

This is a general guide to rental of property as a film location. This guide is not all-inclusive, as it would be impossible to cover every circumstance that may arise in the course of a production. For further information, call the Governor's Office of Film & Television.

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If you have specific questions about your legal rights and obligations relating to the rental of your property, consult legal counsel before signing an agreement.

IN THE BEGINNING

A location scout will ask for permission to take photographs of your location for the production company to review. These photographs are not for commercial use and will not be released to the public. They are simply reference tools to use in making a decision about your location. Unmade beds, untidy living areas and messy backyards are not a concern. What the company is interested in is the "look" of the space and the feasibility of photographing at your location because extra room is needed to accommodate lighting equipment and other technical gear.

Feel free to ask the location scout for details about the production; however, the scout usually does not have the authority to negotiate a contract or discuss fees during the initial search for locations. Here's what you should ask:

Are the scout and film company reputable? Before granting access to your property, ask for references. You may also call the Governor's Office of Film & Television for verification.

What type of production will it be? Is it a movie, commercial, documentary, still photography? Generally, in terms of people and equipment, theatrical and TV movies will have a cast and crew of about 100, with accompanying trucks and vehicles; commercials are about half that amount or less, and still photography a third or less.

When and for how long will they want to use your property?

What is the script about? Is the storyline acceptable to you?

What is the context in which your property is being used within the script?

If your location is of interest after the photos are reviewed, the production company will make an appointment for a personal visit by the director and other company personnel.

If your location is approved for photography, a location manager or company representative will contact you to make final arrangements.

BEFORE THE SHOOTING BEGINS

The location manager or representative from the production company will ask you to review and sign a location release. This is a contract which grants the company permission to photograph and utilize your property as a location. This contract grants the company permission to be on your property for filming purposes, and provides that the production company, not the property owner, owns the photographed or audio images taken on the property. Before signing the contract, you should be sure you understand what action will be taking place in or on your property. You may ask to see the script pages that will be filmed on your property, or ask for a description of the action to be included in the contract. You may, in turn, be asked to sign a confidentiality agreement stating that you will not share information about the script with anyone.

Important considerations are:

Hold Harmless The contract MUST contain a "hold harmless" clause that will release the owner from any liability for an accidental mishap which may occur as a result of filming activities.

Condition The contract MUST state that your property will be restored to its original condition (if you so desire) by a specified date. If the company wants to redecorate your property to conform to requirements in the script, they should bear the costs of returning it to its original condition. However, the company will only change what's necessary for the script. If redecorating permanently and substantially improves the condition of your property, the company may ask for a reduction in the location fee.

The Fee In deciding how much to ask for the use of your property, your primary considerations should be the length of time the property will be used and any inconvenience that filming may cause your business or home.

In other words, the fee should be enough to overcome the time and other demands that will be made upon you. In order to determine the fee, you must know how long the company will be using your property, and what they will be doing. When will the first person from the company arrive, and when will the last person depart? What special effects, stunts, or "gags" does the company plan to do? Will there be any construction taking place? Your fee may be adjusted accordingly.

If you are requested to vacate the location during production, suitable alternative accommodations should be provided and your fee should take this into consideration. Filming days are sometimes quite long and will usually begin at 5:30 a.m. and run for at least 12 hours (often more). If there is an afternoon start time, photography may last all night.

Location fees are usually negotiated on a per-day-of-photography basis. This fee should include the days or hours it may take preparing (prep time) and restoring (strike time) your property to its original condition. Find out how long prep and strike times will be. The fee for prep and strike days is often lower than the fee for shooting days.

In deciding your fee, consider the intangibles. For many people the excitement of a movie shooting at their home is a once-in-a-lifetime experience. Or if you have a commercial enterprise, the positive media coverage and publicity may provide valuable free advertising. In Los Angeles and other media centers the cost of real estate and the demand for locations is very high. In Oregon the demand for locations is much less and you will probably not be able to receive "LA Fees."

If your location is a retail business with walk-in customers, you should expect compensation for loss of business based on net profit for an average business day on the day of the shoot. If you are asked to close your business, make sure your employees will be compensated for their lost time. If the company requests that you or a monitor be present during the shooting, you should be reimbursed for this time.

