



Introduction – What is the CNY Film Fund?

The CNY Film Fund (Theatrical), administered by the Innovation Group of CNY Arts LLC, is an incentive-based funding program intended to increase the level of domestic feature film production in Central New York State. It provides support to producers of feature film projects in the final stages of production financing.

The primary objectives of the fund are to:

- Grow the film industry in Central New York by providing partial funding for production-related Qualified Expenditures while simultaneously leveraging the benefits of the New York State Film Tax Credit program.
- Cultivate Central New York's potential for attracting and retaining student and local filmmakers, editors, actors, designers, musicians, engineers and technicians.
- Increase the number of high-quality feature films produced in Central New York.
- Support peripheral job creation in Central New York through increased demand for hospitality and business services.

The CNY Film Fund (Theatrical) requires that filmmakers meet the criteria for a SAG-AFTRA Signature Package: either low-budget theatrical or theatrical. Each investment made by the fund will be limited to 20% of the Qualified Expenditures incurred in the CNY Region, up to a maximum investment of \$1,000,000 per production.

For the purpose of these guidelines and all materials related to the CNY Film Fund, the CNY Region is defined as the combined area of the following counties: **Onondaga, Oswego, Cortland, Cayuga and Madison.**

Application Due Date

Applicants must submit a completed application prior to the monthly deadline (the 20th of each month) that falls before the start of principal photography. For example, if principal photography begins on 7/15, the application process must be completed by the deadline on 6/20 of the preceding month.

Funding Agreements will not be signed until the applicant has provided a **Certificate of Conditional Eligibility** from the New York State Film Tax Credit office.

Projects that were not previously successful may only be resubmitted with the permission of IGCNYA.

The number of applicants who receive funding and the amount of funding received will be determined by the annual confirmed budget of IGCNYA Film Fund and the quantity and quality of projects funded.

Eligible Applicants – What You Need to Apply

To be eligible to submit a full application to the CNY Film Fund, the following is required throughout the application process:

- The applicant must be a corporation, partnership, limited partnership, or other entity or individual who or which is principally engaged in the production of a **feature-length, Qualified Film** and controls the qualified film during production.
- A Qualified Film is defined by Empire State Development as a feature-length film intended for commercial distribution to a motion picture theater or directly to the consumer viewing market (**VOD and streaming service platforms**) that has a running time of at least 75 minutes in length.
- The total production budget must be at least **\$2,000,000**.
- Must meet criteria for one of the following SAG-AFTRA Signature Packages: Theatrical or Low-Budget Theatrical.

- Must designate the Greater Syracuse Soundstage (GSS) as the production's Qualified Production Facility (QPF) and must use the GSS during pre-production and production. The use of the soundstage must be for at least production office space. **If the GSS is not available during the applicant's production schedule, a letter from the GSS will need to be submitted with the application to acknowledge unavailability.**
- Through a completion guarantor, an applicant must submit:
 - Completion agreement; contract between the bond company and the film production.
 - Completion guarantee; the agreement between the bond company and the investors.
 - Inter-party agreement; a single contract among the investors, bond company, producer, and (if applicable) the producer's international sales company and/or domestic distributor.
- The applicant must submit the following as part of IGCNYA's evaluation process:
 - Details of all Confirmed and Projected Financing (including Loans, Equity Financing, Presales, Deferred Payments, Donations or Fiscal Sponsorships, Tax Incentives / Credits, and Interim Financing). If applicable, written evidence of the financial commitment of the participants should be included.
 - A complete **Schedule of Minimum Commitment of Expenditure**, showing projected expenditures to be incurred in the CNY Region. (Available for download on the IGCNYA website).
 - Fully itemized budget
 - Cast and Crew List
 - Promotional strategy / audience outreach plan / distribution plan
 - Logline
 - Production Schedule (including start/end dates for Prep, Shoot, Wrap and Post)
 - Weekly Cash-Flow Schedule
 - Script
 - Names of attached Distributor or Sales Agent
- Must submit a production schedule indicating a plan to commence principal photography within 90 days of a signed Funding Agreement. *IGCNYA reserves the right to cancel the agreement and any forthcoming payments if the production company fails to adhere to their production schedule.*

- Must be capable of completing production, post-production, and marketing of the film within 18 months of receipt of first payment from IGCNYA.
- At the time of submission, projects must not have commenced principal photography.
- Productions where public financial support would be contrary to public policy will not be eligible.
- Documentary features are NOT eligible.
- Must employ a verifiable production payroll accountant or production financing company that can generate custom reports with expense account designations coded according to the **New York State Film Tax Credit Schedule of Qualifying Expenditures**. To download a copy, please see Appendix 4 (Important Documents and Reporting Templates).
- Applicant companies or any associated production entity must be in good standing with IGCNYA and Empire State Development at the time of application submission.

