



RIGHTS of FILMMAKERS and PHOTOGRAPHERS in NEW YORK CITY: a BRIEF GUIDE to APPLICABLE LAWS

In August 2008 **new rules** established by the Mayor's Office of Film, Theatre, and Broadcasting (MOFTB) governing filming and photographing in New York City went into effect. They affirm the general right to film or photograph **without** need for a permit *unless* the practitioner is attempting to exert exclusive control over an area (though even that is allowed in certain cases) *or* is using equipment such as *non-hand-held* lights and cables, special vehicles, etc.

The regulations are directly quoted below (highlighting added for emphasis):

“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.**“

Chapter 9, Section 9-01 (b) Required and Optional Permits (1) a. (ii)

NOTE: ‘Handheld devices’ are defined as INCLUDING tripods, hand-carried microphones, and hand-held lights:

“**HAND-HELD DEVICES**” SHALL MEAN (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.**”

Chapter 9, Section 9-02 (a) par. (3)

Photography in the subways and other places under the jurisdiction of the MTA is governed by a different set of rules, the **MTA Rules of Conduct**. However, it should be noted that after a successful challenge by the NYCLU (New York Civil Liberties Union), **photographing and filming without a tripod or lights IS legal in the subways as per Section 1050.9, C of the MTA rules:**

“PHOTOGRAPHY, FILMING OR VIDEO RECORDING IN ANY FACILITY OR CONVEYANCE **IS PERMITTED** EXCEPT THAT ANCILLARY EQUIPMENT SUCH AS LIGHTS, REFLECTORS OR TRIPODS MAY NOT BE USED.“

The MOFTB regulations can be found at:

http://www.nyc.gov/html/film/downloads/pdf/moftb_permit_rules_final.pdf

MTA rules are here:

<http://www.mta.info/nyct/rules/rules.htm#restricted>