U.S. Department of Housing and Urban Development
2022 Chief FOIA Officer Report

Section 1: Steps Taken to Apply the Presumption of Openness

The guiding principle underlying DOJ's FOIA Guidelines is the presumption of openness.

Please answer the following questions in order to describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA. You may also include any additional information that illustrates how your agency is working to apply the presumption of openness.

A. FOIA Leadership

1. The FOIA requires each agency to designate a Chief FOIA Officer who is a senior official at the Assistant Secretary or equivalent level. See 5 U.S.C. § 552(j)(1) (2018). Is your agency's Chief FOIA Officer at this level? Yes

2. Please provide the name and title of your agency's Chief FOIA Officer.

Kevin L. McNeely – General Deputy Assistant Secretary for Administration

B. FOIA Training

3. The FOIA directs agency Chief FOIA Officers to ensure that FOIA training is offered to agency personnel. See 5 U.S.C. § 552(a)(j)(2)(F). Please describe the efforts your agency has undertaken to ensure proper FOIA training is made available and used by agency personnel.

During the year, the Department of Justice announces training opportunities for various FOIA topics. The FOIA Branch Chiefs send those communications to all FOIA staff within HUD's FOIA Division and Agency POCs. The entire HUD FOIA community is encouraged to take this training. In addition, during the year, the Department provided FOIA training via Microsoft Teams to Headquarters FOIA specialists, Departmental FOIA liaisons, and Regional FOIA liaisons.

4. Did your FOIA professionals or the personnel at your agency who have FOIA responsibilities attend substantive FOIA training during the reporting period such as that provided by the Department of Justice? Yes.

5. If yes, please provide a brief description of the type of training attended or conducted and the topics covered.

HUD staff attended the following trainings provided by the Department of Justice's Office of Information Policy (OIP):

- Introduction to the Freedom of Information Act
- The Freedom of Information Act for Attorneys and Access Professionals
- Advanced Freedom of Information Act Seminar
- Procedural Requirements and Fees Workshop
- Annual FOIA Report Refresher and Quarterly Report Training
- Chief FOIA Officers Report Refresher Training

In addition, the DOJ OIP conducted a FOIA seminar for Headquarters FOIA specialists, program area staff, as well as Regional Office POCs focused on FOIA procedural requirements and exemptions 4, 5, and 6.

6. Please provide an estimate of the percentage of your FOIA professionals and staff with FOIA responsibilities who attended substantive FOIA training during this reporting period. 80%

7. OIP has directed agencies to "take steps to ensure that all of their FOIA professionals attend substantive FOIA training at least once throughout the year." If your response to the previous question is that less than 80% of your FOIA professionals attended training, please explain your agency's plan to ensure that all FOIA professionals receive or attend substantive FOIA training during the next reporting year. N/A

8. Did the personnel at your agency who have FOIA responsibilities attend training in federal records management during this reporting period?

Yes, this year the HUD Field FOIA liaisons in Regions 2, 5, and 7 attended. In past years, the HQ and other staff have attended. We maintain a close relationship with the Department's Records Management Officer and provide updates to staff whenever there is a change in policies or processes.

C. Outreach

9. Did your FOIA professionals engage in any outreach or dialogue, outside of the standard request process, with the requester community or open government groups regarding your administration of the FOIA? Please describe any such outreach or dialogue, and, if applicable, any specific examples of how this dialogue has led to improvements in your agency's FOIA administration.

No, we did not have engagement this year with the requester community for open government groups. We are looking for opportunities to engage with the public through HUD media that can be used with the public to improve their understanding of the FOIA submission process along with identifying key personnel in the process. We are also engaging with other agencies on their activities in this area for additional ideas and activities that could be beneficial to HUD.

D. Other Initiatives

10. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA. In particular, please describe:

how often and in what formats your agency provides FOIA training or briefings to non-FOIA staff; and if senior leaders at your agency received a briefing on your agency's FOIA resources, obligations and expectations during the FOIA process?

Training is conducted monthly to program area staff, as well as Regional Office points of contact, through Microsoft Teams on subject matters such as fees, procedural requirements, functions of the FOIA management system, and searching for responsive records. We also maintain previously recorded training that is available anytime for new FOIA POCs and refreshers for personnel involved in the FOIA process as needed.

The executive for FOIA meets individually monthly with Program Office Senior Executives to keep them abreast of future plans, current activities and any issues regarding FOIA. This meeting is also used to educate them on any changes to HUD or DOJ rules and regulations.

