

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2021-055**

March 18, 2021

VIA ELECTRONIC MAIL

Ms. Janelle Ryan-Colbert

RE: FOIA Appeal 2021-055

Dear Ms. Ryan-Colbert:

This letter responds to the administrative appeals you submitted to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 (“DC FOIA”), on the grounds that the Department of Housing and Community Development (“DHCD”) improperly responded to your FOIA request.

On December 22, 2020, you submitted a FOIA request seeking “a copy of surveillance video for Potomac Gardens Apartment[s] at or near G Street S.E.” between 7:30 p.m. and 9:30 p.m. on November 22, 2020. Additionally, you requested if DHCD did not have possession of the surveillance video, that the agency advise you of the party in possession of the video.

You filed your appeal with this Office on December 30, 2020, requesting clarification for “what closed means.” Based on the language of your appeal, we construe your appeal as challenging DHCD’s failure to provide you with a written response to your FOIA request. On February 2, 2021, DHCD filed a response to your appeal.¹ In the response, DBH indicated that the agency responded to your request, via email through the FOIAXpress portal, on December 29, 2020. In both DHCD’s December 29th and February 2nd responses, DHCD asserts that the agency does not maintain the type of the records sought and referred you to the District of Columbia Housing Authority (“DCHA”).

It is unclear whether you did not receive or are unaware of the agency’s December 29th FOIA response. Because the agency has provided you with a response and a referral to, DCHA, an agency that may be in possession of the records sought, we dismiss your appeal as moot. However, you may file a new appeal if you are dissatisfied with the agency’s response.

This constitutes the final decision of this Office. If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia government in the Superior Court of the District of Columbia in accordance with D.C. Official Code § 2-537.

¹ A copy of DHCD’s response to your appeal is attached to this decision.

Respectfully,

Mayor's Office of Legal Counsel

cc: Tonya Condell, Assistant General Counsel
DHCD (via email)