

**CITY OF PASSAIC
COUNTY OF PASSAIC, NEW JERSEY**



RENT LEVELING BOARD

**SPECIAL HEARING
MAY 29, 2025
6:00 P.M.**

<https://tinyurl.com/RLB0529AGENDA>

**CITY COUNCIL CHAMBERS - CITY HALL
330 PASSAIC STREET, PASSAIC, NEW JERSEY**

PURSUANT TO THE OPEN PUBLIC MEETINGS ACT, CHAPTER 231, PUBLIC LAWS OF 1975 ADEQUATE NOTICE OF THIS MEETING WAS PROVIDED BY THE RENT LEVELING BOARD OF THE CITY OF PASSAIC BY SCHEDULING A SPECIAL HEARING FOR THURSDAY, MAY 29, 2025, AT 6:00 P.M. TO BE HELD AT CITY HALL, CITY COUNCIL CHAMBERS, 330 PASSAIC STREET, PASSAIC, NEW JERSEY 07055.

NOTICE OF THIS MEETING WAS PUBLISHED IN THE HERALD NEWS AND POSTED ON THE CITY OF PASSAIC WEBSITE AT: WWW.CITYOFPASSAIC.COM (RENT LEVELING BOARD), AND PLACED ON THE CITY HALL BULLETIN BOARD BY THE OFFICE OF THE CITY CLERK

I. ROLL CALL

Commissioners Present: Chairman Arthur G. Soto, Commissioner Maryann Capursi, Commissioner Luis W. Colon, Commissioner Jorge H. Palacios, Commissioner Itamar Roman,

Staff Present: Christopher M. Rodriguez/Board Attorney, Andrea M. Beckford/ R&R Legal Advisors Attorney, Emely Vazquez/Board Secretary

II. PLEDGE OF ALLEGIANCE

III. INVOCATION

IV. PUBLIC COMMENT

In accordance with the Open Public Meetings Act (N.J.S.A. § 10:4-1 et seq.), the Board opens every public meeting for comments from the public. However, pursuant to N.J.S.A. § 10:4-12, the Board retains the discretion to regulate participation at meetings. Each speaker will be limited to five (5) minutes. The Board will not entertain comments from individuals who communicate obscene material, make statements deemed as bias intimidation or harassment, or use offensive language. Any individual violating these guidelines will forfeit their speaking time.

No members of the public were present.

Motion: Maryann Capursi

Second: Jorge H. Palacios

<i>Chairman Soto</i>	<i>Commissioner Palacios</i>	<i>Commissioner Capursi</i>	<i>Commissioner Roman (ALT)</i>	<i>Commissioner Colon (ALT)</i>
x	x	x		

V. HEARING

1. GUILLERMO ARRIAGA, et al. vs. XDEV AT MARKET, LLC

- **Docket Number: PAS-RLB-0001-24**
- **Margaret E. Fiori, Esq.** of Make the Road New Jersey as Attorney on behalf of Tenants: Guillermo Arriaga, Javier Arriaga, Alberto Fierro, Reyna Sanchez, and Facunda Simon (collectively referred to as “Tenants” hereinafter)
- **Bruce E. Gudin, Esq.**, Partner of Ehrlich Petriello Gudin Plaza & Reed, P.C. as Attorney on behalf of Landlord: Xdev at Market, LLC (referred to as “Landlord” hereinafter)
- This Hearing shall address the formal complaint submitted on behalf of Tenants (all of whom assert that they have maintained continuous residence

at 96 Market since prior to December 9, 1999), alleging certain violations of § 231-4, specifically, with respect to their yearly rental increases, which they posit exceeded the provisions of § 231-4.

- By way of this Complaint, Tenants request that the Rent Leveling Board make a determination as to the current lawful rent for each of the Tenants, as well as assess whether Tenants are entitled to recover rent credits, and if so, in what amount.
- Tenants also seek the imposition of fines against Landlord for any and all violations of the Ordinance pursuant to § 231-7 and § 231-14.
- Tenants further request a determination by the Rent Leveling Board that Landlord violated the Anti-Harassment provision of the Ordinance, § 231-13, by filing allegedly frivolous eviction complaints against two of the Tenants and/or by serving one of those Tenants with a Notice to Cease and a Notice to Quit.

96 Market Street, Passaic, NJ 07055

At this point in the meeting, Chairman Arthur G. Soto stated that the meeting would proceed out of order from the agenda to address the tenants in attendance

- e. Apt. 18 | Guillermo Arriaga vs. Xdev at Market LLC
Current Rent (as of September, 2024): \$934.97
Pre or post 1999: Pre 1999

Make the Road presented the following exhibits for board consideration

Exhibit 1 (Proof of Address) and Exhibit 7 (Rent Lease) were accepted as part of the testimony.

Exhibit 31 (Rent Statements) was accepted as a preview pending post hearing submission

XDEV at Market LLC presented the following exhibits for board consideration

Exhibit 1 (Spreadsheet) was accepted, with a post-hearing submission requested for a certification and supporting documents explaining each section to fully substantiate it.