In line with our Customer Service and Outreach efforts on an as-needed basis, the FOIA Staff train Headquarters and Regional Office program area staff who are responsible for conducting searches for responsive records to get a better understanding of the FOIA rules, regulations and processes. Throughout FY21, FOIA staff provided one-on-one training regarding meeting deadlines, requesting extensions, providing clarification, fees, and search parameters.   The FOIA staff also meets monthly with all agency FOIA POCs to keep them informed of any changes and provides an additional forum for training and awareness. This is in addition to the on-demand training videos available on the HUD intranet.

The Office of General Counsel (OGC) in conjunction with the HUD field FOIA liaisons at the ten regional offices held trainings to inform regional program office staff of their FOIA responsibilities and HUD processes.

11. Optional -- If there are any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied, please describe them here.

We are working closely with HUD Programs to increase their awareness of the need to proactively disclose and ensure the information we make available to the public is easy to find. Here are some examples:

https://www.hud.gov/program_offices/administration/foia/frequentrequestedmaterials
contains links to a variety of frequently requested materials, ranging from the 2020-
21 Presidential transition to basic information about HUD programs and operations.

Many of HUD's program office staff continued to proactively post information to
HUD's external website. That includes the following during this reporting cycle:

- 29 HUD funding opportunities from FY21.
  https://www.grants.gov/web/grants/search-grants.html?keywords=hud

- 28 FY21 HUD notices of funding availability.
  https://www.hud.gov/program_offices/spm/gmomgmt/grantsinfo/fundingopps

- Federal Housing Administration multifamily loans Firm Commitments and
  Endorsements Historical Database (FY01-FY21; an expansion from
  FY06-FY20 as of a year ago).
  https://www.hud.gov/program_offices/housing/mfh/mfdata/mfproduction

- Multifamily assistance and Section 8 contracts that have been updated into
  FY21.
  https://www.hud.gov/program_offices/housing/mfh/exp/mfhdiscl

Section II: Steps Taken to Ensure that Your Agency Has an Effective System in Place for Responding to Requests

DOJ's FOIA Guidelines emphasize that "[a]pplication of the proper disclosure standard is only
one part of ensuring transparency. Open government requires not just a presumption of
disclosure, but also an effective system for responding to FOIA requests." It is essential that
agencies effectively manage their FOIA program.

Please answer the following questions to describe the steps your agency has taken to ensure that
the management of your FOIA program is effective and efficient. You should also include any
additional information that that describes your agency's efforts in this area.

1. For Fiscal Year 2021, what was the average number of days your agency reported for
adjudicating requests for expedited processing? Please see Section VIII.A of your
agency's Fiscal Year 2021 Annual FOIA Report.

20.94 days

2. If your agency's average number of days to adjudicate requests for expedited
processing was above ten calendar days, according to Section VIII.A. of your agency's
Fiscal Year 2021 Annual FOIA Report, please describe the steps your agency will take to
ensure that requests for expedited processing are adjudicated within ten calendar days or
less.

The Department will continue to enhance communications and education between the FOIA Office and the components of the agency that search for and collect responsive records. When a request for expedited processing is approved, the underlying request is marked accordingly in the Department's FOIA management system. This approval is communicated to staff members in all necessary areas, not just within the FOIA Office, to ensure that such requests are properly prioritized and are given the attention necessary to meet the heightened threshold. We will also make follow-up calls to staff managing these cases to ensure they continue to be prioritized and remind them that assistance from the FOIA Office is readily available.

3. The FOIA Improvement Act of 2016 required all agencies to update their FOIA regulations within 180 days. In 2016, OIP issued Guidance for Agency FOIA Regulations and the accompanying Template for Agency FOIA Regulations to assist agencies in updating their regulations in accordance with the statute. Has your agency updated its FOIA regulations in accordance with the FOIA Improvement Act of 2016?

Yes.

If not, what is your agency's plan to update your regulations?

N/A

4. Standard Operating Procedures (SOPs) generally document your agency's internal processes for administering the FOIA beyond your FOIA regulations and FOIA Reference Guide. As noted in OIP's guidance, having SOPs can improve the consistency and quality of an agency's FOIA process. SOPs can also serve as a significant resource for incoming FOIA professionals and a way to preserve much of the agency's institutional knowledge on administering the FOIA from how to handle requests from start-to-finish, to identifying and making proactive disclosures, to maintaining a FOIA website. Does your agency have up-to-date internal SOPs for your FOIA administration?

