's rating of at least A, a Moody's Investors Service rating of at least A3, a Fitch Ratings rating of at least A-, or a similar rating by any other nationally recognized statistical organization acceptable to the City. The applicant [shall] must provide proof of such

insurance prior to the issuance of the permit by submitting a Certificate of Insurance in a form acceptable to the Commissioner certifying compliance with the foregoing requirements, accompanied by a duly executed Certification by Broker or Agent in the form required by the [Commissioner] New York City Law Department and the specific endorsement or policy language by which the City of New York, including its officials and employees, has been made an Additional Insured. Acceptance by the Commissioner of any purported proof of insurance shall not be deemed to constitute a waiver of the permittee's obligation to ensure that insurance fully consistent with these requirements is secured and maintained, and the permittee shall be liable to the City of New York, including its officials and employees, for any failure to do so. For currently enrolled film students, proof of insurance through their school and the student's current attendance shall satisfy this requirement. [This insurance requirement does not apply to any person or entity holding an Optional Permit issued in accordance with § 9-01(b)(4).]

- (c) If [MOFTB] the Film Office determines, in light of the activity for which a permit is sought, 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 or additional type of coverage is necessary to cover the risks arising from the activity, [MOFTB] the Film Office shall determine what higher minimum limit or type of coverage is to be required and inform the applicant of such higher limit or type of coverage. Factors to be considered by [MOFTB] the Film Office may include, but shall not be limited to, the number of people involved, the location of the activity, [and] the nature of the activity, and risks arising from the activity that may not be covered by a commercial general liability insurance policy. The applicant [shall] must thereafter provide proof of such insurance in accordance with subdivision (b) of this section. If [MOFTB] the Film Office determines in writing that a higher minimum limit or an additional type of coverage is [to be] required, the applicant may appeal such determination by written request filed with the [MOFTB] Film Office appeals officer who may reverse, affirm, or modify the determination and provide a written explanation of his or her finding.
- (d) [(1) MOFTB] The Film Office shall have the authority to waive or modify the insurance required by subdivision (b) of this section where the applicant is able to demonstrate that such insurance cannot be obtained without imposing an unreasonable hardship on the applicant. Any request for a waiver or modification of the insurance required by subdivision (b) of this section [shall] must be included by the applicant in the application submitted to [MOFTB] the Film Office under §9-02

of this chapter. The burden of demonstrating unreasonable hardship shall be on the applicant, and may be demonstrated by a showing, for example, that the cost of obtaining insurance for the permitted activity exceeds twenty-five percent (25%) of the applicant's budget for such activity that is the subject of the application.

[MOFTB] The Film Office shall take into consideration the applicant's projections of budget as well as the budget projections for comparable productions of similar size and duration in determining whether the cost of obtaining insurance exceeds twenty-five percent (25%) of the budget. [MOFTB] The Film Office may also take into consideration its determination that the permitted activity may increase the potential for injury to individuals and/or damage to property. [In the event that MOFTB] If the Film Office denies a waiver or modification of the insurance requirement, the applicant may thereafter respond to the denial and appeal such denial pursuant to the provisions of § 9-02 of this chapter.

[(2) If an applicant requests and is granted a waiver of the insurance required by subdivision (b) of this section because it would impose an unreasonable hardship, such applicant shall be deemed to qualify for a waiver of the \$300.00 fee required by subparagraph b of paragraph (1) of subdivision (b) of §9-02 of this chapter in the event such applicant makes a request for a waiver of the \$300.00 fee.]

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1400**

**CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)**

**RULE TITLE: Amendment of Rules Relating to Premier Permits and Permits for Scouting,
Rigging and Filming Activities**

REFERENCE NUMBER: MOME-10

RULEMAKING AGENCY: Mayor's Office of Media and Entertainment

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Francisco X. Navarro
Mayor's Office of Operations

September 12, 2023
Date

**NEW YORK CITY LAW DEPARTMENT
DIVISION OF LEGAL COUNSEL
100 CHURCH STREET
NEW YORK, NY 10007
212-356-4028**

**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Amendment of Rules Relating to Premier Permits and Permits for Scouting, Rigging and Filming Activities

REFERENCE NUMBER: 2023 RG 056

RULEMAKING AGENCY: Mayor's Office of Media and Entertainment

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN
Senior Counsel

Date: September 12, 2023