If your business will remain open, work with the production company to make sure disruption is minimal. Discuss ways to ensure access for your customers.

If your business is agricultural or manufacturing, there may be some loss of productivity due to the activities of the film company, and you should be compensated accordingly. Also, maintenance or repair activities you have scheduled may be disrupted or halted by filming.

The production company should pay for any costs associated with alternative lodging for you or any tenant of your property, plus the costs of removing and caring for your pets or furnishings. Keep in mind that different productions can have widely varying budgets, and what they can afford to pay for locations will reflect this.

The production company should deliver your fee on the day shooting commences. ***You should have the right to refuse permission to film if the fee is not delivered as specified in your location agreement.***

Specifics You have the right to make addendums and add as many additional conditions to the contract as you see fit. You may wish to add limits in writing as to 1.) Where smoking, eating and drinking will be allowed and not allowed. 2.) Areas of your property that are off limits to production personnel. 3.) Protective floor and interior coverings to be used. 4.) Any permanent alterations.

Insurance To protect you from liability, incidental damage, and workers' compensation claims that may arise, the company MUST furnish you with a certificate of insurance, to be issued by the production company's insurance company. DENY PERMISSION TO USE YOUR PROPERTY IF THE COMPANY WILL NOT PROVIDE YOU WITH INSURANCE.

Security Deposit You may request a security deposit to cover the cost of expenses if the production company asks for permission to use your telephone, or to reimburse you for utility expenses (electricity, water, etc.), or for any sensitive area that the company may utilize (i.e., a roof).

GREAT! WHEN DO WE START?

Personnel from the company will contact you to prepare your location for filming. These people may represent the art department, special effects, lighting, or other technicians.

They may want to move out your furnishings and store them elsewhere, change the decor, change the landscaping, rig for stunts, or do anything else that's necessary to prepare the property. It's best not to

"spruce up" your property by painting, altering or otherwise changing its appearance without consulting the location manager or your company contact first.

The production company has a specific "look" in mind, and may have to repaint or undo all your hard work! If changes are made to your property which were not discussed in negotiating your location release, ask the workers to stop. Ask the location manager or other responsible individual to contact you.

LIGHTS, CAMERA, ACTION.

Although your location release will probably name a specific date, the actual shooting day may vary. Production companies are at the mercy of Oregon's weather and delays caused by weather problems or other aspects of the production may force rescheduling.

On the day shooting commences you may be asked to be present at the location to handle last minute questions and problems. Be sure to check with the location manager if you want to bring guests, as some locations will be filled to capacity with cast and crew. You may be invited to join the company for lunch. Again, ask permission to bring guests, so that there will be enough for everyone.

To keep neighborhood disturbance at a minimum, it is best to be discrete about filming at your location in order to avoid attracting too many onlookers. If you notice production personnel creating disturbance (equipment noise, radios, lights) that might disturb your neighbors, report it immediately to the location manager. Keep in mind that a certain level of noise and activity is common for productions.

You may be asked to provide house current from electrical outlets for an RV, makeup trailer, or camera truck. In addition, the company may ask to hook up to your water for the wardrobe trailer or to provide drinking water. You may also be asked to provide a sheltered area (i.e., garage, barn) for cast and crew to have lunch; a sheltered space for the "extras" to put on makeup, wardrobe, and wait for their upcoming scene; or an area for parking crew vehicles.

If you want to videotape or photograph members of the cast, ask an assistant director for permission in advance. If you are watching a scene, stay out of the actor's sight, to avoid affecting the actor's concentration by causing a distraction. Ask the assistant director where the best place is to observe the filming.

The company is responsible for cleaning up your property and the surrounding areas (yards, sidewalks, driveways, street) as a result of the production. Check with the location manager to be sure the company has made arrangements for dumpster or garbage removal and clean up.

AFTER THEY'RE GONE

Before the last truck has pulled away and the company has restored your property to its original condition, be sure you have on file the company's Oregon telephone number(s) and address, the location manager's phone number(s) and home address (if an Oregonian), and the company's out-of-state address and phone number. As an alternative, you may call the Governor's Office of Film & Television for additional information about the company.

We hope your experience with movie making will be enjoyable, exciting, and educational.