Yes, we have current SOPs that are in use. We have begun the process to add granularity and further define the roles and responsibilities for all HUD staff involved in the FOIA process. As federal guidance changes, as appropriate, we will update the current SOPs and provide any necessary training to HUD personnel.

5. If not, please provide a timeline for when your agency plans to develop or update its SOPs.

We plan to complete the further definition activities in FY22.

6. Has your agency established alternative means of access to first-party requested records outside of the FOIA process?

Yes.

7. If yes, please provide examples. If no, please explain if such opportunities exist at your agency and whether there are any challenges in establishing alternative means of access.

In FY21, we established a dedicated email box for forwarding Privacy Act requests, to the Department's Privacy Division.

8. Did your agency conduct a self-assessment of its FOIA administration during the reporting period? If so, please describe the self-assessment methods used, such as analyzing Annual Report or raw data, using active workflows and track management, reviewing and updating processing procedures, etc. In addition, please specifically highlight any data analysis methods or technologies used to assess your agency's FOIA program.

In FY21, we did an assessment of our cases to identify the oldest cases we have and organized them by Program Office and Region. We also ensured that all cases in the backlog assigned to departed employees were reassigned to current staff. Our assessment of cases resulted in a reduction of our backlog by over 300 cases. We also took an opportunity to analyze the data from the Annual Report to ensure more accurate reporting. This led to changes to our FOIA system and revised training plans for staff. An example of this is the number of the simple vs complex cases we were reporting. There were cases that were initially identified as simple but were actually complex. We worked with our system vendor to force a choice of the type of case and provided training to staff on identifying the type of case and how to accurately reflect that choice in the FOIA system. As a result, we have more complex cases correctly identified.

9. The FOIA Improvement Act of 2016 requires additional notification to requesters about the services provided by the agency's FOIA Public Liaison. Please provide an estimate of the number of times requesters sought assistance from your agency's FOIA Public Liaison during FY 2021 (please provide a total number or an estimate of the number). 4

10. Has your agency reviewed its FOIA-related staffing capabilities to identify resources needed to respond to current and anticipated FOIA demands?

Yes, we have. We are hiring a new GS-15 FOIA Division Director which has been vacant for over 2 years. Filling this key leadership position will provide strategic and tactical guidance to the staff and improve our efficiency, processes and guidance to the department, resulting in continuing to reduce our backlog and better processing of new cases. We revised our Office structure by creating two Branch Chief positions to lead two teams. In addition, we have also hired contract support to supplement our federal staff. In our efforts to continue to grow the staff, we have budgeted for two additional staff in FY22.

11. Optional -- Please describe:

Best practices used to ensure that your FOIA system operates efficiently and effectively

The FOIA Branch Chiefs are in continuous communication with the FOIA management system contractor personnel and meetings are held at least once a month to address any current or potential reporting issues, user access, or technical issues that may occur. They also discuss potential updates to the system that would enhance reporting capabilities. As a result of these discussions, we have created more ways to identify cases and used that information to create dashboards that show our cases identified by region, program and a better-defined current status.

Any challenges your agency faces in this area.

We are continually looking for ways to improve the capabilities of our system. An example of a challenge we have in this area is the ability to identify and keep current the individuals working on cases especially those that impact multiple Program Offices. We would also like the ability to create automated real-time dashboards that we can make available to all staff.

Section III: Steps Taken to Increase Proactive Disclosures

The Department of Justice has long focused on the need for agencies to work proactively to post information online without waiting for individual requests to be received.

Please answer the following questions to describe the steps your agency has taken to increase the amount of material that is available on your agency websites. In addition to the questions below, you should also describe any additional steps taken by your agency to make and improve proactive disclosures of information.

1. Please describe what steps your agency takes to identify, track, and post (a)(2) proactive disclosures.

To report proactive disclosures more accurately, we worked with our system contractor to create a field that users can flag to identify a response as a proactive disclosure. We are also working to create standard naming convention for types and subjects of requests that will make it easier to identify if a request has been requested three or more times and tracked in the FOIA management system as a proactive disclosure. These responses will be posted to HUDs website in the FOIA Reading Room.

