

SECTION I: FOIA LEADERSHIP AND APPLYING THE PRESUMPTION OF OPENNESS

The guiding principle underlying the Attorney General’s 2022 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.

Bradley S. Jewitt – Chief Administrative Officer.

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. If your agency tracks Glomar responses, please provide:

- a. the number of times your agency issued a full or partial Glomar response during Fiscal Year (FY) 2024 (separate full and partial if possible);**

Six.

- b. the number of times a Glomar response was issued by exemption during FY 2024 (e.g., Exemption 7(C) – 20 times, Exemption 1 – 5 times).**

In each of the six instances, HUD applied Exemption 7(C).

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.

HUD's FOIA Office continued to emphasize to program offices their role and responsibility to help comply with the proactive disclosure requirements.

HUD continued new procedures implemented in FY24 to routinely post FOIA discretionary releases of certain documents released in response to FOIA requests on the Department's FOIA Library website that can be found at the following link: <https://hudpal.foia-host.com/app/ReadingRoom.aspx>. HUD has also continued to provide links to a variety of frequently requested materials, ranging from basic information about HUD programs and operations to FOIA logs that can be found at the following link: https://www.hud.gov/program_offices/administration/foia/frequentrequestedmaterials

Many of HUD's program offices continued to proactively post or update information to HUD's external website. That includes the following information posted during this reporting cycle:

- 39 HUD funding opportunities from FY24.
<https://www.grants.gov/search-grants>
- 18 FY24 HUD notices of funding opportunity.
https://www.hud.gov/program_offices/cfo/gmomgmt/grantsinfo/fundingopps
- Federal Housing Administration multifamily loans Firm Commitments and Endorsements Historical Database (FY01-FY24).
https://www.hud.gov/program_offices/housing/mfh/mfdata/mfproduction

- Datasets generated by HUD on projects financed through the Section 108 loan guarantee program between 2002 and 2007, referenced in the link below, include the Section 108 database that includes information about 329 projects. The database includes project-level information, including Section 108 loan amount, sources and uses of funds, total project cost, location, eligibility information such as the national objective and activity type, and timeline information such as when the project was approved.
<https://www.huduser.gov/portal/datasets/section108data.html>
- Multifamily assistance and Section 8 contracts that have been updated in FY24.
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>
- OIG 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>
- HUD-assisted multifamily housing regional account executive portfolio assignments, for HUD's five multifamily regions:
<https://www.hud.gov/states/shared/working/west/mf/ownmgmt/ae>
<https://www.hud.gov/states/shared/working/r4/multifamily/AE-Property-List>
<https://www.hud.gov/states/shared/working/southwest/mf/ae>
<https://www.hud.gov/states/shared/working/northeast/mf#mfproperties>
<https://www.hud.gov/states/shared/working/r5/multifamily>

- A HUD resource locator consisting of an interactive nationwide map, in which users who input a street address can learn any of the following: contact information for HUD offices and public housing authorities; the addresses and contact information for HUD-assisted multifamily properties, Low Income Housing Tax Credit-subsidized properties, U.S. Department of Agriculture-assisted Rural Housing, public housing buildings, public housing developments, and homeless services.
<https://resources.hud.gov/#layers-menu/toc>
- Datasets generated by HUD on properties that have been placed in service using Low Income Housing Tax Credits and whose tenants reside in the income-restricted LIHTC units. The property database includes information on the size, financing, and location of individual projects and is searchable to the property level. The tenant data contains demographic and economic characteristics of households residing in LIHTC income-restricted units. State-level summaries of the tenant data are available.
<https://www.huduser.gov/portal/datasets/lihtc.html>
- HUD's Community Assessment Reporting Tool consisting of an interactive tool that aggregates HUD investments to the following levels: unit of general local government (UGLG), congressional district, metropolitan statistical area (MSA), county, and state. The tool allows the user to generate HUD funding reports that can be exported as PDFs or as Microsoft Excel spreadsheets.
<https://egis.hud.gov/cart/>
- Datasets generated by HUD-sponsored data collection efforts, including the American Housing Survey, median family incomes and income limits, as well as microdata from research initiatives on topics such as housing discrimination, the HUD-insured multifamily housing stock, and the public housing population.
<https://www.huduser.gov/portal/datasets/update-schedule.html>
- Public housing data dashboard that displays a variety of data points relevant to the Public Housing program at HUD including resident characteristics, unit occupancy trends, scores from the Public Housing Assessment program, Public Housing funding information, Public Housing eligibility information, and energy data that can be sorted and filtered by Region, State, Field Office, and Public Housing Authority.
https://www.hud.gov/program_offices/public_indian_housing/programs/ph/P_H_Dashboard
- Housing Choice voucher data dashboard that displays budget and leasing trends, reserve balances, program admissions and attrition, per-unit cost and leasing potential for the program nationally and allows the user to drill down to the state and Public Housing Authority level.