NOTE: IGCNYA will consider applications from producers who do not meet the above minimum producer-applicant requirements provided they can demonstrate in writing the attachment to the project of a NYS-based executive producer who does meet the above qualifications. In this instance, applicants must seek pre-approval by IGCNYA prior to application.

IGCNYA Funding – What is a Qualified Expenditure?

Approved productions may be eligible for up to – but no more than - \$1,000,000 in funding on the basis of demonstrated, Qualified Expenditures. The anticipated award amount will be outlined in the final Funding Agreement. This amount is calculated by applying the incentive rate (20%) to the anticipated total Qualified Expenditures as indicated on the CNY SMCOE.

It is understood that actual production spending can vary versus forecasted spending. For this reason, total production solvency should not be contingent on receiving the maximum potential funding amount. The CNY Film Fund is an incentive program intended to award funding on a proportional basis for regional labor and vendor transactions derived from production-related activity.

Qualified Expenditures Do Not Include:

- The CNY Film Fund does not provide funding for “above-the-line” items:
 - Payments for a story, script or scenario to be used for a Qualified Film.
 - The cost of licensing or rights associated with the production of a Qualified Film.
 - Wages, salaries or other compensation for writers, directors (including music directors), producers, actors (except background actors with no scripted lines) and qualified certified public accountants.

Qualified Expenditures Do Include:

- The CNY Film Fund does provide funding for “below-the-line” production-related costs incurred within the five-county CNY Region.

For non-labor, this is defined as:

- Qualified Non-labor expenses incurred from doing business with a company, organization or individual entity registered with New York State for tax-filing purposes which is physically located in the CNY Region and has a CNY mailing address.
- To be considered for funding, such expenditures must be proven by receipt or invoice documentation indicating the CNY Region vendor with whom the transaction was made.

For labor, this is defined as:

- Qualified Labor expenses are those incurred by the hiring and/or employment of CNY Region residents. These must be persons having a home address in the CNY Region.
- To be considered for funding, tax-filing documentation for local labor hires is a required reporting deliverable.

Summary: Qualified Expenditures

The CNY Film Fund can only provide funding for demonstrated, Qualified Expenditures. A Qualified Expenditure is generally 1 - any below-the-line, production-related cost attributable to the employment of a CNY Region resident or 2 - a transaction made with a vendor within the five-county incentive jurisdiction.

Receipts, invoices, tax-filing documentation for labor hires and payroll reports are all reporting deliverables required from production to demonstrate that claimed Qualified Expenditures are bona fide.

Central New York Schedule of Minimum Commitment of Expenditure (CNY SMCOE)

A complete and accurate Central New York Schedule of Minimum Commitment of Expenditures must be included in the application. To download the CNY SMCOE, see Appendix 4 (Important Documents and Reporting Templates).

- The CNY SMCOE is a critical component of the application process, as it represents the benefits of the project to the CNY Region economy. This includes:
 - Projected expenditures within the five-county CNY Region.
 - Total projected number of weeks of employment for CNY Region residents.
- Total forecasted Qualified Expenditures as indicated on the CNY SMCOE is required to calculate a production's potential funding.

Please ensure that the information provided on the CNY SMCOE is accurate. This has significant weight in the assessment of your project application.

Application Process

1. Applicants will first apply for the New York State Film Tax Credit program. If accepted, an applicant may then proceed to submit an Intent to Apply for the CNY Film Fund.
2. Applicants must submit their **Intent to Apply** through the IGCNYA website. This will be reviewed by IGCNYA staff to determine if the production meets the minimum criteria to apply.
3. Qualified applicants will get access to the full application through the third-party submission website **Submittable**, after creating a free account. **A \$200 application fee due at the time of submission.**
4. Applications will be reviewed on the basis of their budget, production history, local employment plan, and proposed local expenditures. This review is conducted by a non-affiliated panel of film industry production and production finance specialists.

5. Applications that pass the review will receive a **Letter of Eligibility** from IGCNYA, indicating the percent of funding they are eligible to receive (between 20-25%, pursuant to the diversity enhancement).
6. Decisions are announced following each round of panel review. Successful applicants must enter into a Funding Agreement with IGCNYA within one month of notification. *NOTE: IGCNYA reserves the right to withdraw its funding commitment should project financing not be complete within the negotiated time-frame, the project no longer meets one or more of the Fund's eligibility requirements, or the project changes significantly from the time of commitment.*

Applications that are received after the monthly deadline will be reviewed in the following cycle. It is imperative that all applications include all the required materials in these guidelines and on the *Submittable* form. Incomplete applications will not be considered. IGCNYA will send ONE message to indicate any missing materials.

