



NEW YORK STATE SENATOR

Jeffrey D. Klein

## Senator Marisol Alcántara, Assemblyman Marcos Crespo, Independent Democratic Conference, Entertainment Unions, Television Artists to Urge Signage and Funding of Film Diversity Tax Credit

JEFFREY D. KLEIN August 22, 2017

| ISSUE: **TAX CREDITS, CULTURAL DIVERSITY, ECONOMIC DEVELOPMENT AND JOBS**



New York, NY — State Senator Marisol Alcántara (D-Manhattan), together with Independent Democratic Conference Leader Jeff Klein (D-Bronx), members of the IDC and Assemblyman Marcos Crespo (D-Bronx), joined by Beau Willimon, Robin Thede, the Directors Guild of America, the Writers Guild of America East, and entertainment professionals urged the signage and

funding of legislation to create the Television Writers' and Directors' Fees and Salaries Credit.

If enacted, the recently passed legislation would encourage the hiring of women and minority writers and directors in New York through up to \$5 million in tax credits beginning January 1, 2018.

"I initially became interested in this bill because as an Afro-Latina immigrant, I knew what it felt like to grow up feeling invisible in American culture. It was so rare to see a character of color on television, and when you did see one, it felt like they were tokenized, stereotyped, or killed off quickly. And while the industry has made some strides on representation in front of the camera, diversity behind the camera is still sorely lacking. I think the overall quality of television, the different kinds of stories that can be told, the overall landscape of the art form will benefit greatly from having opportunities for diverse people to tell their stories. It was a tough battle, but I stuck with the bill because of the future generations of talented women and people of color who would otherwise remain undiscovered, and the inspiration their stories could bring to countless young people and immigrants like myself," **said Senator Marisol Alcantara.**

In a report published by the Independent Democratic Conference, "*Telling All of New York's Stories: Expanding Diversity Behind the TV Cameras,*" both minorities and women were grossly underrepresented amongst television producers and directors.

The report examined the lack of diversity and the effect it has on the way that stories are told on shows.

"In this city of eight million stories, not enough are being told. This important tax credit will help women and minority writers and directors break into the film industry here in New York City, one of the most diverse places in the world. I thank Senator Alcantara for making

this initiative a priority,” **said Senator Jeff Klein**

“There is no arguing that fiscal policy serves as a tool to create jobs and stimulate economic development. The television writers and directors tax credit created through this legislation is a job creator that opens doors of opportunity for minorities in an industry very much void of diversity. This bill walks the talk about fairness and inclusion. I urge the Governor to sign this bill into law immediately,” **stated Assemblyman Marcos Crespo, Chair of the Assembly Puerto Rican/Hispanic Task Force.**”

“It is time we rewrite the script for minority and female writers and directors in the television industry in New York and make them more visible. Simply put, we need to increase the number of television female and minority writers and directors since they are clearly underrepresented in the industry. I urge Governor Andrew Cuomo to sign legislation into law that will provide credits for expenses related to salaries for more TV female and minority productions. I want to thank Senator Alcantara, Klein and Assemblymember Crespo for their efforts to increase the number of female and minority writers and directors in TV in our state,” **said Senator Jose Peralta.**

“Diversity represents a key New York human resource. I'm proud that our state will act as a catalyst for helping an important creative sector take full advantage of our diversity. This \$5 million tax credit will provide additional opportunities into television writing and directing. This Television Diversity Tax Credit builds upon the successes of the New York State Film Tax Credit. New York must continue to be the hub of our nation's creative industries, and we must work to build a more inclusive sector that fully reflects the diversity of our communities,” **said Senator Jesse Hamilton.**

“Enhancing diversity in television writers’ rooms is essential, not just as a matter of social justice, but also for the industry's long-term economic health. To continue to prosper and to

provide good jobs, the industry must offer shows that capture the attention of increasingly-diverse audiences. What's more, our members tell us that writers' rooms that include people from a variety of backgrounds, with different experiences and perspectives, create the most compelling stories and television shows. This tax credit legislation will make the industry better and stronger, and will create opportunities for more New Yorkers. We thank Senators Alcantara and Klein and Assemblyman Crespo for their forward-thinking leadership on this vital issue, and we join them in encouraging the Governor to sign and fund this important initiative," **said Lowell Peterson, Executive Director of the Writers Guild of America, East.**

