

**U.S. Department of Housing  
and Urban Development**

**Chief FOIA Officer Report  
March 2010**

## Background

HUD's FOIA operations are decentralized due to the decentralized nature of various program areas and the consequent geographic dispersion of documents responsive to FOIA requests. HUD officials who have primary responsibility for the administration of program areas are located at HUD Headquarters in Washington, D.C. However, numerous programs are administered at the local level through 10 Regional Offices, headed by Regional Directors who oversee the operation of all HUD program areas in their jurisdiction. In addition, certain program areas and functions have been centrally sited in areas outside of Washington D.C. For example, single family home ownership programs are operated by HUD "Home Ownership Centers" (HOCs) located in Atlanta, Georgia, Philadelphia, Pennsylvania, Santa Ana, California, and Denver, Colorado. HUD's National Servicing Center, which provides lender assistance and asset management functions, is centrally located in Oklahoma City, Oklahoma. The Department's debt collection activities related to home improvement loans and manufactured housing are operated out of a HUD center in Albany, New York.

Transactional documents, such as those relating to closings on HUD's multifamily properties, are located in over 50 local HUD field offices nationwide. The geographic dispersion of records that results from this decentralized organizational structure presents some unique challenges with respect to the management of HUD's FOIA operations and to providing a uniform approach to how FOIA requests are addressed.

## I. Steps Taken to Apply the Presumption of Openness.

### 1. Steps HUD has taken to ensure that the presumption is being applied to all decisions involving the FOIA:

- HUD's FOIA Office distributed copies of President Obama's FOIA memorandum and Attorney General Holder's FOIA Guidelines to all of its FOIA Liaisons Department-wide. HUD continues to discuss best practices and facilitates dialogues among the various program offices and FOIA Liaisons related to the current Administration's guidance.
- HUD maintains a public webpage that contains a collection of FOIA request documents and continues to identify and make as much information as possible publicly available.
- Although there are no specific statistics illustrating the Department's action in making discretionary releases, HUD has long sought to comply with the spirit of the FOIA and to always release where possible. For the first time in its history, HUD Headquarters began releasing drafts upon request, and the Department's Denver Office released information that was previously withheld under Exemption 2. HUD is proud to state that in FY 2009 its Nashville and Milwaukee Offices granted in full all of its requests for records, and the Pittsburgh Office granted all requests for records in full with the exception of one as the records sought did not exist. The Omaha Office had no FOIA requests that were not released in full during the last two years.

### 2. Increase/Decrease in the number of requests where records have been released in full or where records have been released in part in comparison with those numbers in the previous year's Annual FOIA Report.

- HUD Headquarters had an increase in the number of requests where records were released in full and in part compared to FY 2008. In FY 2008, Headquarters released 159 requests in full and 351 in part; in FY 2009, 124 requests were released in full and 151 in part.

- HUD's Regional and Field Offices had a decrease in the number of requests where records were released in full and an increase in the number released in part compared to FY 2008. In FY 2008, the Department's Regional and Field Offices released 570 requests for records in full and 332 in FY 2009. The Regional and Field Offices released 73 requests for records in part in FY 2008 and 266 in FY 2009.
- The Office of Inspector General (OIG) had a decrease in the number of requests where records were released in full and in part. In FY 2008, OIG released 35 requests for records in full and 14 in FY 2009. In FY 2008, OIG released 119 requests for records in part and 99 in FY 2009.