Decision Criteria and Weighing – How is an Application Evaluated?

40%

Benefit to the five-county CNY Region economy, including:

- Projected CNY Region Qualified Expenditures.
- Projected number of weeks of employment for CNY Region residents.
- Projects showing the greatest degree of economic impact correlating to Qualified Expenditures within the CNY Region will be evaluated more favorably.

20%

Feasibility of the project with respect to budget, financing, schedule and scope.

15%

Track record of the production company or production leadership (credits, relevant industry experience)

15%

Track record of the production company or production leadership within the CNY Region.

5%

Creative merit of the project and potential for critical and commercial success (market value).

5%

Promotion strategy and audience reach potential.

Reporting and Disbursement Process for Funding Recipients

Successful applicants will receive CNY Film Fund support after submitting evidence of Qualified Expenditure to IGCNYA, formatted according to the Grant Utilization Request Form (GURF) template. To download the GURF, please see Appendix 4 (Important Documents and Reporting Templates).

In addition to a completed GURF spreadsheet outlining Qualified Expenditure for labor and non-labor, IGCNYA requires supplemental expense reporting deliverables, including – but not limited to – tax documentation for Qualified labor hires, payroll reports, and copies of receipts or invoices for ALL Qualified vendor transactions.

After preliminary review, IGCNYA staff will submit the assembled material to Empire State Development for audit and final authorization of disbursement of funding. All disbursement of funds must be first approved by Empire State Development. IGCNYA cannot guarantee or make commitments to the length of time between submission of payment requests and actual payment to the production company.

Conditional Funding Thresholds

A portion of the total funds will be withheld, pending demonstrated completion of the following conditions:

- **15%** upon completion of film to include credit mention of Greater Syracuse Film Office, Empire State Development, and Innovation Group of CNY Arts LLC.
- **10%** upon submitting evidence that the film has been marketed for distribution.

IGCNYA and Participant Group Obligations

- Applicants will need to obtain a Certificate of Conditional Eligibility from the New York State Tax Credit Program.
- On acceptance into the program, the participating company will receive a Letter of Eligibility detailing the percent of funding that their production is eligible to receive.
- Agreement: The recipient company will be required to sign a standard agreement covering the terms of their participation in the program including providing Innovation Group of IGCNYA with permission to use the project and delivery materials for promotional purposes. Recipients may not amend the agreement template. Agreement will include the start date proposed in the application. Start date must be adhered to, or any funding received must be returned.
- FTEs – applicants must indicate the number of Full-Time Equivalent (FTE) positions that will be created and/or retained as a result of the IGCNYA-supported activity/activities and funding. FTE positions are calculated as those labor positions that require 30 hours or more per week.
- CNY Region Qualified Expenditures – applicants are required to indicate the total anticipated Expenditures paid for CNY Region labor and CNY Region goods and services.
- Funding from other sources – applicants are required to report the total unregulated private sector project funding (financing that is not influenced by government regulation such as:

internal revenues, venture capital investment, sponsorship, loans, distribution fees, AND the total public sector funding consisting of: Federal, provincial, and/or municipal government funding and tax credits).

- Insurance - Recipient companies will be required to carry Commercial General Liability Insurance on an occurrence basis for Third Party Bodily Injury, Personal Injury and Property Damage, to an inclusive limit of not less than \$1,000,000 per occurrence, \$3,000,000 products and completed operations aggregate. IGCNYA need to be named as additionally insured on all policies. Please budget accordingly. Additional information on insurance requirements is available on request.

- Changes to the Project - IGCNYA must be notified of any significant changes to the project as defined in the contract and if applicable, changes will require consent of IGCNYA.

Additional Reporting Deliverables

1. Recipient of any Innovation Group of CNY Arts incentive funds must submit for review by Innovation Group of CNY Arts and by ESD the following items during the course of the film production project:

- a. Call sheets / schedules / daily production reports and any other relevant documentation to confirm the start of filming and continued progress toward completion of filming;

- b. Separate General Ledger (GL) reports for each qualified and nonqualified cost category on the BUDGET COST QUALIFIER must be generated either bi-weekly or monthly during pre-production, weekly during production, and monthly during post-production;

- c. Post-production documents for the film (e.g., vendor invoices) evidencing the date the final elements (e.g., final composite answer print, air master, digital cinema files, end credits) were created, and any other relevant documentation to prove that the post-production phase of the project has been completed;

- d. Confirmation that the film has been marketed to the industry, which includes film festivals and/or other such entities to promote public viewing, with supporting documentation as IGCNYA and/or ESD may require.

