



## **RHODE ISLAND MOTION PICTURE PRODUCTION TAX CREDIT INFORMATION**

### **What is the benefit called?**

**The Motion Picture Production Tax Credit**

### **How much is the benefit?**

30% of state certified production costs incurred directly attributable to activity within the state.

### **If the benefit is based on "location spend" what exactly does "location spend" mean?**

State certified production costs means any pre-production, production and post-production cost that a motion picture production company incurs and pays to the extent that it occurs within the state of RI.

### **Does local spend include the following?**

Foreigners working in RI? Yes.

Finance Fees? No.

Bond Fees? No.

Per diems? Yes.

### **Eligibility - who can access the relief?**

A state-certified production means a motion picture production approved by the RI Film & TV Office and produced by a motion picture production company domiciled in RI, whether or not such company owns or controls the copyright and distribution rights in the motion picture, provided that such company has either a signed viable distribution plan, or is producing the motion picture for a major motion picture distributor, a major theatrical exhibitor, a television network or a cable television programmer. Reality shows do not qualify for the Motion Picture Production Tax Credit.

## How does the mechanism work and what is the process?

The process of applying for and receiving motion picture production tax credit certificates consist of the following steps:

The production company submits a completed [Initial Application](#) and required supplemental material (Secretary of State Articles of Incorporation, [Certificate of Disclosure of Corporation](#), screenplay, viable distribution plan, arrival/departure schedule, budget, [Impact Analysis Statement](#) and [Production Tax Credit Information Request Form Page 1](#) with estimated amounts) to the RI Film & TV Office.

The RI Film & TV Office prepares an Impact Analysis based on information provided by the production company. The analysis is available for public inspection and is posted on the Division of Taxation's website.

The RI Film & TV Office reviews the application package, assigns a unique identifying number to the production, sends a letter to the company certifying the production and places them in the queue. If an application package is rejected, a written notification will be sent to the applicant.

Prior to commencement of principal photography, the date of which will be conveyed to the RI Film & TV Office, the production company must provide to the RI Film & TV Office a Certificate of Insurance, crew list, a list of locations/shooting schedule and copy of the [BAR Form](#) the production company filed with the Division of Taxation. They must also add [Steven.Feinberg@arts.ri.gov](mailto:Steven.Feinberg@arts.ri.gov), [Scott.Saracen@arts.ri.gov](mailto:Scott.Saracen@arts.ri.gov) and [Judith.Cooney@arts.ri.gov](mailto:Judith.Cooney@arts.ri.gov) to their email distribution list for daily call sheets and coordinate a joint Press Release with the RI Film & TV Office.

Prior to submitting a [Final Application](#), the production company must request a [Letter of Good Standing](#) from the Division of Taxation.

When the production is completed, the production company submits separate packages consisting of the [Final Application](#), Articles of Corporation, Letter of Good Standing, [Certificate of Disclosure of Corporation](#), final screenplay, viable letter of distribution, schedule of days, daily production schedule, budget, Accountant's Certification and Cost Report, [Production Tax Credit Information Request Form Page 1](#) with actual amounts, and a diversity tracking chart to the RI Film & TV Office and the Division of Taxation. The RI Film & TV Office also requires two (2) DVDs of the finished project.

The Division of Taxation makes a determination of the amount of tax credit based on its audit of state certified production costs.

The Division of Taxation, upon determination that the production company has complied with all necessary requirements, issues tax credit certificates to the production company.

In addition, all recipients of motion picture production tax credits are required to file annual reports with the tax administrator, for the year they receive a tax credit, as follows:

- (1) [Rhode Island Form TC-100](#) must be filed by August 15<sup>th</sup>.
- (2) [Rhode Island Form 8201A](#) must be filed by September 1<sup>st</sup>.

**How certain is it? (ie: are the criteria objective or subjective?)**

A transparent policy is in place and is predictable.

**What percentage of the film has to be shot in this country/state and what percentage of the spend needs to be spent here?**

The film or television production needs to be shot primarily in RI, meaning that 51% of principal photography must take place in RI. A minimum of \$100,000 needs to be spent on the ground in RI. If \$10M+ in qualified expenses is spent on the ground in RI by one production in one twelve month period the 51% requirement is waived.

Documentaries that do not film their principal photography in Rhode Island are eligible for up to \$5M in tax credits if they spend 51% of their final production budget and employ 5 individuals in the State **OR** 51% of their total production days, including pre- and post-production, take place in Rhode Island.

**Which countries/states does this country currently have co-production treaties with?**

The USA does not have any co-production treaties.

**Are there any limitations?**

There is a \$40M annual cap. There is also a \$7M cap per project, which can be waived for qualifying motion picture and TV productions.

