

# ONONDAGA COUNTY *PRIMED* Production Incentives for **M**ovies and Entertainment **D**evelopment

FEATURE FILM – TV PILOTS – COMMERCIAL ADVERTISING CAMPAIGNS

Program Guidelines



# Production Incentives for **M**ovies and **E**ntertainment **D**evelopment

## Program Guidelines

Administered by CNY Arts and Funded by Onondaga County, with support provided by the Visit Syracuse Film Office

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### Program Overview

The Production Incentives for Movie and Entertainment Development (PRIMED) is an economic development initiative, funded by Onondaga County and administrated by CNY Arts, designed to:

- Attract and retain producers of film, television, and commercial advertising campaigns to Onondaga County.
- Strengthen the regional capacity for filmmaking by mobilizing local labor, existing infrastructure, and opportunities for workforce development.
- Distinguish Onondaga County and as a film-friendly, industry-leading region in New York State.
- Create economic opportunities for peripheral industries.

PRIMED provides a financial advantage to producers of film, television, and commercial advertising campaigns for locating their projects in Onondaga County. Approved projects may receive a rebate based on a percent of local Qualified Expenditure(s) related to production. Incentive funds may be leveraged in addition to the New York State Film Tax Credit to provide productions with a substantial, bottom-line benefit – one of the many reasons for filming in Upstate and specifically Onondaga County.

Furthermore, the program provides specific incentive bonuses to productions that hire qualifying crew from underrepresented communities, as outlined in the **D.E.A.R.** (Diversity, Equity, and Representation) **Incentive Enhancement** form.

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### Conditions and Eligibility

To apply to the Onondaga County production incentive, **the applicant must be a corporation, partnership, limited partnership, or other entity or individual** principally engaged in the production of a feature-length film, television pilot, or commercial advertising campaigns.

#### **Ineligible Applicants Include:**

- Political material.
- Content of a licentious or explicit nature.
- Documentaries or docudramas (including true crime).
- Animation.
- Short-form material, or pilots for episodic / serial content that do not meet a minimum 30-minute run-time.

#### **Eligible Applicants Must:**

- Perform 70% of principal production in Onondaga County, according to proposed production schedule and verified by deliverable requirements, including production reports and call-sheets.
- Have already secured a Certificate of Conditional Eligibility from the NYS Film Tax Credit office.
- Meet minimum thresholds for production budget OR commitment of local qualifying expenditures.
- Demonstrate that the project has secured all financing necessary to guarantee completion **prior to receipt** of any supplemental incentives or publicly derived support.

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- Remain in good standing with CNY Arts and Onondaga County throughout the application and production processes, and adhere to all relevant guidelines, regulations, and commitments.
- Adhere to New York State COVID-19 Media Production Guidelines, and all relevant federal safety guidance, as applicable.

### Application Materials

To be considered for funding support, eligible applicants must include the following documents to their PRIMED application:

- Fully Itemized Production Budget
- Schedule of Commitment of Onondaga Production Expenditure (“SCOPE”)
- Certificate of Conditional Eligibility – New York State Film Tax Credit Office
- Details of Confirmed Financing included.
- Promotional Strategy / Audience Outreach Plan / Distribution Plan
- Production Schedule
- Script
- List of Key Creatives and Principal Cast
- If applicable, a Diversity, Equity and Representation (“DEAR”) Incentive Enhancement form.

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### Qualified Expenditures

The production incentive program provides incentive-spending support for qualified “below-the-line” production-related expenses incurred within Onondaga County. These include:

#### Labor

- Crew members and labor hires **must** be residents of Onondaga County to qualify for incentive funding. Each labor hire submitted for funding consideration **must** include a **signed Onondaga County Resident Declaration Form**.
- Gross pay and employer-paid fringe benefits are qualified.
- Kit rentals for local labor hires are qualified.

#### Non-labor

- Qualified Expenditures for non-labor costs **must** correspond to production-related transactions with a business, organization or individual entity **physically located in Onondaga County**.
- The only exception to the above rule is for online orders pertaining to production-related materials shipped to the production entity while engaged in production in Onondaga County.
- To be considered for funding, ALL expenditures must be proven by receipt or invoice indicating the vendor with whom the transaction was made.
- Generally, Qualified Expenditures for non-labor costs correspond to a **tangible good or service**, e.g., lodging, meals and catering, local transportation, construction supplies, or retail expense associated with production.
- Petty cash (PC) is qualified, consistent with prevailing industry rates. Itemized receipts for PC are **not** necessary.
- Items covered by an insurance claim that would otherwise be qualified are **not qualified**.

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### Examples:

- A rental vehicle for production processed by a rental company within Onondaga County **qualifies**.
- Gas, tolls, maintenance, and other expenses incurred when driving the vehicle **outside** of Onondaga County **do not qualify**.
- Costs for distant travel entering or departing Onondaga County (airfare, train fare) **do not qualify**.

The Onondaga County production incentive **does not** provide funding for “above-the-line” items. These include:

- Costs associated with the story, script, or scenario.
- The cost of licensing or rights associated with production.
- Wages, salaries, or compensation for writers, directors, producers, or actors (except for local background actors with no scripted lines).

In summary, the Onondaga County production incentive **can only** provide funding for Qualified Expenditures. Qualified Expenditures are generally **(1)** below-the-line, production-related costs attributable to the employment of an Onondaga County resident or **(2)** a transaction made with a vendor within Onondaga County production incentive jurisdiction, or online orders for production materials while the production is actively working in Onondaga County.

## Application Process

**Applications Due Date:** Applicants must submit a completed application by the 1<sup>st</sup> of each month *preceding* the month in which principal photography is scheduled to commence. For example, if principal photography begins on 7/15, a complete application must be received no later than close-of-business 6/1.

