

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2022-160**

January 10, 2023

VIA ELECTRONIC MAIL ONLY

Mr. Lee Simon

RE: FOIA Appeal 2022-160

Dear Mr. Simon:

This letter is in response to the administrative appeal that you have submitted to the Mayor pursuant to the District of Columbia Freedom of Information Act ("FOIA"), D.C. Code §§ 2-531, *et seq.* In your appeal, you have challenged the lack of response of the District of Columbia Housing Authority ("DCHA") to your May 11, 2022 FOIA request which sought the following:

Can you provide the slides titled "Payment Standards" (see below screen grab) that Victor Martinez used during his presentation at the May 5th meeting.

Can you please provide a copy of the Novogradac rent reasonableness study. Can you please provide a copy of the Novogradac contract.

On June 13, 2022, this Office asked DCHA to provide the justification for the decision not to grant a review of the records requested, a *Vaughn* index of the documents withheld, and a copy of any public record(s) in dispute. This Office did not receive a response and we are now issuing a decision based on the record before us.

It is the public policy of the District of Columbia that all persons are entitled to full and complete information regarding the affairs of the District government and the official acts of those who represent them as public officials and employees. D.C. Code § 2-531. The ultimate responsibility for responding to requests for records of an agency is vested in the agency head. 1 DCMR § 400.1

Under 1 DCMR § 405.1 when no decision can be dispatched within the applicable time limits, an agency shall nevertheless continue to process the request and inform the requester of the reason for delay, the date on which a determination may be expected; and the right to treat the delay as a denial and the right to appeal.

Based on the record before us, we remand this matter back to DCHA to comply with 1 DCMR § 405.1, if it has not already done so, with the objective of producing any non-exempt records

that are responsive to your request as soon as practical.

This constitutes the final decision of this Office. You may challenge any subsequent response to your request by separate appeal to this Office. If you are dissatisfied with this decision, you may commence a civil action in the Superior Court of the District of Columbia in accordance with D.C. Code § 2-537.

Sincerely,

Mayor's Office of Legal Counsel

cc: Kimberly J. August, DCHA FOIA Officer (via email only)