

U.S. Department of Housing and Urban Development  
2023 Chief FOIA Officer Report

**SECTION I: FOIA LEADERSHIP AND APPLYING THE PRESUMPTION OF OPENNESS**

The guiding principle underlying DOJ’s FOIA Guidelines is the presumption of openness. The Guidelines also highlight the importance of agency leadership in ensuring effective FOIA administration. Please answer the following questions about FOIA leadership at your agency and describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA.

**A. Leadership Support for FOIA**

**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

**3. What steps has your agency taken to incorporate FOIA into its core mission? For example, has your agency incorporated FOIA milestones into its strategic plan?**

FOIA actions and milestones have been identified and incorporated in the HUD Annual Performance Plan to help improve the FOIA program.

**B. Presumption of Openness**

**4. The Attorney General’s 2022 FOIA Guidelines provides that “agencies should confirm in response letters to FOIA requesters that they have considered the foreseeable harm standard when reviewing records and applying FOIA exemptions.” Does your agency provide such confirmation in its response letters?**

Yes.

**5. In some circumstances, agencies may respond to a requester that it can neither confirm nor deny the existence of requested records if acknowledging the existence of records would harm an interested protected by a FOIA**

**exemption. This is commonly referred to as a *Glomar* response. With respect to these responses, please answer the below questions:**

**a. In addition to tracking the asserted exemption, does your agency specifically track whether a request involved a *Glomar* response?**

Yes.

**b. If yes, please provide:**

**i. the number of times your agency issued a full or partial *Glomar* response (separate full and partial if possible);**

Two were full responses.

**ii. the number of times a *Glomar* response was issued by exemption (e.g., Exemption 7(C) – 20 times, Exemption 1 – 5 times).**

Two were issued under Exemption 7(C).

**c. If your agency does not track the use of *Glomar* responses, what would your agency need to do to track in the future? If possible, please describe the resources and time involved.**

N/A.

**6. 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.**

The HUD FOIA Office is working closely with program offices 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](https://www.hud.gov/program_offices/administration/foia/frequentrequestedmaterials) contains links to a variety of frequently requested materials, ranging from basic information about HUD programs and operations to FOIA logs.

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:

- 37 HUD funding opportunities from FY22.  
<https://www.grants.gov/web/grants/search-grants.html?keywords=hud>
- 33 FY22 HUD notices of funding availability.

[https://www.hud.gov/program\\_offices/spm/gmomgmt/grantsinfo/fundingopps](https://www.hud.gov/program_offices/spm/gmomgmt/grantsinfo/fundingopps)

- Federal Housing Administration multifamily loans Firm Commitments and Endorsements Historical Database (FY01-FY22).  
[https://www.hud.gov/program\\_offices/housing/mfh/mfdata/mfproduction](https://www.hud.gov/program_offices/housing/mfh/mfdata/mfproduction)
- Multifamily assistance and Section 8 contracts that have been updated into FY22.  
[https://www.hud.gov/program\\_offices/housing/mfh/exp/mfhdiscl](https://www.hud.gov/program_offices/housing/mfh/exp/mfhdiscl)
- OIG audit reports.  
<https://www.hudoig.gov/library/audits-evaluations>
- Results of OIG investigations.  
<https://www.hudoig.gov/library/investigation-inquiry-reports>
- FOIA responses.  
<https://www.hudoig.gov/freedom-information-act-foia/foia-reading-room>
- Other OIG publications.  
<https://www.hudoig.gov/alertsbriefs%26other>
- OIG semiannual reports.  
<https://www.hudoig.gov/library/semiannual-reports>
- OIG hearings and correspondence.  
<https://www.hudoig.gov/library/hearings-correspondence>
- OIG top management challenges.  
<https://www.hudoig.gov/library/top-management-challenges>
- OIG ongoing work.  
<https://www.hudoig.gov/library/ongoing-work>

## **SECTION II: ENSURING FAIR AND EFFECTIVE FOIA ADMINISTRATION**

The Attorney General’s FOIA Guidelines provide that “[e]nsuring fair and effective FOIA administration requires . . . proper training, and a full understanding of FOIA obligations by the entire agency workforce.” The Guidelines reinforce longstanding guidance to “work with FOIA requesters in a spirit of cooperation.” The Attorney General also “urge[s] agency Chief FOIA Officers to undertake comprehensive review of all aspects of their agency’s FOIA administration” as part of ensuring fair and effective FOIA administration.