https://www.hud.gov/program_offices/public_indian_housing/programs/hcv/dashboard

- Physical inspection scores for HUD-related public housing.
https://www.hud.gov/program_offices/public_indian_housing/reac/products/rodpass/phscores

SECTION II: ENSURING FAIR AND EFFECTIVE FOIA ADMINISTRATION

The Attorney General’s 2022 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 provided FOIA training via Microsoft Teams to Departmental FOIA Professionals and Stakeholders. In addition, HUD’s 10 regions, regional FOIA liaisons and/or regional counsel provided ongoing and new training, respectively, to their current and new employees who work on FOIA requests. Also during the year, DOJ 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 was encouraged to take this training.

In FY24, the HUD FOIA Office implemented FOIA overview training for all HUD employees and an in-depth course specific for FOIA professionals within the HUD FOIA Office. Both utilized DOJ training materials and are annual requirement.

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 requesting extensions, providing clarification, determining fees, setting search parameters, using the FOIA management system, and posting proactive disclosures. The Office of General Counsel conducted a training for the FOIA Office on processing and applying exemptions. In addition, HUD staff attended the following trainings provided by the DOJ's Office of Information Policy (OIP):

- Introduction to the Freedom of Information Act
- Procedural Requirements and Fees Training
- Annual FOIA Report Refresher and Quarterly Report Training
- Chief FOIA Officers Report Refresher Training
- Advanced Freedom of Information Act Training
- Processing a Request from Start to Finish
- Litigation Workshop
- Administrative Appeals, FOIA Compliance, and Customer Service
- Exemption 1 and Exemption 7 Training
- Exemption 4 and Exemption 5 Training
- Continuing FOIA Education
- Privacy Considerations Training
- Achieving Transparency Through Proactive Disclosures

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 meetings 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, proactive disclosure procedures, and searching for responsive records. In addition, the FOIA Office maintains training materials on a Microsoft Teams channel and provides refresher training for personnel involved in the FOIA process.

In FY24, the executive for FOIA met individually each month with program office senior executives to keep them abreast of future plans, current activities, and any issues regarding FOIA. This meeting was also used to educate them on any changes to the FOIA or HUD rules and regulations.

OGC regularly provides briefings to its senior leadership and, departmentwide, to program office senior executives on FOIA, including on agency FOIA obligations, the perfecting of requests, and what constitutes an adequate search. OGC also provides departmentwide guidance on various FOIA topics, including the FOIA exemptions. In FY24, the FOIA Office continued to collaborate with OGC on departmentwide FOIA processing guidance for FOIA professionals and non-FOIA professionals.

In line with HUD's customer service and outreach efforts and on an as-needed basis, the FOIA Office trained 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 FY24, the FOIA Office provided one-on-one training regarding meeting deadlines, processing, requesting extensions, providing clarification, fees, search parameters, and proactive disclosure procedures, and on using the FOIA management system. Furthermore, the HUD FOIA Office implemented a FOIA training video and quiz that is now mandatory each year for all employees.

B. Outreach

7. 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, specialists in HUD Headquarters and Regional Offices often engage in such outreach efforts. Specialists routinely reach out to requesters in an effort to clarify or narrow the scope of a request. This outreach may be done either verbally or in writing or a combination of the two. If a requester agrees to clarify or narrow the scope of the request, specialists will follow-up with a written confirmation of any change that is made.

One strategy that is employed that allows requesters to keep their complex or voluminous requests on the table, but which speeds up the sending of replies, is

seeking clarification from requesters if they want to prioritize certain parts of their request over others. In seeking this clarification, as may be necessary, specialists will sometimes explain to requesters what the obstacles will likely be that will delay a response by HUD. For example, some requesters are unaware of the submitter notice process HUD has to engage in for records where Exemption 4 may be applicable. If requesters are agreeable to prioritizing portions of their request, that will result in one or more interim reply letters being issued quicker, and requesters who receive interim replies may end up not needing the rest of the request to be processed.

