

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  
-against-

AFFIDAVIT IN SUPPORT OF  
MOTION TO CONFIRM STAY

Petitioners,

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

Defendants-Appellants.  
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Steven Spinola, being duly sworn, deposes and says:

1. I am the President of the Real Estate Board of New York (REBNY), which is an organization through which Mannhattans' most talented, energetic and influential real estate professionals work with New York City's political establishment to promote public policies that expand New York's economy, encourage the development and renovation of commercial and residential real property, enhance the City's appeal to investors as a business location and as a place to live, and to facilitate property management.
2. REBNY's membership consists of the major property owners and builders, brokers, managers, banks, financial service companies and other individuals and institutions professionally interested in Manhattan real estate. REBNY members own and manage over 500,000 apartment units in New York City.
3. I submit this affidavit in support of the motion to confirm the statutory appeal or a discretionary stay of the Order and Decision of Justice York, which invalidates the Local Law 38.

4. 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.

5. REBNY has gone to great lengths since July 1999, the date Local Law 38 was signed into law by Mayor Giuliani, to educate its membership of their new obligations under the law, which would come in to effect approximately three months later, November 1999. We respectfully submit that if Local Law 38 is invalidated, great confusion and turmoil will frustrate this population which has so arduously strived to fulfill their obligations under the many laws which govern residential real estate in the City of New York.

6. Since the passage of Local Law 38, REBNY has worked tirelessly to educate its members as to the requirements of the law through seminars, mailings, meetings and publications.

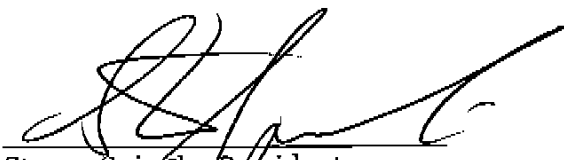
7. Immediately after its passage, a summary of the legislation was sent to members and was highlighted in our membership newsletter, REBNY UPDATE. (Annexed as Exhibit "A"). The rules promulgated there under by the New York City Department of Housing Preservation and Development and the amendments to the New York City Health Coder were distributed to the members and discusses at length at meetings.

8. City Council Speaker Peter Vallone presented highlights of the legislation to REBNY's Board of Governors at their meeting in September 1999. In December 1999 REBNY presented a full seminar for 200 attendees where the Commissioner of Housing Preservation and Development, Richard Roberts and his staff were featured speakers. Information packages containing the law, the rules and the required pamphlet were

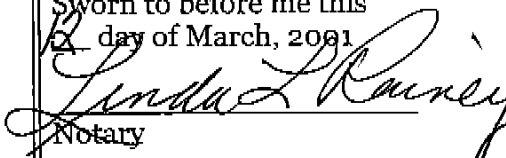
distributed to all attendees. This package was made available to all REBNY members at no cost and hundreds of such information packages have been given out.

9. The implementation of Local Law 38 has been discussed regularly and continues to be as new issues and questions arise, at Management Division meetings, particularly at the monthly meetings of the Residential Management Council (RMC). The RMC consists of the principals and senior executives of firms which own and manage rental, cooperative and condominium buildings. Since the passage of Local Law 38, the law and the HPD Rules and proposed amendments have been discussed and reviewed at not fewer than ten (10) meetings, including meetings in which HPD and the Department of Health were invited participants.

10. Clearly, great time and effort has been expended to educate and inform REBNY's membership of their important duties under Local Law 38. We respectfully submit that until a final determination on the merits has been made by this Court, that it would cause substantial confusion and harm to require the involved New York City real estate body to revert to the poorly considered, expensive and unsafe regulations under the predecessor Local Law 1.

  
Steven Spinola, President  
Real Estate Board of New York, Inc.  
570 Lexington Avenue  
New York, N.Y. 10022

Sworn to before me this  
2 day of March, 2001

  
Notary

**LINDA L. RAINEY**  
Notary Public, State of New York  
No. 01RA5044659  
Qualified in New York County  
Commission Expires June 5, 2001