1. A project must first apply to the New York State Film Tax Credit Office and receive a **Certificate of Conditional Eligibility**.

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2. A project then submits an **Intent to Apply** via the CNY Arts website. Program staff will review the Intent to Apply. If a project meets the required criteria, program staff will provide a link to the Application Portal.
  - a. Applications must be received by the 1<sup>st</sup> of the month preceding the start of principal photography. E.g., if filming is scheduled to begin in August, a **complete application** must be received no later than July 1.
  - b. Refer to “Application Materials” for required documentation and information.
  - c. If applicant is a commercial / advertising campaign, applicant must preliminarily review their project proposal with the Visit Syracuse Film Office.
  
3. Upon submission, the application will first be reviewed by an independent production auditor to assess the general viability of the project. If approved by the auditor, an independent panel of industry professionals will be convened to score the project and make a funding determination based on **creative merit, feasibility, and anticipated local economic impact**.
  - a. If the application is **not approved** by the panel, the funding determination is considered final, and the project may not be re-submitted or appealed for further consideration.
  
4. If the project is approved, CNY Arts will provide an **Award Letter**, outlining the **award percentage**, which may vary depending on whether a project is eligible for additional diversity-hire incentives.



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5. CNY Arts will then provide a **Funding Agreement**, outlining mutual obligations, commitments, liabilities, conditions, and deliverables for both Grantor and Recipient. The Funding Agreement will also specify an anticipated rebate as a dollar amount.
  - a. The potential dollar award outlined in the Funding Agreement is **an anticipated sum and not a guaranteed amount**. For this reason, it is **never advisable** for a project to collateralize an Award Letter or Funding Agreement to secure additional financing. Budget projections can and do vary from actual expenses.
  - b. Program funding is made available at the **sole discretion of Onondaga County**. Disbursements are made upon receipt and review of expense documentation verifying qualified local expenditure.
6. Approved projects will have **30 business days** from receipt of the Funding Agreement to co-sign and accept the Award. Upon conclusion of principal photography, approved projects will have **60 business days** to submit expense documentation for audit by Onondaga County. Subsequent expense reports may be accepted at a later date if a significant amount of post-production also occurs in Onondaga County.

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### Incentive Rates and Additional Project Conditions

#### Film

<b>Minimum Budget</b>	\$1,500,000
<b>Qualifying Expenses</b>	Local production-related receipts and invoices, below-the-line resident labor hire, petty cash
<b>Incentive Rate</b>	25% of QE
<b>Diversity Incentive Bonus</b>	1% - 5%
<b>Maximum Award Amount</b>	\$300,000
<b>Per Project Limit</b>	Limit to (2) Approved Projects, per year, from individual producer(s), principal financier, or production entity.

#### Television (Pilot)

<b>Minimum Budget</b>	\$1,000,000
<b>Qualifying Expenses</b>	Local production-related receipts and invoices, below-the-line resident labor hire, petty cash
<b>Incentive Rate</b>	25% of QE
<b>Diversity Incentive Bonus</b>	1% - 5%
<b>Maximum Award Amount</b>	\$300,000
<b>Per Project Limit</b>	Limit to (2) Approved Projects, per year, from individual producer(s), principal financier, or production entity.

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### Commercial

<b>Minimum Spend (Onondaga County QE)</b>	\$400,000 (note: projects below this threshold may be reviewed and approved on a case-by-case basis)
<b>Qualifying Expenses</b>	Invoices, below-the-line resident labor hire, petty cash
<b>Incentive Rate</b>	25%
<b>Diversity Incentive Bonus</b>	1-5%
<b>Project Commitments</b>	<p>If a single shoot / individual production does not meet the Minimum Spend threshold, please contact Visit Syracuse for consultation.</p> <p><i>To determine program eligibility. commercial proposals must first be reviewed by the Visit Syracuse Film Office before submission to CNY Arts for a PRIMED application.</i></p>

### Reporting Deliverables and Disbursements

Successful applicants to the Onondaga County production incentive program will receive funding support following an audit of Qualified Expenditures, supporting documentation, and additional material as may be reasonably requested. Funding is authorized at the sole discretion of Onondaga County. In addition to a completed **Qualified Expenditures Template (QET)**, productions will also be expected to provide the following documentation as part of the audit process:

- Relevant tax documents and Onondaga County Declaration of Residency Forms pertaining to Qualified labor hires.
- Payroll reports for all Qualified labor hires, **including a calculation of total Full-Time Equivalent (FTE)** positions generated by the production.
- Underlying documentation required to verify compliance with the DEAR incentive enhancement bonus. E.g., Veteran Form DD 214 or Student Identification materials.

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- Invoices or copies of receipts for all Qualified vendor transactions / accounts payable, and documentation of PC disbursements. **All** invoices must be paid, and vendor accounts settled before disbursements can be processed.
- All call sheets, schedules, and production reports required to verify that a minimum of 70% of principal production occurred within Onondaga County.

Expense reporting deliverables must be submitted to CNY Arts for preliminary review **no later than 60 business days after the conclusion of principal photography.**

After preliminary review, CNY Arts staff will submit the assembled material to Onondaga County for audit and final authorization of funding. All disbursements must be first approved by Onondaga County. CNY Arts cannot guarantee or make commitments as to the length of time between submission of expense reporting deliverables and actual payments to successful applicants. A portion of the total funds will be withheld, conditional on fulfilment of the following project milestones:

- **10%** - To be released upon receipt of a screenshot indicating end-credit acknowledgement of support for Onondaga County, CNY Arts, and the Visit Syracuse Film Office. Only applies to television and film projects.
- **10%** - To be released upon documentation that the project has been brought-to-market for consideration by potential distributors. E.g., acceptance to a film festival, or a third party distribution agreement.

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