

Instructions for Request for Waiver

New York City Department of Small Business Services (SBS)

Introduction

In accordance with Local Law 142 of 2013, the New York City Department of Sanitation (DSNY) will begin implementing a ban on the use of polystyrene single service articles and polystyrene loose fill packaging in New York City.

Local law 142 authorizes the New York City Department of Small Business Services (DSBS), in consultation with DSNY, to grant a financial hardship waiver for any store, food service establishment or mobile food commissary with an **annual gross income of less than five hundred thousand dollars (\$500,000) per location**, that is not part of a chain food service establishment, or chain store, as defined in Local Law 142.

Local Law 142 also provides that any not-for-profit corporation, regardless of its income, may apply for a hardship waiver.

Foam Hardship Waivers are governed by the provisions of Local Law 142 of 2013, codified at New York City Administrative Code Section 16-329(e) and the Rules of the City of New York Title 66 Chapter 13.

Applicants for a waiver must provide proof that:

- That there is no comparable alternative product not composed of expanded polystyrene that would cost the same as or less than the single service article composed of polystyrene;
- AND, that the purchase or use of an alternative product not composed of expanded polystyrene would create an undue financial hardship.

Please note: Waivers will be valid for twelve (12) months and shall be renewable upon application to the DSBS Commissioner. A pending application for such financial hardship waiver shall be a defense to any notice of violation issued pursuant to Section 16-329 of the New York Administrative Code to which such pending application relates and such notice of violation shall be dismissed.

Instructions

Please submit all required initial evidence and any supporting documentation with your request at the time of filing.

How to fill out form:

1. Type or print legibly in black ink
2. If extra space is needed to complete any item, attach a continuation sheet, write your name and business name at the top of each sheet of paper, indicate the **Part** to which your answer refers, and date and sign each sheet.
3. Answer all questions fully and accurately. If an item does not apply to you, write "N/A" unless the instructions direct you to do otherwise. If the answer is None, write "None"

Waiver applications may be hand-delivered, mailed or emailed. Applications, including all required documentation, should be delivered or mailed to:

Zen Baraki
NYC Department of Small Business Services
110 William Street, 7th Floor
New York, NY 10038

Or email to Foamwaiver@sbs.nyc.gov Documentation may be attached to the email or separately mailed or delivered.