

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2021-262**

November 30, 2021

VIA ELECTRONIC MAIL

Mr. Alan Araujo

RE: FOIA Appeal 2021-262

Dear Mr. Araujo:

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 DC FOIA request.

On August 23, 2021, you submitted a DC FOIA request seeking the following records regarding 5044-5048 C Street SE, Washington DC, 20019:

1. Information on any open zoning code violations;
2. Information on any open building code violations;
3. Copies of available certificates of occupancy (and if not on file, if this is a code violation?);
and
4. A copy of the approved site plan on file, if available.

You filed your appeal with this Office on September 13, 2021, because you had not received a response to your DC FOIA requests. On September 29, 2021, DHCD filed a response to your appeal.¹ In the response, DHCD indicated that the agency responded to your request, via email through the FOIAXpress portal, on August 23, 2021. In both DHCD’s August 23rd and September 29th responses, DHCD asserts that the agency does not maintain the type of the records sought and referred you to the District of Columbia Department of Consumer and Regulatory Affairs (“DCRA”).

It is unclear whether you did not receive or are unaware of the agency’s August 23rd response. Because the agency has provided you with a response and a referral to, DCRA, 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)