"For many years, the DGA has pushed industry employers to institute open and inclusive hiring practices and to base hiring decisions on talent and talent alone. This first-of-its-kind bill is a meaningful step forward in establishing a level playing field by incentivizing employers to open their hiring practices and consider the full range of New York's talented TV directors and writers. We thank Senator Alcantara, Assemblymember Crespo and Senator Klein for their leadership on this bill, and we're hopeful that this pivotal legislation will be signed into law by Governor Cuomo and appropriated in the state budget. New York has taken a leadership position in production, and we look to the state to lead on inclusion," **said Neil Dudich, Eastern Executive Director of the Directors Guild of America.**

"The Empire State Film Credit has proven successful in many ways, but we're still woefully behind when it comes to increasing diversity among the folks who work behind the camera in New York. We've asking Governor Cuomo to sign and fund a credit that will encourage better hiring practices. New York State is one of the most diverse places in the country and this credit would bring more writers rooms in New York, which means more New York stories, more productions in New York and more jobs in New York," **said Beau Willimon, Creator of House of Cards.**

"The diversity numbers in television are frankly abysmal. In my genre alone, late-night comedy, the number of women writers of color are in the single digits out of nearly 300 writers. This is a business that is about who you know and many qualified, talented women and people of color simply don't have the access to those circles. It's not the lack of talent, it's the lack of opportunity. Governor Cuomo can lead by example at a time when our nation truly needs more diverse voices," said **Robin Thede, Creator and Host of The Rundown With Robin Thede On BET.**

"I'm not your cookie cutter actress. I am full of curves, not sample-sized. So the issue with that is that a lot of roles are not designed or designated for Afro-Latinas. Or women of color and diversity. Or a woman like me. On Tuesday, I am standing up and representing women as a whole in Hollywood and to show our youth that we need writers, directors, etc, to tell our stories. This is why I am joining Senator Marisol Alcántara." said **Dascha Polanco, Latina Actress and Activist.**

"New York Women in Film & Television, representing more than 2,200 members working in all areas of the entertainment industry strongly supports the New York State bill that would create a \$5 million tax incentive program for TV shows that hire women and people of color in writing and directing positions. If enacted this bill will go a long way toward making our industry as diverse as it should be. We urge Governor Andrew Cuomo to continue to stand tall with all women and people of color and sign the bill immediately." said **Simone Pero, President of New York Women in Film and Television.**

The report looked at data from the Writers Guild of America, East, and the Writers Guild of America, West. Over the past five years, of all the individuals hired to be credited writers in television series in the area they represent, which includes New York, only 27% of the individuals were women and only 14% were minority members, the WGAE found. These numbers are in line with findings from the WGAW concluded. A study from the Bunche Center found that for the 2014-15 television season, a majority of television productions had

writing staffs where minority writers made up less than 10% of the writing staff.

The Directors Guild of America found a similar lack of diversity among the individuals hired to direct television episodes in the 2015-16 season. The Guild's latest Episodic Television Director Diversity Report showed that Caucasian males directed just over two-thirds of all television episodes shown that year. Minority males directed just 16% of episodes, Caucasian females directed 14% and minority female directed just 3% of television episodes that year. An IDC staff examination of the data for series examined filmed entirely in New York found that New York productions also lacked diversity behind the director's camera. Of the 328 episodes of television filmed for the 22 New York filmed television series examined, Caucasian males directed 70% of episodes, minority males directed only 11% of episodes, Caucasian females directed 16% of episodes, and minority females directed only 4% of episodes.

The Television Writers' and Directors' Fees and Salaries Credit aims to balance behind the scenes talent by covering salary and fees paid for employing eligible writers or directors. For costs to be eligible the individual hired must be a woman or a member of a minority community who is not a profit participant in the television production.

To be an eligible writer, an individual must be responsible for writing or revising scripts, screenplays, teleplays, dialogue, etc., and they have to report to the writers' room. To ensure that the incentive applies to regular working writers and directors, the bill has detailed caps on eligible earnings on a per-episode and a per-season basis, and writers and directors who are also profit participants are not eligible.

The entire value of the credits is capped at \$5 million per tax year, with eligibility for credits determined by date of filing if the demand exceeds this allowed amount. Any production that filed later and thus is denied the credit would have their application carried forward to the following tax year. Eligible productions would be able to start claiming the credit for

eligible expenses incurred starting in tax year 2018.

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#### RELATED LEGISLATION

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## 2017-S4999D

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- Introduced
- - In Committee Assembly
  - In Committee Senate
- - On Floor Calendar Assembly
  - On Floor Calendar Senate
- - Passed Assembly
  - Passed Senate
- Vetoed By Governor
- Signed By Governor
- 

Provides a television writers' and directors' fees and salaries credit

March 03, 2017

Vetoed

Sponsored by **Marisol Alcantara**

Do you support this bill?

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