8. Outside of the standard request process or routine FOIA Liaison or FOIA Requester Service Center interactions, 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? For example, did you proactively contact frequent requesters, host FOIA-related conference calls with open government groups, or provide FOIA training to members of the public? 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, HUD FOIA professionals did not engage in any outreach or dialogue outside of the standard request process with the requester community or open government groups. The FOIA Office continues effort to engage with the public through HUD media by way of improving our website to promote transparency on how to submit requests and locate proactive disclosures.

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 2024 (please provide a total number or an estimate of the number).

Five.

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 FY24, the FOIA Division Director backfilled FOIA positions and added contract support to reduce HUD's FOIA backlog and improve processes. In addition, the Division Director continued to provide strategic and tactical guidance to the staff and improve HUD's efficiency, processes, and guidance to the department.

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, departmentwide FOIA reports are provided to FOIA leadership to engage with program offices' leadership to close out overdue and open cases and identify improvement areas.

12. The federal FOIA Advisory Committee, comprised of agency representatives and members of the public, was created to foster dialogue between agencies and the requester community, solicit public comments, and develop recommendations for improving FOIA administration. Since 2020, the FOIA Advisory Committee has issued a number of recommendations. Please answer the below questions:

Is your agency familiar with the FOIA Advisory Committee and its recommendations?

Yes.

Has your agency implemented any of its recommendations or found them to be helpful? If so, which ones?

These are the recommendations HUD implemented and found to be helpful.

- Proactive disclosure of records
- Annual mandatory FOIA training (all employees)
- Draft FOIA Processing SOP
- Publish releasable documents to website
- FOIA technology enhancement to assist with current and future FOIA demands
- Tracking and reporting annually on Glomar responses

13. 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, improve processing, and proactively disclose records.

SECTION III: PROACTIVE DISCLOSURES

The Attorney General's 2022 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.

The FOIA Office has implemented policies and procedures that require all employees, program offices, and FOIA staff to proactively disclose records that are the subject to the FOIA's proactive disclosure requirements. Proactively disclosed records are posted to HUD's website in the FOIA Reading Room and the FOIA Library.

2. Does your agency post logs of its FOIA requests? If so, what information is contained in the logs? Are they posted in CSV format? If not, what format are they posted in? Please provide a link to the page where any FOIA logs are posted. If applicable, please provide component links.

Yes, logs of FOIA requests are posted in HUD's FOIA Reading Room at the following link:

https://www.hud.gov/program_offices/administration/foia/FOIALogs. The following information is included in the logs: Requester Name, Received Date, Request Description, Request ID, Closed Date, Final Disposition.

The logs are not posted in CSV format. They are posted as PDFs.

3. Provide examples of any material (with links) 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).

- 39 HUD funding opportunities from FY24.
<https://www.grants.gov/search-grants>
- 18 FY24 HUD notices of funding opportunity.
https://www.hud.gov/program_offices/cfo/gmomgmt/grantsinfo/fundingopps
- Federal Housing Administration multifamily loans Firm Commitments and Endorsements Historical Database (FY01-FY24).
https://www.hud.gov/program_offices/housing/mfh/mfdata/mfproduction
- Datasets generated by HUD on projects financed through the Section 108 loan guarantee program between 2002 and 2007, referenced in the link below, include the Section 108 database that includes information about 329 projects.

The database includes project-level information, including Section 108 loan amount, sources and uses of funds, total project cost, location, eligibility information such as the national objective and activity type, and timeline information such as when the project was approved.

<https://www.huduser.gov/portal/datasets/section108data.html>

- Multifamily assistance and Section 8 contracts that have been updated in FY24.
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>
- OIG 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>
- HUD-assisted multifamily housing regional account executive portfolio assignments, for HUD's five multifamily regions:
<https://www.hud.gov/states/shared/working/west/mf/ownmgmt/ae>
<https://www.hud.gov/states/shared/working/r4/multifamily/AE-Property-List>
<https://www.hud.gov/states/shared/working/southwest/mf/ae>
<https://www.hud.gov/states/shared/working/northeast/mf#mfproperties>
<https://www.hud.gov/states/shared/working/r5/multifamily>
- A HUD resource locator consisting of an interactive nationwide map, in which users who input a street address can learn any of the following: contact information for HUD offices and public housing authorities; the addresses and contact information for HUD-assisted multifamily properties, Low Income

Housing Tax Credit-subsidized properties, U.S. Department of Agriculture-assisted Rural Housing, public housing buildings, public housing developments, and homeless services.

