



**COUNCIL OF THE DISTRICT OF COLUMBIA**  
**THE JOHN A. WILSON BUILDING**  
**1350 PENNSYLVANIA AVENUE, NW**  
**WASHINGTON, DC 20004**

**Charles Allen**  
Councilmember, Ward 6

**Chairperson**  
Committee on the Judiciary and Public Safety  
**Co-Chairperson**  
Special Committee on COVID-19 Pandemic Recovery

**Committee Member**  
Business and Economic Development  
Health  
Transportation and the Environment

February 23, 2023

Nyasha Smith, Secretary  
Council of the District of Columbia  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004

Dear Secretary Smith:

Today, along with Councilmembers Matthew Frumin, Christina Henderson, Janeese Lewis George, Brianne K. Nadeau, Zachary Parker, Brooke Pinto, and Robert C. White, Jr., I am introducing the **“Open Movie Captioning Requirement Act of 2023.”** Please find enclosed a signed copy of the legislation.

In 2016, the Department of Justice issued a final rulemaking requiring movie theaters to provide accommodations for moviegoers who are Deaf, hard of hearing, blind, or who have low vision. For Deaf and hard of hearing patrons, this requirement is usually met by allowing a moviegoer to request one of two devices: first, a moviegoer can take into the theater a small screen with a long neck that is usually placed in a patron’s cupholder. This device provides captions for the movie – when it is actually charged and in working order, that is – and even under the best circumstances, this leaves a moviegoer scanning back and forth between the action on the screen and the dialogue on the device in front of them. Second, moviegoers can also choose a pair of large, cumbersome glasses that often do not fit over regular glasses and are often not in working order. As we saw and heard at a hearing that Chairman Mendelson held in 2018, while these devices may meet federal legal requirements, they just are not viable alternatives, and many in the Deaf and hard of hearing community have simply given up on going to the movies anymore. A better alternative is to simply require theaters to provide screenings of movies with open captions on the screen – dialogue, music, and sound effects – which is what this legislation would do.

This legislation would require that, at movie theaters with more than one screen, at least 12% of each movie’s weekly showings must include open captions. For example, a movie that shows 14 times in a week would have to have 2 open caption screenings; a movie that shows 28 times a week would have to have 4 open captioning screenings. Any movies shown fewer than 7 times in a week would not have to include open captions. Single-screen theaters would have to have

one open caption screening per month or upon a request made pursuant to regulations that the Department of Consumer and Regulatory Affairs would set up.

Further, the bill would require that at least half of the required open caption screenings are during “peak movie attendance hours.” Peak movie attendance hours are Friday nights or weekend afternoons and evenings – that is, when most people are off of work and able to actually go out to a movie. Half of the open caption showings outside of peak movie attendance hours would have to be on weekday evenings. In other states, the Deaf and Hard of Hearing Community report that required open caption screening are often show at days and times when people just cannot take advantage.

I developed this legislation in partnership with the DC Deaf Moviegoers group, which has worked for many years to organize and request open caption showings of movies at theaters in the region. That generally involves coordinating with a group big enough to interest a theater and all the people in the group agreeing on one day and time and location. This is, of course, not how hearing residents choose a movie, and Deaf and hard of hearing residents should also have the opportunity to pick from showtimes of open captioned movies. Netflix reports that 80% of their subscribers use subtitles or open captions at least once a month, indicating that there is also an audience for open caption movies among hearing residents.

When the pandemic closed down movie theaters, the Council put a previously-introduced version of this legislation on hold, not wanting to burden a struggling industry. As movie theaters re-open, I believe that Deaf and hard of hearing residents should have the same opportunity as hearing residents to once again enjoy the communal experience that movies provide. New York City recently adopted legislation that borrows liberally from the version of this legislation that I introduced in 2019, and the Maryland House of Delegates just held a hearing on legislation that would require open captioned movie screenings. I hope that the Council will follow suit.

Please free to reach out to me or my Legislative Director, Antonio Nunes, with any questions or for additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read "Charles Allen".

Charles Allen, Ward 6 Councilmember  
Chairperson, Committee on Transportation & the Environment  
Vice Chair, Metropolitan Washington Council of Governments

1 Janeese Lewis George  
2 Councilmember Janeese Lewis George

Charles Allen  
Councilmember Charles Allen

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4 Matthew Frumin  
5 Councilmember Matthew Frumin

Christina Henderson  
Councilmember Christina Henderson

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8 Brianne K. Nadeau  
9 Councilmember Brianne K. Nadeau

Brooke Pinto  
Councilmember Brooke Pinto

10  
11 Zachary Parker  
12 Councilmember Zachary Parker

Robert C. White, Jr.  
Councilmember Robert C. White, Jr.

