

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



**RENT LEVELING BOARD**

**SPECIAL HEARING**

**JULY 24, 2025**

**5:00 P.M.**

<https://tinyurl.com/RLB0724AGENDA>

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

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***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, JULY 24, 2025, AT 5:00 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***

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**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>
<i>x</i>	<i>x</i>	<i>x</i>		

**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 resume from the May 29, 2025 Hearing.**

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

**Make the Road presented the following exhibits for board consideration**

***Original Rent Receipt*** as required by the Chairman at the May 29, 2025 meeting

Motion to reject evidence due to the apparent alterations observed by the Rent Leveling Board making it insufficient to admit as evidence.

**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		

Motion to dismiss violations on Reyna Sanchez as there is no further evidence to submit proving that she has been living at 96 Market Street since at least 1999.

**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		

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

**Make the Road presented the following exhibits for board consideration**

*Exhibit 37 and Exhibit 38*

Motion to accept Exhibit 37 and 38 as evidence.

**Motion:** Jorge H. Palacios

**Second:** Maryann Capursi

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

**XDEV at Market LLC presented the following exhibits for board consideration**

*Respondent's Exhibit 5*

Motion to accept Exhibit 5 as evidence.

**Motion:** Jorge H. Palacios

**Second:** Maryann Capursi

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

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

**Make the Road presented the following exhibits for board consideration**

*Exhibit 8 and Exhibit 26*

Motion to accept Exhibit 8 and 26 as evidence.

**Motion:** Maryann Capursi

**Second:** Jorge H. Palacios

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

**a. Apt. 1 | Facunda Simon vs. Xdev at Market, LLC**

Current Rent (as of September, 2024): \$912.50

Pre of post 1999: Pre 1999

**Make the Road presented the following exhibits for board consideration**

*Exhibit 21, Exhibit 34, Exhibit 15, Exhibit 35, Exhibit 17, Exhibit 40, Exhibit 18 and Exhibit 19.*

Motion to receive Exhibit 21, 34, 15, 35, 17, 40, 18, and 19 as evidence.

**Motion:** Jorge H. Palacios

**Second:** Maryann Capursi

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

**Make the Road presented the following exhibits for board consideration**

*Exhibit 44, Exhibit 43, and Exhibit 36*

Motion to accept Exhibit 44, 43, and 36 as evidence.

**Motion:** Jorge H. Palacios

**Second:** Maryann Capursi

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

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

No exhibits were submitted at this hearing, as they had already been presented at the May 29, 2025 hearing.

The board will reserve the decision on the merits pending findings on submission of the following items.

1. Submission of standing on Alberto Fierro
2. Summary of Liability/Defenses
3. Calculation of damages
- 4.

Motion to close the hearing portion.

**Motion:** Jorge H. Palacios

**Second:** Maryann Capursi

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

**VI. RESOLUTIONS**

- 2. RESOLUTION AUTHORIZING CLOSED EXECUTIVE SESSION OF THE RENT LEVELING BOARD OF THE CITY OF PASSAIC ON JULY 24, 2025, AT 5:00 P.M. OR ANYTIME THEREAFTER TO DISCUSS PENDING LITIGATION, CONTRACT NEGOTIATIONS, AND PERSONNEL MATTERS**

*No need for a close session.*

**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>
<i>x</i>	<i>x</i>	<i>x</i>		

**VII. 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>
<i>x</i>	<i>x</i>	<i>x</i>		

*Next Scheduled Meeting: September 11, 2025*