

**N**ational  
**C**oalition  
**A**gainst  
**C**ensorship

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United Methodist Communications,  
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Women's American ORT  
Writers Guild of America, East  
Writers Guild of America, West

Ms. Julianne Cho  
Assistant Commissioner  
Mayor's Office of Film, Theatre & Broadcasting  
1697 Broadway  
New York, N.Y. 10019

July 27, 2007

Re: Chapter 9, Title 43 of the City Rules of New York Film Permits

Dear Ms. Cho:

We are writing to you to express our concern about the adverse impact the new rules on Film Permits (Chapter 9, Title 43 of the City Rules of New York), currently under consideration, will have on independent filmmakers, photographers and film and photography students in the City. While we understand and appreciate the need for written guidelines regarding photographic and filmmaking activities in New York – especially when large film crews are involved - we are concerned that Sections 901(b)(1)(ii) and (iii) would impose unnecessary, yet significant burdens upon small, one-camera professional filmmaking and photography enterprises. Those sections require that a permit must be acquired for filming with a hand-held camera when it lasts more than 30 minutes (including setup) in a single location and involves two or more people, as well as for filming with a single tripod when it lasts more than 10 minutes (including setup) and involves five or more people.

Independent filmmakers and photographers, whether students or professionals, frequently work on extremely small budgets and with minimal equipment. Very often, they work only with hand-held cameras or tripods (and with portable sound-recording devices if interviewing individuals on the street). This equipment certainly is not of the kind that would create safety hazards, tie up traffic or otherwise disrupt the free flow of activity on City streets, presumably the underlying concerns the City had in formulating the rules.

Yet, despite this non-intrusive filming process, under the new rules filmmakers would be required to obtain permits were they to film with a hand-held camera for more than 30 minutes within a 100 foot radius of any given location, or for more than 10 minutes with a stationary camera within the same radius. The conditions placed on the number of people “interacting” would preclude even the filming of a small documentary where a cameraman, sound person and producer are interviewing a couple visiting, say, Ground Zero. These rules virtually ensure that no filmmaker or professional photographer would henceforth be able to work without going through the permission

process.

The 10 and 30 minute time limitations would present an unrealistic time frame for most documentary filming and professional photography. In fact, some common film/video techniques used by amateurs as well as professionals, such as time-lapse photography, inherently require both a tripod and longer periods of time. The new restrictions effectively eliminate time-lapse as an option unless a permit and insurance are obtained in advance.

Worse, even if the filmmakers were to go through the process of obtaining a permit, the requirement that “[p]ermittees shall confine their activities to the locations and times specified on their permit” places an insurmountable burden upon the work of documentary filmmakers for whom spontaneity and a quick reaction to urban life is a key. Seminal work like Helen Levitt, Janice Loeb and James Agee’s *In The Street*, a portrait of late 1940’s Harlem street life, would be among the kind of work unfairly burdened under the new restrictions. In a more recent example, many of independent filmmaker Jem Cohen’s films (*This Is A History Of New York* (1987), *NYC Weights And Measures* (2006)) could not possibly have been made if the filmmaker had to get permits in advance or restrict the time he stood in a given place as they were predicated on spontaneous shooting on the street over a long period of time, both with and without a tripod, often with a crew of 2 to 3 people.

Finally, the requirement of a \$1 million liability policy for low-budget filmmakers and photographers, whose work entails virtually no disruption or compromise of City life or safety, is disproportionate and unduly burdensome for the artists.

There is simply no justifiable safety or congestion rationale for the City to apply its permit requirements to two or more individuals based solely on their use of hand-held cameras or tripods in a single area for more than 10 or 30 minutes. To the extent that these rules encompass an entire class of independent documentary filmmakers and professional photographers, they create an unintended, but no less unfortunate, intrusion into First Amendment protection of artistic expression.

Not only do the new rules have a potentially chilling impact on artistic freedom, but by discouraging small productions and student filmmakers from using New York as a site, they could also have a negative economic and cultural impact. Small productions help support the City’s many labs, equipment rental companies, post-production facilities, and festivals, while its film and art schools draw talented students and professors from around the world. Yet students, to an even greater extent than professional filmmakers and photographers, rarely have the opportunity to plan ahead in the way the regulations require.

For the above reasons, we are calling for the elimination of rule 901(b)(1)(ii) and (iii) restricting the use of hand-held or tripod-mounted cameras without a permit, as well as the elimination of the language of rule 901(b)(2)(i) and (ii) beginning with “provided that such activity. . .” Furthermore, we propose that the \$1 million insurance requirement for photographers and documentary filmmakers who use only hand-held or tripod-mounted cameras be eliminated.

We are also proposing an important addition to the regulations, namely a new section under §9-02.(b) 7.”Denial of new account applications,” stating that permits will be granted in a viewpoint-neutral manner and that no permit shall be denied because of the social and political views of the applicant, or the ideological, political or social positions expressed by the subject matter.

We hope that the MOFTB will give these suggestions its utmost consideration in light of the serious issues raised above.

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