- e. IGCNYA and/or ESD will reserve the right to require additional documentation to support the budget of the film, the start of filming, completion of post-production, and/or marketing of the film whether directly or through film sales agent(s) or other third parties.

CNY Film Fund and Greater Syracuse Film Office Recognition and Promotional Rights

CNY Film Fund support is to be acknowledged with an IGCNYA credit and logo on the production, as well as on all publicity and promotional materials relating to the production; subject to customary exclusions and exceptions. As well the inclusion of credit mention for the "Greater Syracuse Film Office" will be required to receive the 15% payment upon completion of the film. Projects must remain in compliance with NY State Film Tax Credit Office pursuant to requirements for receiving tax credit consideration.

Appendix 1

Diversity Enhancement Addendum

The IGCNYA Film Fund Production stream will offer enhanced support for films with diverse elements in order to help achieve the Central New York region Culture Strategy goals of promoting cultural engagement and inclusion, strengthening culture in communities, and fueling the creative economy.

Applicants who wish to access support for diverse projects via the Film Fund Production stream must submit an addendum to their application which provides detailed answers to the following:

1. Diversity of key creatives as applicable. This includes producer(s), director(s), director(s) of photography, writer(s), actors, etc.
2. Creative elements in direct respect to diversity including voice and story of the project, indigenous or language elements, or elements as referenced in the provincial definition of diversity (see Guidelines page 2). Maximum one page.
3. For co-productions, details regarding the nature of non-traditional partner(s) or jurisdiction(s) attached to the project. Maximum one page.

The addendum must be completed on the Diversity Enhancement Addendum Template (see sample on page 10), which must be downloaded from here and provided to IGCNYA as part of the Film Fund application. The addendum must be provided at the time of submission. IGCNYA will not accept diversity enhancement addendums after the application submission date. Those productions that are found to qualify for diversity enhancement support may qualify for up to an additional 5% (total 25%) of eligible costs for the incentive fund. The amount of additional support will be decided by review of the panel and Innovation Group of CNY Arts.

[To download a copy of the Diversity Enhancement Template, see Forms and Reporting Templates](#)

Appendix 2

Required Marketing and Sales Strategy Elements

Production companies are required to submit the following elements of a marketing and sales strategy. The strategy must identify the critical and commercial potential of the film and how it will be realized. References to market potential and sales estimates should be researched with regard to performance of similar types of films, and proposed strategies and tactics should be realistic with regard to cost and experience of the team.

The strategy should include the following:

- A description of the marketability of different elements of the film (e.g. renowned director and/or screenwriter, established movie franchise, confirmed cast, potential for success in a particular niche market). Director's notes are not sufficient.
- An evaluation of the film's market potential in the USA and key international territories across all platforms.
- The target audience for each potential distribution platform and the expected results for each platform.
- A theatrical release strategy for the USA that targets potential distribution partners or could be executed by the producer.
- The main elements of the USA and international marketing strategy on traditional and other platforms including domestic and international festival placement, traditional media, social media, or other innovative strategies.
- Strategy for other domestic and international sales fulfilment (e.g. attendance at markets, a list of likely sales agents or buyers, or plan for other representation to ensure the film gets sold).

This Global Marketing and Sales strategy will be evaluated on the following criteria:

- The coherence of the proposed strategy with regards to the market appeal of the film, its target audience and strategies to reach that audience.
- The realistic potential to execute on the proposed marketing and sales strategies.
- The innovative character of the marketing and sales strategy.

Appendix 3

Understanding the Relationship between the CNY Film Fund and the NYS Film Tax Credit Program

Funding for the CNY Film Fund is made possible through a grant from Empire State Development (ESD). The Innovation Group of CNY Arts (IGCNYA) is responsible for administering the Film Fund, however IGCNYA is not a representative or agent of New York State. IGCNYA cannot disburse funding to program participants without final authorization from ESD.

The New York State Film Tax Credit program is a separate initiative operated directly by ESD. IGCNYA cross-checks Film Fund Applicants with the NYS Film Tax Credit program to ensure compliance and consistency with state-level regulatory requirements.

It is important to emphasize that despite some coordination, the CNY Film Fund and NYS Film Tax Credit program are separate initiatives with different operational parameters. The Film Fund can only provide funding for Qualified Expenditures incurred within the five-county incentive jurisdiction.

Appendix 4

Important Documents and Reporting Templates

CNY SMCOE
NYS Schedule of Qualifying Expenditures
Diversity Enhancement Template
Grant Utilization Request Form (GURF)
A PDF, dated copy of the guidelines