


Government of the District of Columbia
Office of the Chief Financial Officer



Glen Lee
Chief Financial Officer

MEMORANDUM

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Glen Lee
Chief Financial Officer 

DATE: March 18, 2024

SUBJECT: Fiscal Impact Statement – Open Movie Captioning Requirement
Amendment Act of 2024

REFERENCE: Bill 25-151, Draft Committee Print as provided to the Office of Revenue
Analysis on March 12, 2024

Conclusion

Funds are not sufficient in the fiscal year 2024 through fiscal year 2027 budget and financial plan to implement the bill. The bill's implementation will cost \$322,000 in fiscal year 2024 and \$1.3 million over the four-year financial plan period.

Background

Open movie captioning is the written, on-screen display of a movie's dialogue and non-speech information (music, sound effects, identities, etc.), which cannot be turned off like closed captioning. The bill establishes a requirement for movie theaters with more than two screens in the District to provide open movie captioning showings for their customers. A movie theater must schedule open captioning showings at least three times per week¹ during the first two weeks of a movie's showing and at least twice per week during subsequent weeks. At least one of the showings each week must be during peak weekend hours, which is defined in the bill as a showing that starts between 5:59 p.m. and 11:01 p.m. on a Friday or starting between 10:59 a.m. and 11:01 p.m. on a Saturday or Sunday. A movie theater should publish its open movie captioning showtimes in the same manner that it advertises all movie showings and should also note if a particular movie does not have open movie captioning availability.

¹ The bill defines an operating week as Friday through the following Thursday.

The Honorable Phil Mendelson

FIS: Bill 25-151, "Open Movie Captioning Requirement Amendment Act of 2024," Draft Committee Print as provided to the Office of Revenue Analysis on March 12, 2024

A movie is exempt from the open movie captioning requirement if the particular movie is not produced with open movie captioning or the theater has scheduled fewer than seven showings for the movie. A movie theater cannot cancel an open movie captioning showing unless the cancellation is due to events beyond the theater's control.

If a movie theater has two or fewer screens, a customer can request an open movie captioning showing for a movie, if available, through a process established by the Mayor.

The bill requires the Office of Human Rights (OHR) to ensure movie theaters comply with the open movie captioning requirements. OHR should review each movie theater's showings for at least three operating weeks annually. OHR can request showing information by any means necessary to conduct its reviews. OHR should also establish a process to receive and respond to consumer complaints. If OHR finds that a movie theater is in violation of the minimum open movie captioning showings requirement, OHR should require the theater to host an additional open movie captioning showing in the next operating week for a first violation. If a movie theater is found in violation on one or more subsequent occasions within one year, the theater must hold a second extra open movie captioning showing within the next operating week. A movie theater should prioritize showing the movie subject to the violation if that movie is still showing at the theater. OHR should conduct additional reviews (in addition to the required three) within a year for each violation.

The bill requires the Mayor to implement an ongoing public awareness campaign regarding the bill's open movie captioning requirements for movie theaters. The campaign should at least utilize Office of Cable Television programming, public service announcements, a dedicated public website, and notices directed to media organizations that publish movie showings for movie theaters.

The bill allows the Mayor to utilize resources in the Film, Television and Entertainment Rebate Fund,² if available, to support movie theaters and their ability to comply with the open movie captioning requirements.

The bill adds the Mayor's Office of Deaf, Deafblind and Hard of Hearing (MODDHH) to the list of agencies that must comply with the Language Access Act.³

Financial Plan Impact

Funds are not sufficient in the fiscal year 2024 through fiscal year 2027 budget and financial plan to implement the bill. The bill's implementation will cost \$322,000 in fiscal year 2024 and \$1.3 million over the four-year financial plan period.

OHR will need to work with movie theaters to ensure they understand the open movie captioning requirements, review moving showings as required to ensure compliance, respond to customer complaints, and adjudicate any violations. OHR requires part-time attorney, inspector, outreach, and administrative support. These personnel resources will cost \$187,000 in fiscal year 2024 and \$790,000 over the four-year financial plan period. OHR also requires \$20,000 annually to support administrative costs.

² Film DC Economic Incentive Act of 2006, effective March 14, 2007 (D.C. Law 16-290; D.C. Official Code § 2-1204.11).

³ Effective June 19, 2004 (D.C. Law 15-167; D.C. Official Code 2-1931 et seq.).

The Honorable Phil Mendelson

FIS: Bill 25-151, "Open Movie Captioning Requirement Amendment Act of 2024," Draft Committee Print as provided to the Office of Revenue Analysis on March 12, 2024

MODDHH will implement the public awareness campaign. MODDHH requires \$15,000 annually for the campaign. MODDHH also requires one new staff member to both support the public awareness campaign and fulfill MODDHH's new obligations under the Language Access Act. This staff will cost \$100,000 in fiscal year 2024 and \$413,000 over the four-year financial plan period.

The Office of Cable Television, Film, Music, and Entertainment manages the Film, Television and Entertainment Rebate Fund. If there are resources available to support movie theaters meeting the open movie captioning requirements, then the Mayor can use the Fund's resources to do that.

Open Movie Captioning Requirement Amendment Act of 2024					
Bill 25-151					
Implementation Costs					
Fiscal Year 2024 - Fiscal Year 2027					
(\$ thousands)					
	FY 2024	FY 2025	FY 2026	FY 2027	Total
OHR Personnel	\$187	\$195	\$200	\$208	\$790
OHR Administrative Expenses	\$20	\$20	\$20	\$20	\$80
MODDHH Personnel	\$100	\$102	\$104	\$107	\$413
Public Awareness Campaign	\$15	\$15	\$15	\$15	\$60
Total Costs	\$322	\$332	\$339	\$350	\$1,343