### **A. FOIA Training**

**1. 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 announced training opportunities for various FOIA topics. The HUD FOIA Office sent those communications to all FOIA staff at all levels. 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.

**2. 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.

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

The FOIA Office conducted various FOIA training regarding the FOIA rules, regulations, and processes, including on requesting extensions, providing clarification, determining fees, setting search parameters, and using the FOIA management system. In addition, 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
- Virtual FOIA Summit for Agency FOIA Professionals
- The Interface Between the FOIA and the Privacy Act

**4. 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.**

85%

**5. 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.

**6. 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?**

The FOIA Office hosts monthly meeting along with the Office of General Counsel (OGC) to the program area staff and 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. In addition, the FOIA Office maintains previously recorded training that is available anytime for new FOIA points of contact (POCs) and refreshers for personnel involved in the FOIA process as needed.

The executive for FOIA meets individually each month 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.

OGC regularly provides briefings to its senior leadership and, departmentwide, to program office senior executives on FOIA, including agency FOIA obligations, the perfecting of requests, and what constitutes an adequate search. OGC and the FOIA Office also have been working on departmentwide FOIA guidance and the Proactive Disclosure Policy and Procedures that will provide non-FOIA professionals with more useful FOIA resources.

In line with HUD's customer service and outreach efforts and on an as-needed basis, the FOIA Office 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 FY22, the FOIA Office provided one-on-one training regarding meeting deadlines, processing, requesting extensions, providing clarification, fees, and search parameters, and using the FOIA management system.

## **B. Outreach**

**7. 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, the HUD FOIA Office did not have engagement this year with the requester community for open government groups. The FOIA Office is currently 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. The FOIA Office is also engaging with other agencies on their activities in this area for additional ideas and activities that could be beneficial to HUD.

**8. As part of the standard request process, do your FOIA professionals proactively contact requesters concerning complex or voluminous requests in an effort to clarify or narrow the scope of the request so requesters can receive responses more quickly? Please describe any such outreach or dialogue, and, if applicable, any specific examples.**

Yes, this usually occurs when asking the requester to clarify or narrow the scope of their request. This is done through a combination of the acknowledgement letter, emails, and telephone conversations. Staff are generally encouraged to engage with requesters to provide a positive customer experience.

**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 Fiscal Year 2022 (please provide a total number or an estimate of the number).**

4

**C. Other Initiatives**

**10. Has your agency evaluated the allocation of agency personnel resources needed to respond to current and anticipated FOIA demands? If so, please describe what changes your agency has or will implement.**

Yes. In FY22, a new FOIA Division Director was hired after a 2-year vacancy. Filling this key leadership position has provided strategic and tactical guidance to the staff and improved HUD's efficiency, processes, and guidance to the department, resulting in continued reduction of HUD's backlog. In addition, HUD hired FOIA contract support to supplement HUD's federal staff. In support of efforts to continue to grow the staff, the FOIA Office has budgeted for additional staff in FY23.

**11. How does your agency use data or processing metrics to ensure efficient management of your FOIA workload? For example, case management**

**reports, staff processing statistics, etc. In addition, please specifically highlight any data analysis methods or technologies used.**

A weekly report is generated by the FOIA management system to capture overdue and open cases. The FOIA Office utilizes the reporting metrics in the FOIA management system to analyze trends and identify ways to improve efficiency. That report is shared with all HUD leadership and program offices. In addition, a monthly departmentwide FOIA dashboard report is provided to FOIA leadership to engage with program offices' leadership to close out overdue and open cases.

**12. Optional -- If there are any other initiatives undertaken by your agency to ensure fair and effective FOIA administration, please describe them here.**

HUD continues its efforts to identify improvement areas to reduce the FOIA backlog and improve processing.

### **SECTION III: PROACTIVE DISCLOSURES**

The Attorney General's FOIA Guidelines emphasize that "proactive disclosure of information is . . . fundamental to the faithful application of the FOIA." The Guidelines direct agencies to post "records online quickly and systematically in advance of any public request" and reiterate that agencies should post records "in the most useful, searchable, and open formats possible."