**Where do the funds come from?**

The tax credit is a credit against state taxes.

**Who decides?**

Steven Feinberg, Executive Director of the RI Film & TV Office and the RI Division of Taxation.

**What are the audit requirements?**

An independent, state certified RI accountant must certify the audit and render an opinion. The RI Division of Taxation will then conduct their own, independent audit.

**If an official co-production is required, what are the conditions for obtaining co-production status, the co-production guidelines and what are the tax consequences?**

A co-production is not required.

**When will the money be received?**

Credits are typically distributed within 90 days after the final application and supplemental material have been approved.

**Is there a "cap" on the amount available, both on a film by film basis and in any fiscal year?**

There is a \$40M annual cap.. There is also a \$7M cap per project, which can be waived for qualifying motion picture and TV productions.

**Is there a sunset date?**

Yes, July 1, 2027.

**What is the current sales tax rate (%) in this country/state?**

7%

**Is sales tax recoverable and if so on what?**

No.

**If sales tax is recoverable, when can the production company expect to get the sales tax back?**

It is not recoverable.

**To what extent will cast and crew traveling to this country/state be taxed there? (ie: what is the withholding tax regime like, national insurance contributions, social security charges, etc.):**

Traveling into the State of RI counts toward the production costs.

Traveling away from the State does not count.

**Are there any other taxes or costs that producers should know about? (ie: corporation tax on the production company, etc.):**

No.

**Are there any additional incentives or other advantages that producers should know about when considering bringing a production to this country/state? (ie: free or reduced location fees, use of police, etc.)**

No.

**What productions have recently been shot in this state?**

HBO's The Gilded Age Seasons 1 & 2 (TV Series)  
Ella McCay (Feature)  
Good Burger 2 (Feature)  
Chosen Family (Feature)  
Hocus Pocus 2 (Feature)  
The Last Tenant (Feature)  
Lego Instructional Video Building Suite (Web Series)  
Seclusion (Feature)  
Secrets at the Museum (Feature)  
Merry Ex-Mas (Feature)  
Acting Coach Nightmare (Feature)

The Preacher's Wife (Feature)  
Junction (Feature)  
Federal Hill The Beginning (TV Pilot)  
Johnny & Clyde (Feature)  
Out of the Blue (Feature)  
Native America 2 (Documentary)  
Space Oddity (Feature)  
Barry Birthday (Feature)  
My Father Muhammad Ali (Documentary)  
Kellie (Documentary)  
Jungle Room (Feature)  
The Ultimate Bro Challenge (Feature)  
Lego (Web Series)  
NOS4A2 Seasons 1 & 2 (TV Series)  
Agent Toby Barks (Feature)  
Vault (Feature)  
Rebrickulous (Web Series)  
The History of Cars (TV Series)  
Saving Christmas (Feature)  
Anders Manor (Feature)  
Polka King (Feature)  
Randy's Canvas (Feature)  
The Discovery (Feature)  
Revelers (Feature)  
Purge 3: Assassins (Feature)  
Measure of a Man (Feature)  
Mind's Eye (Feature)  
November Criminals (Feature)  
Bleed for This (Feature)  
Irrational Man (Feature)  
Seeds (Feature)  
Almost Mercy (Feature)  
Some Freaks (Feature)  
Game of Crowns (TV Series)  
A Bet's A Bet (Feature)  
Army of the Damned (Feature)  
Infinitely Polar Bear (Feature)  
Building Wonders: Secrets of the Colosseum (Documentary)  
Building Wonders: The Lost Secret of Petra (Documentary)  
Building Wonders: The Unshakable Hagia Sophia (Documentary)  
Self Storage (Feature)  
God Only Knows (Feature)  
Victoria's Secret (Commercial)  
Backmask (Feature)  
Moonrise Kingdom (Feature)  
Cultivating Life (TV Series)  
Body of Proof (TV Series)  
Infected (Feature)  
Missing William (Feature)  
Inkubus (Feature)

Loosies (Feature)  
Mulberry Tree (Feature)  
Empire State (TV Pilot)  
House Rules (TV Pilot)  
Hachi (Feature)  
Brotherhood (TV Series)  
The Clique (Feature)  
The Bible's Buried Secrets (Documentary)  
Tell-Tale (Feature)  
Tanner Hall (Feature)  
27 Dresses (Feature)  
I Am Paige Armstrong (TV Pilot)  
Dan In Real Life (Feature)  
Evening (Feature)  
Side by Each (Feature)  
Education of Charlie Banks (Feature)  
Normal Adolescent Behavior (Feature)  
Underdog (Feature)  
Waterfront (TV Series)  
Hard Luck (Feature)

**For more information contact:**

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