

Legal Opinion: GMP-0136

Index: 7.340

Subject: FOIA Directive--HUD Forms 92273, 92264 Comparables

December 17, 1992

MEMORANDUM FOR: Michal F. Stover, Regional Counsel, 8G

FROM: Carole W. Wilson, Associate General Counsel for
Equal Opportunity and Administrative Law, GM

SUBJECT: Use of October 31, 1983 Memorandum to Principal Staff

This is in response to your October 20, 1992 memorandum inquiring as to whether the February 13, 1992 determination supersedes the prior OGC policy issued by memorandum from David D. White, then Assistant General Counsel for Administrative Law, dated October 31, 1983, to all Principal Staff and Regional Administrators. Please note that the February 13, 1992 decision from C.H. Albright, Jr., Principal Deputy General Counsel, applied only to HUD Form 92273 regarding properties used as rent comparable. Therefore, these comparables are now releasable.

You may recall, we had previously issued an appeal decision dated January 26, 1990 to Bill McBean, staff writer for the Denver Post, in which we determined that the land sales comparable on HUD Form 92264 were not withholdable under Exemption 4. The Department has subsequently received appeals challenging the denial of rent comparable information contained on HUD Form 92273. This issue arose in separate appeal requests received from both the Philadelphia and Denver Offices. Our determination of February 13, 1992 provided an opportunity for us to issue consistent appeal decisions regarding requests for comparable information, whether relating to rental or to land sales. The disclosure status of the remaining HUD records should be maintained as referenced in the October 31, 1983 memorandum.

Based on your inquiry, we are providing a copy of this memorandum, the February 13, 1992 determination and the prior October 31, 1983 list of HUD Forms to all Regional Counsel Offices. Thank you for bringing this matter to our attention. Please call Sam Hutchinson at (202) 708-2088 or Jeff Rock at (202) 708-0553 if you have any further questions.