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

To report proactive disclosures more accurately, the FOIA Office worked with its system contractor to create a field in the FOIA management system that users can flag as a proactive disclosure. The field is titled, "Number of Records Posted for Public Inspection" and appears when a FOIA specialist is about to close a request.

In addition, the FOIA Office is working to implement policy and procedures to require all employees, program offices, and FOIA staff to proactively disclosure records. The policy and procedures include creating standard naming convention for types and subjects of requests that will make it easier for requesters to search for released records and for HUD to track them in the FOIA management system as proactive disclosures. These records will be posted to HUD's website in the FOIA Reading Room and the FOIA Library.

**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.**

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[https://www.hud.gov/program\\_offices/housing/mfh/exp/mfhdiscl](https://www.hud.gov/program_offices/housing/mfh/exp/mfhdiscl)
- OIG audit reports.  
<https://www.hudoig.gov/library/audits-evaluations>
- Results of OIG investigations.  
<https://www.hudoig.gov/library/investigation-inquiry-reports>
- FOIA responses.  
<https://www.hudoig.gov/freedom-information-act-foia/foia-reading-room>
- Other OIG publications.  
<https://www.hudoig.gov/alertsbriefs%26other>
- OIG semiannual reports.  
<https://www.hudoig.gov/library/semiannual-reports>
- OIG hearings and correspondence.  
<https://www.hudoig.gov/library/hearings-correspondence>
- OIG top management challenges.  
<https://www.hudoig.gov/library/top-management-challenges>
- OIG ongoing work.  
<https://www.hudoig.gov/library/ongoing-work>



**3. 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.

**4. 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.**

The FOIA Office continues to work with the HUD web manager to create program and subject areas to categorize FOIA released records, to make it easier for the public to find related records. In addition, the FOIA Office is working to educate all programs on Section 508 and how to make documents even more accessible.

**5. Does your proactive disclosure process or system involve any collaboration with agency staff outside the FOIA office, such as IT or data personnel? If so, describe this interaction.**

Yes. The executive for FOIA 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 policy and procedures. Meetings have also been held with OGC to ensure that guidance and training will be provided to program office leadership and staff. In addition, the FOIA Office worked with the HUD web manager to better organize links to the FOIA Reading Room and FOIA Library to include restructuring the data by programs and subject areas. The FOIA Office plans 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.

**6. Optional -- Please describe the best practices used to improve proactive disclosures and any challenges your agency faces in this area.**

The FOIA Office and OGC have been working to draft and implement policy and procedures as part of the required actions in the HUD Annual Performance Plan to require all employees, program offices, and FOIA staff to proactively disclosure records and understand their role in the process. The FOIA Office is continuing to look at the staffing structure and considering adding more staff to primarily focus on improving the proactive disclosure process.

#### **SECTION IV: STEPS TAKE TO GREATER UTILIZE TECHNOLOGY**

A key component of FOIA administration is using technology to make information available to the public and to gain efficiency in FOIA processing. The Attorney General's FOIA Guidelines

emphasize the importance of making FOIA websites easily navigable and complying with the FOIA.gov interoperability requirements. Please answer the following questions to describe how your agency is using technology to improve its FOIA administration and the public's access to information.

**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.**

N/A.

**3. Does your agency currently use any technology to automate record processing? For example, does your agency use machine learning, predictive coding, technology assisted review or similar tools to conduct searches or make redactions? If so, please describe and, if possible, estimate how much time and financial resources are saved since implementing the technology.**

Yes. The FOIA Office continues to use the FOIA management system for record processing to include review and redact; and to use the eDiscovery tool to conduct email searches and collect records. In addition, the FOIA Office is exploring a new tool to improve the eDiscovery process.

**4. 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, the FOIA Office worked with the web manager to better organize links to the FOIA Reading Room and FOIA Library to include restructuring the data by programs and subject areas. The FOIA Office plans 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.

**5. Did all four of your agency's quarterly reports for Fiscal Year 2022 appear on your agency's website and on FOIA.gov?**

Yes.

**6. 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 FY 2023.**

N/A.