2. Provide examples of any material that your agency has proactively disclosed during the past reporting year, including records that have been requested and released three or more times in accordance with 5 U.S.C. § 552(a)(2)(D). Please include links to these materials as well.

https://www.hud.gov/program_offices/administration/foia/frequentrequestedmaterials

contains links to a variety of frequently requested materials, ranging from the 2020-21 Presidential transition to basic information about HUD programs and operations.

Many of HUD's program office staff continued to proactively post information to HUD's external website. That includes the following during this reporting cycle:

- 29 HUD funding opportunities from FY21.
  https://www.grants.gov/web/grants/search-grants.html?keywords=hud

- 28 FY21 HUD notices of funding availability.
  https://www.hud.gov/program_offices/spm/gmomgmt/grantsinfo/fundingopps

- Federal Housing Administration multifamily loans Firm Commitments and Endorsements Historical Database (FY01-FY21; an expansion from FY06-FY20 as of a year ago).
  https://www.hud.gov/program_offices/housing/mfh/mfdata/mfproduction

- Multifamily assistance and Section 8 contracts that have been updated into FY21.
  https://www.hud.gov/program_offices/housing/mfh/exp/mfhdiscl

3. Does your agency disseminate common types of material outside of FOIA, including in online databases where the public may access them? Yes

If yes, please provide examples and, if applicable, statutory authority.

HUD Exchange: https://www.hudexchange.info/
HUDUser.gov: https://www.huduser.gov/
Data.Hud.Gov: https://data.hud.gov/
HUD Open Data Site: https://hudgis-hud.opendata.arcgis.com/
Housing Choice Voucher Dashboard:
https://www.hud.gov/program_offices/public_indian_housing/programs/hcv/dashboard
Emergency Housing Voucher Dashboard:
https://www.hud.gov/program_offices/public_indian_housing/ehv/dashboard

4. Beyond posting new material, is your agency taking steps to make the posted information more useful to the public, especially to the community of individuals who regularly access your agency's website?   Yes

5. If yes, please provide examples of such improvements. In particular, please describe steps your agency is taking to post information in open, machine-readable, and machine-actionable formats, to the extent feasible. If not posting in open formats, please explain why and note any challenges.

We are working with the HUD web manager to create program and subject areas to categorize FOIA responses to make it easier for the public to find related responses. We

also are working to educate all programs on Section 508 and how to make documents even more accessible.

6. Does your proactive disclosure process or system involve any collaboration with agency staff outside the FOIA office? If so, describe this interaction.

Yes. HUD's Chief Government Information Management Officer meets regularly with program area management on how the proactive disclosure process can be improved and what is needed to be compliant with proactive disclosure policies. We have also met with OGC and will be providing joint training to Program Office Leadership and staff.

Optional -- Please describe:

Any challenges your agency faces in this area

Ensuring the Program Office staff understand the need to proactively disclose, their role in the process, and the rules regarding exemptions and redactions. We are also looking at the staffing structure and considering adding more staff to primarily focus on improving the proactive disclosure process.

Section IV: Steps Taken to Greater Utilize Technology

A key component of FOIA administration is using technology to make information more accessible. In addition to using the internet to make proactive disclosures, agencies should also be exploring ways to utilize technology in responding to requests.

Please answer the following questions to describe how your agency is utilizing technology to improve its FOIA administration and the public's access to information. You should also include any additional information that that describes your agency's efforts in this area.

1. Has your agency reviewed its FOIA-related technological capabilities to identify resources needed to respond to current and anticipated FOIA demands?

Yes.

2. Please briefly describe any new types of technology your agency began using during the reporting period to support your FOIA program.

We made changes to the system to flag different types of requests and to improve reporting capabilities. One of the benefits is to ensure that cases are properly identified as simple or complex and will give a better representation of our closure rate.

3. OIP issued guidance in 2017 encouraging agencies to regularly review their FOIA websites to ensure that they contain essential resources, and are informative and user-

friendly. Has your agency reviewed its FOIA website(s) during the reporting period to ensure it addresses the elements noted in the guidance?

HUD has conducted a limited review of its FOIA website this reporting period. As a part of the review, we worked with the web manager to better organize links to the FOIA Reading Room. We will also be restructuring the data by programs and subject areas. We plan to continue working with the web manager on a regular basis to review the utilization of the website and make adjustments to improve the customer experience.

