

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION: FIRST DEPARTMENT

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In the Matter of the Application of
NEW YORK CITY COALITION TO END LEAD
POISONING, INC., et. al.

Plaintiffs-Respondents

Index No.: 120911/99

For a Judgment pursuant to Article 78 and Sec. 3001 of
The Civil Practice Law and Rules

AFFIDAVIT IN SUPPORT
OF MOTION TO CONFIRM
STAY

-against-

Petitioners,

PETER VALLONE, as Speaker of the New York City
Council, et. al.

Defendants-Appellants.
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Nick LaPorte, being duly sworn, deposes and says:

1. I am the Executive Director of the Associated Builders and Owners of Greater New York and as such I am familiar with the facts and circumstances herein.
2. I submit this affidavit in support of the motion to confirm the statutory appeal or a discretionary stay of the Judgment of Justice York, which invalidates the Local Law 38.
3. I have read and concur with the statements made by Joseph Strasburg, President of Rent Stabilization Association, Inc., which I hereby adopt and incorporate by reference.
4. The Associated Builders and Owners of Greater New York, since 1910, has worked to develop and maintain effective communication and networking between the real estate industry and Federal, State and City governments in all facets of the complex task of building, managing and operating real estate property in New York City.

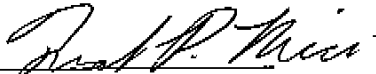
5. The membership of ABO is comprised of the region's developers, builders, owners, managing agents, bankers, architects, engineers, planners, building material suppliers, contractors and other allied professionals providing technical services to the industry.
6. ABO sponsors meetings, educational programs and seminars, trade shows and other forums for the exchange of information, ideas and experience to the community.
7. ABO has followed closely the lead paint laws and regulations and strives to keep its membership abreast of the developments. To assist its membership with understanding and complying with the myriad of regulations governing lead paint hazards in New York City housing, ABO has presented two seminars on the issue. The first, on October 18, 1999, on the passage of Local Law 38, ABO sponsored a seminar to explain to its members the ramifications of those recent developments and the new obligations there under. At the same seminar, representatives from the US Environmental Protection Agency and Housing and Urban Development gave presentations on the federal regulations impacting New York City owners and managers. A second seminar was conducted on February 16, 2000 because compliance with the New York City lead laws continues to be such a daunting task.
8. The ABO's newsletter, ABO DEVELOPMENTS and THE ABO NEWSWIRE regularly print articles on compliance with the lead regulations owing to their complexity and importance (Representative copies annexed as Exhibit "A").

9. I submit that to revert to the former Local Law 1 would cause great difficulty and confusion amongst the membership of ABO and the New York City real estate community as a whole, therefore, we respectfully request that a stay be confirmed or instated pending the resolution of the appeal of Justice York's Judgment.



Nick LaPorte, Executive Director
Associated Builders and Owners of Greater NY
55 John Street
New York, NY 10038

Sworn to before me this
12 day of March, 2001



Notary

FRANK P. RICCI
Notary Public, State of New York
No. 01RI4942525
Qualified In New York County
Commission Expires Sept. 26, 2002