



Legislation Details (With Text)

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Res. No. 1626

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation which would establish a New York City Empire State film production tax credit for qualified post-production costs.

By Council Members Yassky, Weprin, Brewer, Comrie, Fidler, Nelson, White Jr. and Greson

Whereas, The Empire State Film Tax Credit program provides a refundable 30% tax credit for qualified production costs (technical and crew production, expenditures for facilities, props, makeup, wardrobe, set construction, and background talent, for example) for feature films, episodic television, pilots, and television movies and miniseries; and

Whereas, The Made In New York program, the New York City film tax incentive program, provides an additional 5% credit against such qualified production costs; and

Whereas, The adoption of the Empire State Film Tax Credit in 2004 was an important step toward securing New York’s place as a competitive force in the film industry; and

Whereas, According to the New York City Mayor’s Office of Film, Theatre and Broadcasting, production days in the City increased from 14,898 in 2002 to 34,718 in 2006; and

Whereas, This increase has been attributed to the Film Tax Credit, which entices filmmakers to film in the City because of production affordability; and

Whereas, While this revival of the industry has been a boon to the State and City of New York, a critical

piece is missing -post-production; and

Whereas, The term “post-production” in the film industry refers to the stages of production occurring after the actual end of shooting and/or recording the completed work; and

Whereas, Generally, post-production includes graphic design; editing the picture; adding and editing sound, music and soundtrack; adding visual special effects; and graphic design; and

Whereas, While the post-production phase of creating a film usually takes longer than the actual shooting of the film, and is extremely costly, the State legislation which established the Empire State Film Tax Credit expressly excludes post production costs in the calculation of the production cost credit; and

Whereas, Film post-production is a vital economic revenue generator that, if properly supported and encouraged, will result in even greater revenues to the State and City of New York; and

Whereas, However, because of the cost of post production in New York City, many post production tasks are sent to other cities and states; and

Whereas, By establishing a film post production credit, New York City will be able to compete with other cities, and maintain its role as a world class center for culture and the arts; and

Whereas, On January 9, 2008, the New York State Assembly introduced A.6673-B, and the New York Senate introduced S.3766, which both establish a post production tax credit in the amount of 10% against qualified post production costs, and authorize New York City to adopt local laws establishing an additional post production credit against the City’s General Corporation Tax and Unincorporated Business Tax in the amount of 10%; and

Whereas, Establishing a tax credit for post production costs will allow for more film postproduction to occur in New York City, thereby generating tax revenue, economic activity and good jobs for New York; now, therefore be it

RESOLVED, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, legislation which would establish a New York City Empire State film production tax credit for qualified post-production costs.

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