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18 A BILL

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23 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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28 To provide that an entity holding a basic business license with an “Entertainment: Moving  
29 picture theater” endorsement shall provide open movie captioning at specified times; to  
30 provide that a violation shall be an unlawful discriminatory practice; and to require notice  
31 of the requirements of this act.

32  
33 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this  
34 act may be cited as the “Open Movie Captioning Requirement Act of 2023”.

35 Sec. 2. Definitions.

36 For the purposes of this act, the term:

37 (1) “Movie theater” means entity holding a basic business license with an  
38 “Entertainment: Moving picture theater” endorsement.

39 (2) "Open movie captioning" means the written, on-screen display of a motion  
40 picture's dialogue and non-speech information, including music, the identity of the character  
41 who is speaking, and other sounds and sound effects.

42 (3) "Peak movie attendance hours" means:

43 (A) A movie that begins after 5:59 p.m. and finishes before 11:01 p.m. on  
44 Friday; or

45 (B) A movie that begins after 11:59 p.m. and finishes before 11:01 p.m. on  
46 Saturday or Sunday.

47 Sec. 3. Open movie captioning required.

48 (a)(1) A movie theater with more than one screen shall provide scheduled showings of  
49 motion pictures with open movie captioning such that at least 12% of the weekly scheduled  
50 showings of each motion picture currently showing at the movie theater have open movie  
51 captioning; provided, that if a motion picture has fewer than 7 scheduled showings in a week, the  
52 movie theater shall not be required to provide open movie captioning for the motion picture.

53 (2)(A) At least half of the scheduled showings required pursuant to paragraph (1)  
54 of this subsection shall be provided during peak movie attendance hours.

55 (B) At least half of the scheduled showings required pursuant to paragraph  
56 (1) of this subsection that are scheduled outside of peak movie attendance hours shall start after  
57 5:59 p.m. and finish before 11:01 p.m. on Monday, Tuesday, Wednesday, or Thursday.

58 (b) A movie theater with one screen shall provide a screening of a motion picture  
59 produced with open movie captioning as follows:

60 (1) Once per month; or

61 (2) Upon receipt of a request made through a process established by the Mayor  
62 pursuant to the requirements of the District of Columbia Administrative Procedure Act, effective  
63 October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-501 *et seq.*).

64 (c) This section shall not prohibit the showing of a motion picture that is produced and  
65 distributed without open movie captioning; provided, that the movie theater shall provide notice  
66 to the public of which motion pictures shown by the movie theater are produced and distributed  
67 without open movie captioning.

68 (d) A violation of this section shall be an unlawful discriminatory practice, pursuant to  
69 section 231 of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38;  
70 D.C. Official Code § 2-1402.31).

71 Sec. 4. Notice required.

72 (a) A movie theater shall advertise the date and time of motion picture showings required  
73 by section 3 in the same manner as the movie theater advertises all other motion picture  
74 showings.

75 (b) A movie theater shall provide, through radio and television advertisement, social  
76 media, and print media, and by posting inside in the movie theater, notice to all customers of the  
77 following:

78 (1) The availability of showings of motion pictures with open movie captioning;  
79 and

80 (2) The notice required by subsection 3(c).

81 (c)(1) The Mayor shall coordinate with the Office of Disability Rights and other agencies  
82 the Mayor deems appropriate to create an awareness campaign publicizing the requirements of  
83 this act and explaining the benefits provided by this act, including by requiring movie theaters to  
84 provide information about open movie captioning.

85                   (2) All outreach information shall comply with the Language Access Act of 2004,  
86 effective June 19, 2005 (D.C. Law 15-167; D.C. Official Code § 2-1931 *et seq.*).

87                   Sec. 5. Fiscal impact statement.

88                   The Council adopts the fiscal impact statement in the committee report as the fiscal  
89 impact statement required by section 4a of the General Legislative Procedures Act of 1975,  
90 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

91                   Sec. 6. Effective date.

92                   This act shall take effect following approval by the Mayor (or in the event of veto by the  
93 Mayor, action by the Council to override the veto), a 30-day period of congressional review as  
94 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
95 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
96 Columbia Register.