4. Did all four of your agency's quarterly reports for Fiscal Year 2021 appear on your agency's website and on FOIA.gov?

Yes, all four quarterly reports were posted on the agency's website, at https://www.hud.gov/program_offices/administration/foia/foiarpts. Only two were posted on FOIA.gov.

5. If your agency did not successfully post all quarterly reports, with information appearing on FOIA.gov, please explain why and provide your agency's plan for ensuring that such reporting is successful in FY22.

HUD was under the impression that by still filling in its quarterly data using the old DOJ template and notifying DOJ that HUD had posted the data on its website, that the data would automatically migrate to FOIA.gov. HUD has now perfected the process for uploading data directly to FOIA.gov.

6. The FOIA Improvement Act of 2016 requires all agencies to post the raw statistical data used to compile their Annual FOIA Reports. Please provide the link to this posting for your agency's Fiscal Year 2020 Annual FOIA Report and, if available, for your agency's Fiscal Year 2021 Annual FOIA Report.

HUD's 2020 and 2021 Annual FOIA Report, as well as the underlying raw statistical data, can be found at https://www.hud.gov/program_offices/administration/foia/foiarpts. The raw data reports are found under "HUD's Raw Data Annual Report" as .XLM files and are broken down by year.

7. Optional – Please describe:

Best practices used in greater utilizing technology
Any challenges your agency faces in this area

HUD has faced significant challenges with its use of electronic discovery (eDiscovery) record collection. Due to the prevalence of requests seeking email and calendar records, the FOIA Office has submitted a considerable number of eDiscovery search requests. This has led to a backlog of FOIA requests requiring this type of search. We identified this concern and initiated meetings with the Office of the Chief Information Officer (OCIO) and OGC to discuss possible improvements. We identified that the major issue

was the capacity of our vendor to accept the increase in requests and the current processing model. We are confident that working with the OCIO and OGC we will find a solution that will reduce the time to process requests.

Section V: Steps Taken to Improve Timeliness in Responding to Requests and Reducing Backlogs

The Department of Justice has emphasized the importance of improving timeliness in responding to requests. This section of your Chief FOIA Officer Report addresses both time limits and backlog reduction. Backlog reduction is measured both in terms of numbers of backlogged requests or appeals and by looking at whether agencies closed their ten oldest requests, appeals, and consultations.

For the figures required in this Section, please use the numbers contained in the specified sections of your agency's FY 2020 and 2021 Annual FOIA Reports.

A. Simple Track

Section VII.A of your agency's Annual FOIA Report, entitled "FOIA Requests – Response Time for All Processed Requests," includes figures that show your agency's average response times for processed requests. For agencies utilizing a multi-track system to process requests, there is a category for "simple" requests, which are those requests that are placed in the agency's fastest (non-expedited) track, based on the low volume and/or simplicity of the records requested.

　　1. Does your agency utilize a separate track for simple requests?

Yes.

　　2. If your agency uses a separate track for simple requests, according to Annual FOIA Report section VII.A, was the agency overall average number of days to process simple requests twenty working days or fewer in Fiscal Year 2021?

No. HUD's overall average number of days to process simple requests was 136.54 days. We identified that one of the issues is that some cases were improperly identified. We made corrections in our system to force users to select a type versus having a default. This will make it easier to correctly categorize cases. We also provided focused training to staff to correct this and will improve our categorization and reporting in the future.

　　3. Please provide the percentage of requests processed by your agency in Fiscal Year 2021 that were placed in your simple track. Please use the following calculation based on the data from your Annual FOIA Report: (processed simple requests from Section VII.C.1) divided by (requests processed from Section V.A.) x 100.

67.2% (1,407 simple requests/2,093 total requests) As a result of the issue identified above, we believe that we have too many identified as simple. We are in the progress of collaborating with staff to ensure proper identification.

4. If your agency does not track simple requests separately, was the average number of days to process all non-expedited requests twenty working days or fewer?

N/A

B. Backlogs

When answering these questions, please refer to you Fiscal Year 2021 Annual FOIA Report, Sections XII.D-E, which compare the numbers of requests and appeals received, processed, and backlogged between Fiscal Years 2020 and 2021.

BACKLOGGED REQUESTS

5. If your agency had a backlog of requests at the close of Fiscal Year 2021, according to Annual FOIA Report Section XII.D.2, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2020?

Yes. We decreased our backlog by over 300 cases. This is a priority for us, and we are looking at ways to continue to decrease including adding more federal and contractor staff.