**7. 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 2021 Annual FOIA Report and, if available, for your agency's Fiscal Year 2022 Annual FOIA Report.**

HUD's 2021 and 2022 Annual FOIA Report, as well as the underlying raw statistical data, can be found at [https://www.hud.gov/program\\_offices/administration/foia/foiarpts](https://www.hud.gov/program_offices/administration/foia/foiarpts). The raw data reports are found under "HUD's Raw Data Annual Report" as .XLS files and are broken down by year.

**8. In February 2019, DOJ and OMB issued joint Guidance establishing interoperability standards to receive requests from the National FOIA Portal on FOIA.gov. Are all components of your agency in compliance with the guidance?**

HUD is in compliance with the guidance for the department with an exception of HUD OIG. HUD OIG is currently working with the FOIA management system contractor to add this capability with a completion date by the end of FY23.

**9. Optional -- Please describe the best practices used in greater utilizing technology and any challenges your agency faces in this area.**

HUD has faced significant challenges with its use of eDiscovery record collection. HUD's eDiscovery contractor in FY22 dramatically increased the speed of its data collections. However, the method of uploading and downloading personal storage table (PST) files into the FOIA management system remains a challenge for processing. That is because of the sheer size of many of the secondary data files. Such files are produced in the eDiscovery record collection and, as a matter of due diligence, still need to be examined even though they are unlikely to contain responsive records. In addition, the FOIA Office is exploring a new tool to improve the eDiscovery process.

**SECTION V: STEPS TAKEN TO REMOVE BARRIERS TO ACCESS, IMPROVE TIMELINESS IN RESPONDING TO REQUESTS, AND REDUCE BACKLOGS**

The Attorney General's FOIA Guidelines instruct agencies "to remove barriers to requesting and accessing government records and to reduce FOIA processing backlogs." Please answer the

following questions to describe how your agency is removing barriers to access, improving timeliness in responding to requests, and reducing FOIA backlogs.

#### **A. Remove Barriers to Access**

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

Yes.

**2. 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.**

As of FY22, the FOIA Office continues to utilize a dedicated email box for forwarding Privacy Act requests, to the Department's Privacy Division who can assist to locate the privacy system of record program area office for first-party requested records to obtain their records directly. The dedicated email box was established in FY21.

In Region 5, requests for Partial Claim Payoffs and Subordinations are now available through the SMART Integrated Portal (<https://sip.hudnsc.org/>), although many Single Family/Federal Housing Administration (FHA) records are still requested through the FOIA because of barriers (time, delays in processing request, and confusing processes) that borrowers face in accessing information from the FHA and HUD Secretary-held loan servicing contractors.

#### **B. Timeliness**

**3. For Fiscal Year 2022, 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.**

13.27 days.

**4. 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 2022 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.**

While the average number of days for adjudication has improved from 20.94 days in FY21, 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.

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

Yes.

**6. 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 2022?**

No. HUD's overall average number of days to process simple requests was 80.17 days.

**7. If not, did the simple track average processing time decrease compared to the previous Fiscal Year?**

Yes. The average processing time decreased from 136.54 days to 80.17 days. HUD continues to monitor this to identify improvements that would reduce processing time.

**8. Please provide the percentage of requests processed by your agency in Fiscal Year 2022 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.**

67.6% (1,373 simple requests/2,031 total requests)

**9. 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.

**C. Backlogs**

**BACKLOGGED REQUESTS**

**10. If your agency had a backlog of requests at the close of Fiscal Year 2022, 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 2021?**

Yes. The backlog decreased by 23% (from 808 to 626).

**11. If not, according to Annual FOIA Report Section XII.D.1, did your agency process more requests during Fiscal Year 2022 than it did during Fiscal Year 2021?**

N/A.

**12. If your agency's request backlog increased during Fiscal Year 2022, 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:**

- \* An increase in the number of incoming appeals
- \* A loss of staff
- \* An increase in the complexity of the requests received (if possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase)
- \* Impact of COVID-19 and workplace and safety precautions
- \* Any other reasons – please briefly describe or provide examples when possible

N/A.

**13. 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 2022. 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."**

34.41% (626 requests in backlog at end of FY22; 1,819 requests received in FY22).