<https://resources.hud.gov/#layers-menu/toc>

- Datasets generated by HUD on properties that have been placed in service using Low Income Housing Tax Credits and whose tenants reside in the income-restricted LIHTC units. The property database includes information on the size, financing, and location of individual projects and is searchable to the property level. The tenant data contains demographic and economic characteristics of households residing in LIHTC income-restricted units. State-level summaries of the tenant data are available.

<https://www.huduser.gov/portal/datasets/lihtc.html>

HUD's Community Assessment Reporting Tool consisting of an interactive tool that aggregates HUD investments to the following levels: unit of general local government (UGLG), congressional district, metropolitan statistical area (MSA), county, and state. The tool allows the user to generate HUD funding reports that can be exported as PDFs or as Microsoft Excel spreadsheets.

<https://egis.hud.gov/cart/>

- Datasets generated by HUD-sponsored data collection efforts, including the American Housing Survey, median family incomes and income limits, as well as microdata from research initiatives on topics such as housing discrimination, the HUD-insured multifamily housing stock, and the public housing population.

<https://www.huduser.gov/portal/datasets/update-schedule.html>

- Public housing data dashboard.

https://www.hud.gov/program_offices/public_indian_housing/programs/ph/P_H_Dashboard

- Housing Choice voucher data dashboard that displays budget and leasing trends, reserve balances, program admissions and attrition, per-unit cost and leasing potential for the program nationally and allows the user to drill down to the state and Public Housing Authority level.

https://www.hud.gov/program_offices/public_indian_housing/programs/hcv/dashboard

- Physical inspection scores for HUD-related public housing.

https://www.hud.gov/program_offices/public_indian_housing/reac/products/rodpass/phscores

4. Please provide a link (or component links, if applicable) where your agency routinely posts its frequently requested records.

https://www.hud.gov/program_offices/administration/foia/frequentrequestedmaterials and <https://hudpal.efoia-host.com/app/ReadingRoom.aspx>

5. 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.

If yes, please provide examples of such improvements, such as steps taken to post information in open and machine readable formats. If not taking steps to make posted information more useful, please explain why.

Information is already posted in a machine-readable format, since HUD routinely creates readable PDFs. The FOIA Office continues to work with the HUD web manager to organize information in the HUD FOIA Reading Room and FOIA Library by program and subject areas to make it easier for the public to find related records.

6. 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 and FOIA Office staff meet regularly with program area management on how the proactive disclosure process can be improved and what is needed to ensure compliance with HUD's 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.

7. 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 continued to implement the Proactive Disclosure policy issued in FY23 Department-wide and conducted quarterly training as part of the required actions in the HUD Annual Performance Plan to require all employees, program offices, and FOIA staff to proactively disclose records and understand their role in the 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 2022 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.

No. However, the FOIA Office continues to use the FOIA management system for record processing to include reviewing and redacting records, and eDiscovery to conduct email searches and collect records for certain HUD custodians. In addition, the FOIA Office will implement a new tool to improve the eDiscovery process on document review and is exploring the possibility of adding an artificial intelligence tool to assist with redactions.

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?

Yes.

5. Did all four of your agency's quarterly reports for Fiscal Year 2024 appear 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 2025.

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 2023 Annual FOIA Report and, if available, for your agency's Fiscal Year 2024 Annual FOIA Report.

HUD's Fiscal Year 2023 and 2024 Annual FOIA Reports, as well as the underlying raw statistical data, can be found at https://www.hud.gov/program_offices/administration/foia/foiarpts.

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?

Yes.

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

HUD continues to utilize the FOIA management system, in which FOIA specialists track, redact and process requests, and through which overview reports are generated. Technical challenges with processing eDiscovery requests has led HUD to further explore new tool(s) to facilitate the handling of large files.

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

The Attorney General's 2022 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 typical FOIA or Privacy Act process?

Yes.

2. If yes, please provide examples. If no, please indicate why not. Please also indicate if you do not know.

As of FY24, the FOIA Office continues to utilize a dedicated email box for forwarding Privacy Act requests to the Department's Privacy Division who can assist in locating the privacy system of record program area office for first-party requested records to permit requesters to obtain their records directly. The dedicated email box was established in FY21.