6. If not, according to Annual FOIA Report Section XII.D.1, did your agency process more requests during Fiscal Year 2021 than it did during Fiscal Year 2020?

N/A

7. If your agency's request backlog increased during Fiscal Year 2021, please explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:

N/A

8. If you had a request backlog please report the percentage of requests that make up the backlog out of the total number of requests received by your agency in Fiscal Year 2021. Please use the following calculation based on data from your Annual FOIA Report: (backlogged requests from Section XII.A) divided by (requests received from Section V.A) x 100. This number can be greater than 100%. If your agency has no request backlog, please answer with "N/A."

46.59% (808 requests in backlog at end of FY21, 1,734 requests received in FY21)

BACKLOGGED APPEALS

9. If your agency had a backlog of appeals at the close of Fiscal Year 2021, according to Section XII.E.2 of the Annual FOIA Report, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2020?

Yes, the backlog decreased.

10. If not, according to section XII.E.1 of the Annual FOIA Report, did your agency process more appeals during Fiscal Year 2021 than it did during Fiscal Year 2020?

No. HUD processed 44 appeals in FY21 as compared to 65 appeals in FY20.

11. If your agency's appeal backlog increased during Fiscal Year 2021, please explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:

The appeal backlog did not increase in FY21.

N/A

12. If you had an appeal backlog please report the percentage of appeals that make up the backlog out of the total number of appeals received by your agency in Fiscal Year 2021. Please use the following calculation based on data from your Annual FOIA Report: (backlogged appeals from Section XII.A) divided by (appeals received from Section VI.A) x 100. This number can be greater than 100%. If your agency did not receive any appeals in Fiscal Year 2021 and/or has no appeal backlog, please answer with "N/A."

8% (3 appeals in backlog at end of FY21, 39 appeals received in FY21)

C. Backlog Reduction Plans

13. In the 2021 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2020 was asked to provide a plan for achieving backlog reduction in the year ahead. Did your agency implement a backlog reduction plan last year? If so, describe your agency's efforts in implementing this plan and note if your agency was able to achieve backlog reduction in Fiscal Year 2021?

We assessed our backlog and produced strategies to reduce our backlog. We reduced our backlog by over 300 cases while also continuing to process past and current requests. We are hiring a FOIA division director after being vacant for over 2 years and have executed a FOIA support contract that will allow us to put additional focus on continuing to reduce the backlog.

14. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2021, please explain your agency's plan to reduce this backlog during Fiscal Year 2022. In particular, please also detail how your agency developed and plans to execute your backlog reduction plans.

This year we reduced the backlog by over 300 cases. As we continue our focus on this, we plan to hire a FOIA Director who will add strategic and tactical leadership to the FOIA division, we have budgeted for two more federal specialists and executed a FOIA support contract. We will continue to look for ways to reduce our backlog.

D. Status of Oldest Requests, Appeals, and Consultations

Section VII.E, entitled "Pending Requests – Ten Oldest Pending Requests," Section VI.C.(5), entitled "Ten Oldest Pending Administrative Appeals," and Section XII.C., entitled "Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency," show the ten oldest pending requests, appeals, and consultations. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2020 and Fiscal Year 2021 when completing this section of your Chief FOIA Officer Report.

OLDEST REQUESTS

15. In Fiscal Year 2021, did your agency close the ten oldest pending perfected requests that were reported in Section VII.E. of your Fiscal Year 2020 Annual FOIA Report?

No, we closed eight of the ten oldest cases. Our goal is to close the remaining two this year.

16. If no, please provide the number of these requests your agency was able to close by the end of the fiscal year, as listed in Section VII.E of your Fiscal Year 2020 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.

In FY21, HUD closed eight of the ten oldest requests reported at the end of FY20. Our goal is to close the remaining two this year.

17. Beyond work on the ten oldest requests, please describe any steps your agency took to reduce the overall age of your pending requests.

Our focused efforts on the backlog this year led to a reduction of over 300 cases. This continues to be a priority for the Agency.

TEN OLDEST APPEALS

18. In Fiscal Year 2021, did your agency close the ten oldest appeals that were reported pending in Section VI.C.5 of your Fiscal Year 2020 Annual FOIA Report?

Yes.

19. If no, please provide the number of these appeals your agency was able to close by the end of the fiscal year, as listed in Section VI.C.(5) of your Fiscal Year 2020 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

N/A

20. Beyond work on the ten oldest appeals, please describe any steps your agency took to reduce the overall age of your pending appeals.

