

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

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

Plaintiffs-Respondents

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

Petitioners.

Index No.: 120911/99

AFFIDAVIT IN SUPPORT
OF MOTION TO CONFIRM
STAY

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

Defendants-Appellants.
-----X

Dan Margulies, being duly sworn, deposes and says:

1. I am the executive director of Community Housing Improvement Program, Inc. (CHIP), which is a trade association representing more than 2,000 owners of apartment buildings in New York City. CHIP was established in 1966 and provides its members with information on owning and managing property in New York City through a monthly newsletter, seminars, special bulletins, an internet web site and telephone assistance.
2. CHIP's members must comply with myriad city, state, and federal regulations, including lead paint regulations, and CHIP assists them in understanding their legal responsibilities. CHIP has been actively involved in the lead paint issue for decades. Members advised the City Council on the original Local Law 1 and the organization was represented on Mayor Dinkins' Mayoral Advisory Committee to End Childhood Lead Paint Poisoning in 1992. As such, I am fully familiar with the facts and circumstances set forth herein.
3. I submit this affidavit in support of the application to confirm the statutory stay of the Order of Justice York, or in the alternative, to grant a stay pursuant to CPLR 5519 (c) during

the pendency of this appeal. We believe that substantial benefits inure from staying enforcement of Justice York's order and that substantial harm will flow in the event the former law, Local Law 1, is reinstated.

4. We have read, agree with and hereby adopt the statements made in the affidavit of Joseph Strasburg of the Rent Stabilization Association. We set forth below representative examples of the efforts made by CHIP to educate our constituents on their obligations under Local Law 38 and otherwise disseminate relevant information to the landlord community as a whole on these significant regulations.

5. CHIP has actively advised and informed its members about lead issues for years. Most relevantly, CHIP kept its members abreast of developments throughout the legislative course of Local Law 38 through passage and has continued to teach and inform, including advising of Justice York's decision to invalidate the law (Annexed as Exhibit "A" are representative examples of the CHIP ADVISOR, our monthly newsletter).

6. In addition, CHIP dedicated an entire issue to explain in detail the landlord's obligations under the new law (Annexed as Exhibit "B"). The effort New York City landlords have made to learn the new law and apply its mandates must not be underestimated. The regulations are onerous but the landlord community as a whole has applied itself to the task of learning its new responsibilities, an achievement which takes time and considerable effort.

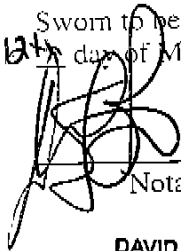
7. In addition to the foregoing, in September 1999, CHIP also hosted a seminar to teach and instruct its members on the new lead regulations in addition to the many other regulations, including federal requirements, all pertaining to lead paint.

8. On behalf of the membership of CHIP, we respectfully submit that substantial benefits will be gained by staying the Order of Justice York.

Dan Margulies

Dan Margulies, Executive Director
Community Housing Improvement
Program, Inc.
545 Madison Avenue, 4th Floor
New York, NY 10022

Sworn to before me this
12th day of March, 2001



Notary

DAVID J BURTON
Notary Public, State of New York
No. 02BU5017897
Qualified in New York County 2001
Commission Expires September 13, ~~1999~~