

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2021-060 and 2021-061**

July 19, 2021

VIA ELECTRONIC MAIL

Mr. Lee Simon

RE: FOIA Appeals 2021-060 and 2021-061

Dear Mr. Simon:

This letter responds to the administrative appeal you submitted to the Mayor under the District of Columbia Freedom of Information Act, D.C. Code § 2-537 (“DC FOIA”), challenging the alleged failure of the Department of Housing and Community Development (“DHCD”) to respond to your request within the statutory timeframe.

You submitted a DC FOIA request to DHCD seeking stamped copies of all the 350 U Street Tenant Association paperwork in the agency’s possession. The agency did not reply within the timeframe that you believed was statutorily required, and you filed an appeal with this office. The agency responded to your appeal by explaining that, under the FOIA Tolling Temporary Amendment Act of 2021, the response time is extended where on-site review of records is required and the agency is closed due to COVID-19.¹ Because on-site review was necessary in this case, the agency required additional time to process your request.

Following your appeal, the DHCD located and produced 20 pages of records that were responsive to your request. Because DHCD has now responded to your request and provided you with responsive documents, we dismiss this appeal as moot.

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 in the Superior Court of the District of Columbia in accordance with D.C. Code § 2-537.

Respectfully,

Mayor’s Office of Legal Counsel

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

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