



THE CITY OF NEW YORK
MAYOR'S OFFICE OF MEDIA & ENTERTAINMENT

**MAYOR'S OFFICE OF MEDIA AND ENTERTAINMENT
COMMISSIONER'S DIRECTIVE NO. 10
CONCERNING THE CORONAVIRUS
OCTOBER 13, 2020**

WHEREAS, there is currently an outbreak of novel coronavirus disease 2019 (“COVID-19”); and

WHEREAS, on March 7, 2020, New York State Governor Andrew Cuomo declared a State disaster emergency for the entire State of New York to address the threat that COVID-19 poses to the health and welfare of New York residents and visitors; and

WHEREAS, on March 12, 2020, Mayor Bill de Blasio issued Emergency Executive Order No. 98, which continues to be in effect, declaring a state of emergency in New York City because of the COVID-19 outbreak, and authorizing all agency heads to “take all appropriate and necessary steps to preserve public safety and the health of their employees, and to render all required and available assistance to protect the security, well-being and health of the residents of the City”; and

WHEREAS, on March 14, 2020, to minimize the risk of person-to-person spread, New York State Governor Andrew Cuomo issued Executive Order No. 202.3 that, among other things, required any large gathering or event to be cancelled or postponed if more than fifty persons are expected in attendance, and such Order has subsequently been extended by Executive Order No. 202.10 to require non-essential gatherings of individuals of any size be cancelled or postponed; and

WHEREAS, on March 18, 2020, New York State Governor Andrew Cuomo issued Executive Order No. 202.6 that, among other things, requires each nongovernmental employer to “reduce the in-person workforce at any work locations by 50% no later than March 20 at 8:00 p.m.” unless such non-governmental employer is an “essential business or entity” listed in such Order or deemed to be essential by the Empire State Development Corporation (“ESDC”), and such Order has subsequently been extended; and

WHEREAS, on March 20, 2020, New York State Governor Andrew Cuomo issued Executive Order No. 202.8 that, among other things, reduced the in-person workforce at any non-essential work location by 100% no later than March 22, 2020 at 8:00 p.m. and until April 19, 2020, except for non-governmental essential businesses and entities, as described above, and such Order has subsequently been extended; and

WHEREAS, on April 16, 2020, New York State Governor Andrew Cuomo issued Executive Order No. 202.18 that, among other things, extended the cancellation or postponement of all non-essential gatherings and closed or otherwise restricted nonessential public or private businesses or places of accommodation in New York State until 11:59 p.m. on May 15, 2020, and such Order has subsequently been extended; and

WHEREAS, on April 17, 2020, Mayor Bill de Blasio announced that the City of New York would not issue permits for non-essential events through at least May 31, 2020; and

WHEREAS, on June 2, 2020, ESDC announced that certain aspects of Pre- and Post-Production film activities were authorized to resume with respect to certain operations, with restrictions in specific regions of New York State, as part of Phase Two of the State's reopening plan; provided, however, that no principal photography would be permitted that congregates a total of over 10 people together for one shoot; and

WHEREAS, on June 13, 2020, New York State Governor Andrew Cuomo issued Executive Order No. 202.41 that, among other things, provided that in regions that have met the Phase Three public health and safety metrics, the reductions and restrictions on the in-person workforce at non-essential businesses for certain industries no longer applies but such industries must operate subject to the guidance promulgated by the New York State Department of Health ("NYSDOH"); and

WHEREAS, ESDC thereafter announced that principal photography that congregates up to a total 25 people together for one shoot would be allowed in specific regions of New York State that have met the criteria for Phase Three of the State's reopening plan; and

WHEREAS, On June 18, 2020, Mayor Bill de Blasio issued Emergency Executive Order No. 126, which continues to be in effect, establishing the Open Restaurants Program to expand seating options for restaurants, bars, and other establishments in certain outdoor areas, including the sidewalk, curbside, and street spaces directly in front of such restaurants, bars or establishments on streets that have been opened across New York City pursuant to the New York City Department of Transportation's Open Streets Program to promote open space, enhance social distancing, and help establishments rebound in these difficult economic times; and

WHEREAS, the Open Restaurants Program provides for restaurant seating in roadways ("roadway seating") and, on July 17, 2020, Mayor de Blasio announced that roadway seating would continue through October 31, 2020; and

WHEREAS, on July 17, 2020, Governor Andrew Cuomo announced that New York City was cleared to enter Phase Four of the State's reopening plan on Monday, July 20, 2020, which includes media production; and

WHEREAS, as a condition of resuming operations, businesses must complete the NYSDOH COVID-19 Reopening Safety Plan, post it in a conspicuous location on site, and make it available to NYSDOH and New York City health or safety officials during the course of an inspection; and

WHEREAS, on September 25, 2020, Mayor de Blasio announced that roadway seating for the Open Restaurants Program would continue year-round; and