Evidence 2 (Letter of Rent Control Tenants from previous Landlord) was reserved pending a supplemental submission to establish proper foundation (no date provided).

- b. Apt. 10 | Alberto Fierro vs. Xdev at Market, LLC
Current Rent (as of September, 2024): \$889.29
Pre or post 1999: Pre 1999

Make the Road presented the following exhibits for board consideration

Exhibit 3 (rent receipts from previous landlord) was accepted.

Exhibit 23 (monthly rent statements) was accepted.

Exhibit 9 (Annual Rent Increase) was accepted.

- c. Apt. 13 | Reyna Sanchez vs. Xdev at Market, LLC
Current Rent (as of September, 2024): \$ 1,365.85
Pre or post 1999: Pre 1999

Make the Road presented the following exhibits for board consideration

Exhibit 4 (copy of rent receipts) was pre-admitted, as the original receipts were requested to be submitted at the post-hearing.

Exhibit 24 (Confidential Information report) was accepted into evidence.

XDEV at Market LLC presented the following exhibits for board consideration

Exhibit 3 (Tenant's Estoppel) was admitted into evidence.

- a. Apt. 1 | Facunda Simon vs. Xdev at Market, LLC
Current Rent (as of September, 2024): \$912.50
Pre of post 1999: Pre 1999

The hearing testimony was postponed to the next session.

- d. Apt. 16 | Javier Arriaga vs. Xdev at Market, LLC
Current Rent (as of September, 2024): \$853.11
Pre or post 1999: Pre 1999

The hearing testimony was postponed to the next session.

Chairman Soto requested that the parties provide the following at the next hearing

XDEV at Market LLC: Rent Logs of all the petitioners, Tax statements, Proofs of occupancy

Make the Road: Original rent receipts of Ms. Sanchez

VI. RESOLUTIONS

2. RESOLUTION AUTHORIZING CLOSED EXECUTIVE SESSION OF THE RENT LEVELING BOARD OF THE CITY OF PASSAIC ON MAY 29, 2025, AT 6:00 P.M. OR ANYTIME THEREAFTER TO DISCUSS PENDING LITIGATION, CONTRACT NEGOTIATIONS, AND PERSONNEL MATTERS

**CITY OF PASSAIC
RENT LEVELING BOARD**

RESOLUTION NO. RL 25-05-002

RESOLUTION AUTHORIZING CLOSED EXECUTIVE SESSION OF THE RENT LEVELING BOARD OF THE CITY OF PASSAIC ON MAY 29, AT 6:00 P.M. OR ANYTIME THEREAFTER TO DISCUSS PENDING LITIGATION, CONTRACT NEGOTIATIONS, AND PERSONNEL MATTERS

RE: DISCUSS PENDING LITIGATION

WHEREAS, the Open Public Meetings Act, **N.J.S.A. 10:4-12(b)**, permits the Rent Leveling Board to meet in **closed session** for certain purposes, including:

- **Pending or anticipated litigation – N.J.S.A. 10:4-12(b)(7)**
- **Matters involving attorney-client privilege – N.J.S.A. 10:4-12(b)(8)**
- **Deliberations on matters before the Board – N.J.S.A. 10:4-12(b)(9)**

WHEREAS, the Rent Leveling Board desires to meet in closed session on **MAY 29, 2025**, for the purpose of discussing these matters;

NOW, THEREFORE, BE IT RESOLVED by the Rent Leveling Board of the City of Passaic as follows:

1. The Board shall meet in closed session for discussion of the topics outlined above.
2. The public shall be informed of any decisions or results at the next public meeting, where applicable.
3. This Resolution shall take effect immediately.

INTRODUCED BY BOARD MEMBER: Jorge H. Palacios

SECONDED BY BOARD MEMBER: Maryann Capursi

Record of Board Members' Vote on Final Passage

Commissioner	Aye	Nay	Abstain	Absent
Arthur G. Soto	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maryann Capursi	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jorge H. Palacios	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Itamar Roman (ALT)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Luis W. Colon (ALT)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ADOPTED ON: MAY 29, 2025

Arthur G. Soto
Chairman, Rent Leveling Board

Emely Vazquez
Board Secretary

Motion to resume back into the meeting

Motion: Maryann Capursi

Second: Jorge H. Palacios

<i>Chairman Soto</i>	<i>Commissioner Palacios</i>	<i>Commissioner Capursi</i>	<i>Commissioner Roman (ALT)</i>	<i>Commissioner Colon (ALT)</i>
x	x	x		

I. ADJOURNMENT

Motion: Jorge H. Palacios

Second: Maryann Capursi

<i>Chairman Soto</i>	<i>Commissioner Palacios</i>	<i>Commissioner Capursi</i>	<i>Commissioner Roman (ALT)</i>	<i>Commissioner Colon (ALT)</i>
x	x	x		

Next Scheduled Meeting: June 2, 2025