## II. Steps Taken to Ensure the Agency has an Effective System for Responding to Requests.

- In 2009, all HUD employees involved in processing, reviewing, and managing FOIA's participated in a business process reengineering to find ways to improve upon the efficiency of the Department's current FOIA business process. As a result, the agency found ways to streamline the current process, improve upon how it conducts business, and increase quality, speed, and service.
- During FY 2008 and 2009, the FOIA Office worked closely with the Office of the Chief Information Officer which handles IT support, to conduct New Users and Refresher Training to the Department's FOIA Liaisons, FOIA Specialists, and FOIA program office liaisons on its new FOIA tracking system, FOIAXpress or FOIA Management System-2 (FMS2). Refresher training is being offered in FY 2010 and additional training will be provided on an ongoing basis for new users. FMS2 training also includes some discussion and training on FOIA guidelines and procedures.
- Many HUD FOIA offices actively communicate with requesters via telephone and/or email to effectively refine the scope of their request to better target more efficient searches.
- FOIA personnel throughout the Department attended FOIA training from a wide range of sources, such as DOJ, USDA Graduate School, and in-house training.
- HUD has regular FOIA-related meetings.
- The Chief FOIA Officer and other high-level officials are provided with weekly status updates and timely notification of sensitive and/or high profile FOIA-related matters.

### III. Steps Taken to Increase Proactive Disclosures.

- HUD's FOIA website currently contains accurate and useful information on how to file a FOIA request, as well as some basic user-friendly information on the FOIA process. It also contains the required electronic reading room with a link to a "Frequently Requested Materials" section, which lists items that provide useful information to those seeking records pertaining to HUD programs, such as the Federal Housing Administration (FHA) approved lenders, homes for sale, FHA mortgage insurance programs, and multifamily housing data. In addition, HUD recently posted the FY 2008 highest scoring funding grant applications to its webpage.
- HUD Headquarters' FOIA Office has designated one of its FOIA Specialists to work closely with program staff to identify additional records that can be made available to the public.
- HUD components continue to increase the types and volume of non-sensitive information available to the public on the Internet. The HUD FOIA website now includes records previously available on request, such as audit and investigative reports, testimonies before Congress, and significant correspondence and advisory memoranda.

### IV. Steps Taken to Greater Utilize Technology.

1. Does your agency currently receive requests electronically? Yes
2. If not, what are the current impediments to your agency establishing a mechanism to receive requests electronically? N/A
3. Does your agency track requests electronically? Yes
4. If not, what are the current impediments to your agency utilizing a system to track requests electronically? N/A
5. Does your agency use technology to process requests? Yes
6. If not, what are the current impediments to your agency utilizing technology to process requests? N/A
7. Does your agency utilize technology to prepare your agency Annual FOIA Report? Yes with limited capabilities.
8. If not, what are the current impediments to your agency utilizing technology in preparing your Annual FOIA Report? HUD does not have the most current version of FOIAXpress due to limited funding. Therefore, it cannot capture or generate reports for all of the data required for the Annual FOIA Report.

V. Steps Taken to Reduce Backlogs and Improve Timeliness in Responding to Requests.

1. If you have a backlog, report whether your backlog is decreasing. That reduction should be measured both in terms of the numbers of backlogged requests and administrative appeals that remain pending at the end of the fiscal year, and in terms of the age of those requests and appeals.

HUD Headquarters was able to reduce its backlog by 48 percent in FY 2009; from 368 as of October 1, 2008, to 192 as of September 31, 2009. The Department's overall backlog was reduced by 85 percent over a 2-year period, from 4,941 as of October 1, 2007, to 764 as of September 30, 2009. HUD had no administrative appeals pending at the end of Fiscal Years 2008 or 2009.

2. If there has not been a reduction in the backlog, describe why that has occurred and what steps HUD is taking to bring about a reduction. N/A
3. Describe the steps HUD is taking to improve timeliness in responding to requests and to administrative appeals.
  - Many HUD offices actively communicate with requesters via telephone and/or email to effectively refine the scope of the request to better target more efficient searches.
  - HUD is working with its contractor to incorporate a means by which the requesters can submit their requests directly to the appropriate Regional Office rather than to Headquarters only into the FOIA tracking system's Public Access Link.
  - The FOIA Office Director is reviewing the processes currently in place to identify opportunities for streamlining the steps in processing requests and encourage consistency among program offices.