WHEREAS, on October 6, 2020, New York State Governor Andrew Cuomo issued Executive Order No. 202.68 that authorized the New York State Department of Health to determine areas in the State that require enhanced public health restrictions based upon cluster-based cases of COVID-19 at a level that compromises the State's containment of the virus; and

WHEREAS, Executive Order No. 202.68 sets forth different mitigation measures for red, orange, and yellow geographic zones, with red zones having the highest severity of cluster-based cases, orange zones having moderate severity of cluster-based cases, and yellow zones being precautionary areas; and

WHEREAS, Executive Order No. 202.68 provides, among other things, that (i) non-essential businesses, as determined by the Empire State Development Corporation, shall reduce the in-person workforce by 100% and all non-essential gatherings of any size shall be cancelled or postponed in the red zone; (ii) certain non-essential businesses for which there is a higher risk associated with the COVID-19 virus shall reduce the in-person workforce by 100% in the orange zone and non-essential gatherings shall be limited to 10 people in the orange zone; and (iii) non-essential gatherings shall be limited to 25 people in the yellow zone; and

WHEREAS, the Office of Film, Theatre and Broadcasting ("OFTB") of the Mayor's Office of Media and Entertainment ("MOME") issues permits for the use of public property for filming, rigging, and scouting pursuant to New York City Charter section 1301(1)(r) and its rules set forth in 43 RCNY Chapter 9 ("Film Permits"); and

WHEREAS, certain activities authorized by a Film Permit typically involve close proximity of cast and crew members to each other and to residences, businesses, and other members of the public, and many neighborhoods in New York City that are used for film shoots have high population density; and

WHEREAS, on March 14, 2020, I issued a Commissioner's Directive ("Commissioner's Directive No. 1") limiting the total combined number of cast and crew members covered by a Film Permit to no more than 50 persons during the COVID-19 outbreak; and

WHEREAS, on March 20, 2020, I issued Commissioner's Directive No. 2, suspending Film Permits for activities on public property, with an exception for Film Permits issued to the news media, through April 17, 2020; and

WHEREAS, on April 18, 2020, May 28, 2020, and June 11, 2020, I issued Commissioner's Directives No. 3, 4, and 5, respectively, ultimately extending the limitations on Film Permits through June 30, 2020; and

WHEREAS, on June 19, July 7, and July 20, 2020, I issued Commissioner's Directives No. 6, 7, and 8, respectively, so that activities covered by a Film Permit do not pose a danger or a threat to participants, onlookers or the general public, do not interfere unreasonably with the operation of City functions, and can be reasonably accommodated in the proposed location; and

WHEREAS, on July 28, 2020, I issued Commissioner's Directive No. 9 to revise certain limitations on activities covered by a Film Permit that do not pose a danger or a threat to participants, onlookers or the general public, do not interfere unreasonably with the operation of City functions, and can be reasonably accommodated in the proposed location; and

WHEREAS, it is now necessary to issue another Commissioner's Directive due to cluster-based cases of COVID-19 in certain areas of New York City identified by the State at a level that compromises the containment of the virus so that activities covered by a Film Permit do not pose a danger or a threat to participants, onlookers or the general public; and

WHEREAS, the COVID-19 emergency is a rapidly evolving situation that may require different restrictions on Film Permits in the future;

NOW, THEREFORE, it is hereby directed:

Section 1. Section 2 of Commissioner's Directive No. 6, as amended by Commissioner's Directives Nos. 7, 8, and 9, is further amended to read as follows:

§ 2. With respect to Film Permit applications for activities occurring through December 31, 2020 at 11:59 p.m., OFTB will deny any Film Permit application for activities in which more than 100 cast and crew members would be present at an exterior location on public property. Notwithstanding the preceding sentence, OFTB will deny any Film Permit application for (i) activities in locations within a red zone designated pursuant to Executive Order No. 202.68. and (ii) activities in locations within an orange zone designated pursuant to Executive Order No. 202.68, except for parking used in connection with activity within a film production facility as that term is defined in N.Y. Tax Law section 24(b)(4). The preceding sentence shall not apply to Film Permits issued to the news media.

§ 2. Subdivisions (a), (b), and (d) of Section 4 of Commissioner's Directive No. 6, as amended, are repealed.

§ 3. Subdivision (e) of Section 4 of Commissioner's Directive No. 6, is amended to read as follows:

(e) OFTB shall not issue Film Permits for locations that may interfere with locations being used for COVID-19 response. The preceding sentence shall not apply to Film Permits issued to the news media.

§ 4. The terms of this Commissioner's Directive No. 10 may be modified as necessary.

§ 5. This Commissioner's Directive No. 10 shall take effect immediately.



Anne del Castillo, Commissioner
Mayor's Office of Media and Entertainment