#### **BACKLOGGED APPEALS**

**14. If your agency had a backlog of appeals at the close of Fiscal Year 2022, 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 2021?**

No, the appeal backlog increased from FY21 to FY22, from 3 to 8.

**15. If not, according to section XII.E.1 of the Annual FOIA Report, did your agency process more appeals during Fiscal Year 2022 than it did during Fiscal Year 2021?**

Yes, HUD processed more appeals in FY22 than in FY21 (53 in FY22 compared to 44 in FY21).

**16. If your agency's appeal backlog increased during Fiscal Year 2022, 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:**

- \* An increase in the number of incoming appeals
- \* A loss of staff
- \* An increase in the complexity of the requests received (if possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase)
- \* Impact of COVID-19 and workplace and safety precautions
- \* Any other reasons – please briefly describe or provide examples when possible

The increase in appeals was due to the number of appeals received for processing and a loss of staff.

**17. 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 2022. 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 2022 and/or has no appeal backlog, please answer with "N/A."**

13.79% (8 appeals in backlog at end of FY22, 58 appeals received in FY22).

#### **D. Backlog Reduction Plans**

**18. In the 2022 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 2022?**

The FOIA Office continues to assess its backlog and produced strategies to reduce its backlog. HUD has taken specific improvement actions, including hiring a new FOIA Division Director after a 2-year vacancy. The new Division Director has

been providing strategic and tactical guidance, including on updating the FOIA Reading Room and FOIA Library websites. In addition, to reduce its backlog, HUD has obtained contractor support in processing FOIA requests, backfilled lost staff, and conducted training. The backlog has been reduced by more than 40% since FY20 even though HUD has continued to receive new requests at a steady rate. HUD has increased efforts to communicate frequently with requesters on the status of requests.

**19. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2022, please explain your agency's plan to reduce this backlog during Fiscal Year 2023.**

N/A.

#### **E. Reducing the Age of Requests, Appeals, and Consultations**

##### **TEN OLDEST REQUESTS**

**20. In Fiscal Year 2022, did your agency close the ten oldest pending perfected requests that were reported in Section VII.E. of your Fiscal Year 2021 Annual FOIA Report?**

No.

**21. 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 2021 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.**

HUD closed seven of the ten oldest requests reported at the end of FY22.

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

HUD focused efforts to reduce the FOIA backlog this year resulted in a 23% percent reduction in the backlog, as well as a reduction in the overall age of HUD's pending requests. This continues to be a priority for HUD.

##### **TEN OLDEST APPEALS**

**23. In Fiscal Year 2022, did your agency close the ten oldest appeals that were reported pending in Section VI.C.5 of your Fiscal Year 2021 Annual FOIA Report?**

Yes.



**24. 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 2021 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.**

N/A.

**25. 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 Office generates weekly reports that includes thorough information about FOIA appeals and litigation, to make FOIA staff and appropriate agency leadership aware of pending appeals.

#### **TEN OLDEST CONSULTATIONS**

**26. In Fiscal Year 2022, did your agency close the ten oldest consultations that were reported pending in Section XII.C. of your Fiscal Year 2021 Annual FOIA Report?**

N/A. (No consultations were open at end of FY21.)

**27. 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 2021 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.**

N/A.

#### **ADDITIONAL INFORMATION REGARDING TEN OLDEST**

**28. 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 2023.**

With regard to its three oldest pending requests, HUD intends to focus on finalizing them by the end of FY23.

#### **F. Additional Information about FOIA Processing**

**29. Were any requests at your agency the subject of FOIA litigation during the reporting period? If so, please describe the impact on your agency’s overall FOIA request processing and backlog. If possible, please indicate the number and nature of requests subject to litigation, common causes leading**

**to litigation, and any other information to illustrate the impact of litigation on your overall FOIA administration.**

Yes. There were 7 litigation cases open at the end of FY22. The basis for this litigation was that HUD did not respond to the requester within the statutory timeline due to complexity of the requests, such as the need to search, collect, and review documents from various offices with a voluminous number of records.

**30. How many requests during Fiscal Year 2022 involved unusual circumstances as defined by the FOIA? (This information is available in your agency's FY22 raw data).**

995 (465 complex requests are pending and 530 were processed).