



The Council of the City of New York

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Contact: Sarah Crean // screan@council.nyc.gov // 646-763-0143

City Council Passes CM Rosenthal's Legislation Mandating Open-Captioned Film Showings in NYC Movie Theaters

Groundbreaking Legislation Makes Movie Screenings Far More Accessible to Deaf, Hard of Hearing & Non-English Proficient New Yorkers

NEW YORK -- The City Council overwhelmingly passed Council Member Helen Rosenthal's legislation today which will require New York City movie theaters to offer weekly open-captioned screenings for every film shown. "Open-captioned" refers to on-screen captions or subtitles.

[Intro 2020](#) requires that New York City movie theaters, with multiple weekly film showings, offer open-captioning for 25 percent of showings of each film (up to 4 showings of each film per week). Half of those showings must be during "peak" times.

This groundbreaking bill is the result of years of effort by the deaf and hard of hearing community. Open-captioning is also a win for movie viewers who are not fully fluent in English.

The Americans with Disabilities Act currently requires closed-caption systems in movie theaters, but long-term experience has shown that the equipment needed fails far too often. This unfairly burdens users who must request and return viewing devices, and poses health risks because the devices are then passed on to the next user.

"Roughly one in five New Yorkers suffers from deafness, ranging from moderate to total. Such a significant segment of our population deserves to fully enjoy movies with ease," said Council Member Helen Rosenthal.

"Providing open-captioning is a simple, inexpensive, and more sanitary alternative for cinema operators, and does not diminish overall movie attendance when scheduled along with uncaptioned screenings. Open-captioning in movie screenings also greatly benefits the many New Yorkers who have limited English language proficiency," she continued.

Central provisions of Intro 2020:

- Applies to any theater offering more than 10 movie showings per week.
- Open-captioning must be offered for at least one quarter of screenings of films which have four or more showings per week, with certain exceptions.
- Theaters are required to offer up to 4 open-captioned screenings per week for any film.
- Theaters must indicate which showings have open-captioning and advertise all films in the same manner.

A key part of the legislation pertains to the timing of open-captioned films. Currently, open-captioned films are often offered in the middle of the day when many viewers are unable or less likely to attend.

Intro 2020 mandates that half of the required open-captioned showings each week must be during "peak" times (6 - 11pm Monday - Friday and 11:30am - 11pm Saturday & Sunday), with certain exceptions for films not normally shown during peak times.

An additional one-quarter of open-captioned showings must be during "secondary" peak times: Monday - Thursday evenings.

Theaters who do not comply with the new open-captioning requirements are subject to a civil penalty of \$100 - \$500 per violation. Records of open-captioned showings must be kept for 3 years.

Over time, local government and accessibility advocates will review the data regarding open-captioned showings in New York City and may have the opportunity to adjust the legislation passed today. Council Member Rosenthal urges the movie theater industry to conduct a thorough data analysis that can inform any needed changes.

"Many thanks to Helen Rosenthal for sponsoring this bill and to the many advocates who helped get it passed. Due to my profound hearing loss, I had stopped going to the movies in theaters because of the high failure rate of closed captioning devices. With the passage of INT 2020, I will now be able to enjoy films in theaters again. I know that this will make tens of thousands of New Yorkers happy," said **Jon Taylor, President, NYC Chapter, Hearing Loss Association of America.**

"The passage of Int 2020-2020, which mandates that movie theaters provide regular open-captioned screenings, will at last make the movie-going experience accessible to all, including the deaf and hard of hearing, who have been excluded by outdated and unworkable technology up until this point. Congratulations and thanks to CM Helen Rosenthal for sponsoring this bill and for her continuing support for people with disabilities, and to the members of the New York City Council," said **Katherine Bouton, Vice President, NYC Chapter, Hearing Loss Association of America, author and advocate for people with hearing loss.**

"Thanks to CM Rosenthal, more New Yorkers will be able to attend and enjoy movie screenings with fewer barriers to the full movie-going experience. The passage of Int 2020-2020 will mean an expansion of open-captioned movie screenings in New York City allowing those with auditory challenges and those who can benefit from multiple modes of communication to have greater opportunities to enjoy movies in the theater. This is an especially timely intervention when New York's theaters are struggling to recover from the impact of COVID and the passage of this bill offers an opportunity to widen their audiences," said **Murad Awawdeh, Executive Director, New York Immigration Coalition.**

"The open-caption movie ordinance passed by the City Council will end a decade of frustration for deaf and hard of hearing moviegoers in New York City. Until now, our only option was to request closed-caption viewing devices that routinely failed to work as promised, that singled us out as having 'special needs,' that often did not fit in cup-holders and had to be held by hand for up to two hours, and that, in a time of pandemic, posed a risk of disease transmission.

In contrast, open-captioned movie showings will enable the deaf and hard of hearing to take our seats and enjoy movies with our eyes steadily on the big screen, where the captions will help assure that we do not miss a single word of dialogue. Open captions will also benefit many seniors with moderate hearing loss who miss dialogue that is accompanied by loud sound effects or music. Children learning to read and people for whom English is a second language will also benefit from OCs.

Under the new ordinance, cinemas will continue to schedule showings of movies without open captions and provide closed caption devices upon request, as required by federal law," said **Jerry Bergman, Disability rights advocate, Member, NYC Chapter, Hearing Loss Association of America (HLAA); Chair, Advocacy Committee, HLAA NYS Association; and Partner, NYS Coalition of the Deaf, DeafBlind and Hard of Hearing.**

"This ordinance is truly monumental. It fulfills a long-standing effort to add open captioning to the mix of accommodations that enable deaf and hard of hearing patrons to fully enjoy movies while leaving ample opportunities for anyone who wishes to avoid on-screen captioning to do so.

Preliminary data from a pilot project in the District of Columbia indicate that adding open-captioned showings can bring new patrons to the theaters, increasing overall attendance. The State of Hawaii led the way in 2015 with the first open-captioning requirements, and New York City takes another giant step forward," said **John F. Waldo, Advocacy Committee Chair and Counsel, Association of Late Deafened Adults (ALDA).**

"The metro New York City area along with the rest of New York state constitute one of the largest Deaf and Hard of Hearing communities per capita in the country. Therefore, it is imperative that New York City take the lead in requiring movie theaters to provide on-screen captioning accessibility.

The current closed captioning (CC) technology in New York City movie theaters often fail, are embarrassing to some to request, inconvenient to have to return, give some people headaches having to move their heads up and down from screen to device, and pose viral and germ transmission issues. These caption boxes or glasses either break down in the middle of a movie or the battery dies, necessitating Deaf movie patrons having to leave the theater and missing part of the movie to get a replacement. This is not acceptable.

Open Captions (OCs), in contrast, are better suited to movie enjoyment, less prone to failure and enable us to remain invisible and maintain our dignity, while also benefitting a wider segment of the public (seniors, the Deaf, those leading ESL, etc.). With COVID restrictions and concerns still in place, there is much less risk in not having to touch captioning equipment," said the **Empire State Association of the Deaf (ESAD) Board of Directors.**

"I'm profoundly hard of hearing and have had a hearing loss for forty five years. In order for me to understand movie dialogue and enjoy it, I need open captions that are shown on a regular basis for all movies. That would be a big plus because then I can go with friends, family, grandchildren and great grandchildren," said **Ruth D. Bernstein, HLAA NYC Board Member, NYC resident.**

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