One example of first-party requested records that can be accessed outside of the typical FOIA or Privacy Act process involve Single Family/Federal Housing Administration (FHA) records regarding Partial Claim Payoffs and Subordinations that can be requested through the SMART Integrated Portal (<https://sip.hudnsc.org/>).

3. Please describe any other steps your agency has taken to remove barriers to accessing government information.

By improving HUD's proactive disclosure process and more regularly proactively disclosing required records, as well as making discretionary releases of certain documents released in response to FOIA requests, HUD is removing a barrier to accessing government information.

B. Timeliness

4. For Fiscal Year 2024, 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 2024 Annual FOIA Report.

9.05 days.

5. 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 2024 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.

N/A.

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

Yes.

7. 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 2024?

Yes.

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

N/A.

9. Please provide the percentage of requests processed by your agency in Fiscal Year 2024 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.

9.12% (283 simple requests/3,102 total requests)

10. 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

11. If your agency had a backlog of requests at the close of Fiscal Year 2024, 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 2023?

No.

12. If not, according to Annual FOIA Report Section XII.D.1, did your agency process more requests during Fiscal Year 2024 than it did during Fiscal Year 2023?

Yes.

13. If your agency's request backlog increased during Fiscal Year 2024, 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)
- Litigation
- Any other reasons – please briefly describe or provide examples when possible

HUD experienced a significant loss of staff and increases in the volume of requests as well as their complexity.

14. 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 2024. 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.”

21.69% (721 requests in backlog at end of FY24; 3,324 requests received in FY23).

BACKLOGGED APPEALS

15. If your agency had a backlog of appeals at the close of Fiscal Year 2024, 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 2023?

N/A.

16. If not, according to section XII.E.1 of the Annual FOIA Report, did your agency process more appeals during Fiscal Year 2024 than it did during Fiscal Year 2023?

N/A.

17. If your agency’s appeal backlog increased during Fiscal Year 2024, 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)
- Litigation
- Any other reasons – please briefly describe or provide examples when possible

N/A.

18. 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 2024. 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 2024 and/or has no appeal backlog, please answer with “N/A.”

N/A.

D. Backlog Reduction Plans

19. In the 2024 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2023 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 2024?

N/A. HUD did not implement a backlog reduction plan last year as HUD’s backlog in FY23 was not over 1000 requests.

20. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2024, please explain your agency’s plan to reduce this backlog during Fiscal Year 2025.

N/A.

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

TEN OLDEST REQUESTS

21. In Fiscal Year 2024, did your agency close the ten oldest pending perfected requests that were reported in Section VII.E. of your Fiscal Year 2023 Annual FOIA Report?

No.

22. 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 2023 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.

Seven.

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

HUD backfilled positions, conducted FOIA training, and assessed caseloads and workflows to reduce the overall age of pending requests.

TEN OLDEST APPEALS

24. In Fiscal Year 2024, did your agency close the ten oldest appeals that were reported pending in Section VI.C.5 of your Fiscal Year 2023 Annual FOIA Report?

Yes.

25. 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 2023 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

N/A.

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

HUD FOIA Office coordinates with OGC to process appeals within a reasonable timeframe.

TEN OLDEST CONSULTATIONS

27. In Fiscal Year 2024, did your agency close the ten oldest consultations that were reported pending in Section XII.C. of your Fiscal Year 2023 Annual FOIA Report?

Yes.

28. 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 2023 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.

N/A.

ADDITIONAL INFORMATION REGARDING TEN OLDEST

29. 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 2025.

With regard to its 3 oldest pending requests, HUD intends to focus on finalizing them by the end of FY25 by working closely with stakeholders.

F. Additional Information about FOIA Processing

30. 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:

- a) The number and nature of requests subject to litigation**
- b) Common causes leading to litigation**
- c) And any other information to illustrate the impact of litigation on your overall FOIA administration.**

Yes. There were 8 requests that were the subject of FOIA litigation during the reporting period, 2 of which were closed by the end of FY24. For the 3 litigation cases opened in FY24, the basis was that HUD did not respond to the requester within the statutory timeline. The main reason for the delay in processing the underlying requests within the statutory time frame was the complexity of the requests that would become the subject of litigation, such as the need to search, collect, and review documents from various offices with a voluminous number of records. FOIA litigation increases the costs and administrative burdens of overall FOIA processing, which can contribute to the FOIA backlog.