The FOIA Branch generates weekly reporting that includes thorough information about FOIA appeals and litigation, ensuring that both FOIA staff and appropriate agency leadership are made aware of pending appeals.

TEN OLDEST CONSULTATIONS

21. In Fiscal Year 2021, did your agency close the ten oldest consultations that were reported pending in Section XII.C. of your Fiscal Year 2020 Annual FOIA Report?

Yes. (Only two consultations were open as of the end of FY20.)

22. If no, please provide the number of these consultations your agency was able to close by the end of the fiscal year, as listed in Section XII.C. of your Fiscal Year 2020 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.

N/A

E. Additional Information on Ten Oldest Requests, Appeals, and Consultations & Plans

23. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2020.

Only two of the ten oldest requests that were open at the end of FY20 were still open at the end of FY21. For one of the two, HUD has sent 11 interim responses consisting of about 9000 pages that have been provided with an estimate of 8,000 pages left for review. For the other approximately 1,400 pages are now in the review process. Our goal is to close both this year.

24. If your agency was unable to close any of its ten oldest requests because you were waiting to hear back from other agencies on consultations you sent, please provide the date the request was initially received by your agency, the date when your agency sent the consultation, and the date when you last contacted the agency where the consultation was pending.

N/A

25. If your agency did not close its ten oldest pending requests, appeals, or consultations, please provide a plan describing how your agency intends to close those "ten oldest" requests, appeals, and consultations during Fiscal Year 2022.

HUD did close its ten oldest pending appeals and consultations in FY21. With regard to remaining two of our "ten oldest requests" from the end of FY20, that were open at the end of FY21 the goal is to close both by the end of this FY. For one of the two, HUD has sent 11 interim responses. For the other approximately 1,400 pages are now in the review process.

F. Success Stories

Out of all the activities undertaken by your agency since March 2021 to increase transparency and improve FOIA administration, please briefly describe here at least one success story that you would like to highlight as emblematic of your agency's efforts. The success story can come from any one of the five key areas, but should not be something that you have reported in a prior year. As noted above, these agency success stories will be highlighted during Sunshine Week by OIP. To facilitate this process, all agencies should use bullets to describe their success story and limit their text to a half page. The success story is designed to be a quick summary of key achievements. A complete description of all your efforts will be contained in the body of your Chief FOIA Officer Report.

HUD's success story relates to Section V: Steps Taken to Improve Timeliness in Responding to Requests and Reducing Backlogs

Oldest Cases - Only two of the ten oldest requests that were open at the end of FY20 were still open at the end of FY21. For one of the two, HUD has sent 11 interim responses consisting of about 9000 pages that have been provided with an estimate of 8,000 pages left for review. For the other approximately 1,400 pages are now in the review process. Our goal is to close both this year.

Backlog Reduction - We put a concerted effort into reducing our backlog. The backlog was created by the staff shortages and attrition over time. We have been able to hire four new specialists and awarded a contract to assist with the FOIA workload. Through our efforts we reduced the backlog by over 300 cases this year while still handing incoming requests.

Proactive Disclosure - Improved the capabilities of our system to identify proactive disclosures more accurately. We are working closely with HUD Programs to increase their awareness of the need to proactively disclose and ensure the information we make available to the public is easy to find. Here are some examples of those:

https://www.hud.gov/program_offices/administration/foia/frequentrequestedmaterials contains links to a variety of frequently requested materials, ranging from the 2020-21 Presidential transition to basic information about HUD programs and operations.

Many of HUD's program office staff continued to proactively post information to HUD's external website. That includes the following during this reporting cycle:

- 29 HUD funding opportunities from FY21.
  https://www.grants.gov/web/grants/search-grants.html?keywords=hud

- 28 FY21 HUD notices of funding availability.
  https://www.hud.gov/program_offices/spm/gmomgmt/grantsinfo/fundingopps

- Federal Housing Administration multifamily loans Firm Commitments and Endorsements Historical Database (FY01-FY21; an expansion from FY06-FY20 as of a year ago).
  https://www.hud.gov/program_offices/housing/mfh/mfdata/mfproduction

- Multifamily assistance and Section 8 contracts that have been updated into FY21.
  https://www.hud.gov/program_offices/housing/mfh/exp/mfhdiscl