



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-3000

OFFICE OF ADMINISTRATION

TRANSMITTED VIA EMAIL
foia@aflegal.org

September 21, 2022

Mr. Reed Rubinstein
America First Legal
611 Pennsylvania Ave SE
#231
Washington, DC 20003

RE: Freedom of Information Act Request
FOIA Control No.: 22-FI-HQ-01341

Dear: Mr. Rubenstein:

This letter is in response to your Freedom of Information Act (FOIA) request dated September 12, 2021, to the Department of Housing and Urban Development's (HUD) FOIA Branch. You requested the Department's "strategic plan," that was required by Section 3(b) of Executive Order 14019 (March 7, 2021) on "Promoting Access to Voting," to be submitted to the Assistant to the President for Domestic Policy by September 23, 2021.

A search was conducted by HUD's Office of Public Affairs, the Office of Congressional and Intergovernmental Relations, the Office of the Secretary, the Office of the Chief Information Officer and the Office of Fair Housing and Equal Opportunity by knowledgeable staff and an eight (8) page document was located. I am withholding this document in full under the deliberative process privilege of Exemption 5 of the FOIA, 5 U.S.C. § 552 (b)(5). Exemption 5 protects from disclosure those inter- or intra-agency documents which would not be available by law to a party other than an agency in litigation with HUD. The deliberative process privilege exempts from disclosure agency documents that are part of the agency's pre-decisional, deliberative process. The release of this internal information would reflect HUD's pre-decisional, deliberative process, and would discourage open and candid advice, recommendations, and exchanges of views within the Department, which could bring about public scrutiny of the individuals and the need to justify in public their tentative opinions. The purpose of the deliberative process privilege is to prevent injury to the quality of agency decisions by (1) encouraging frank and open discussions on matters of policy between subordinates and superiors; (2) protecting against premature disclosure of proposed policies before final adoption; and (3) protecting against public confusion that might result from disclosures of reasons and rationales that were not in fact ultimately the grounds for an agency's actions.

In reviewing the enclosed records and applying FOIA exemptions, HUD has considered the foreseeable harm standard.

This determination was based on the information provided by the Office of Public Affairs, the Office of Congressional and Intergovernmental Relations, the Office of the Secretary and the Office of the Chief Information Officer and the Office of Fair Housing and Equal Opportunity. You may appeal this determination within 90 days from the date of this letter. If you decide to appeal, your appeal should include copies of your original request and this response, as well as a discussion of the reasons supporting the appeal. The envelope should be plainly marked to indicate that it contains a FOIA appeal and addressed to:

U.S. Department of Housing and Urban Development
Office of Ethics and Appeals Law Division
Office of General Counsel
451 Seventh Street, SW, Room 2130
Washington, DC 20410

Telephone: (202) 708-3815

You may also submit your appeal online at: HUDFOIAappeals@hud.gov

In addition, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, Maryland 20740-6001

Telephone: 202-741-5770; Toll free: 1-877-684-6448

Fax: 202-741-5769

E-mail: ogis@nara.gov

The FOIA Public Liaison is responsible for increasing transparency, understanding the status of requests, and resolving disputes between you and the agency. If you need assistance in any of these matters, please send an email to FOIA@hud.gov.

For your information, your FOIA request, including your identity and any information made available, is releasable to the public under subsequent FOIA requests. In responding to these requests, the Department does not release personal information, such as home address, telephone number, or Social Security number, all of which are protected from disclosure under FOIA Exemption 6.

If you have any questions regarding this request, please contact Nakia Scott at nakia.n.scott@hud.gov. Thank you for your interest in the Department's programs and policies.

Sincerely,

Nakia Scott for
Deborah R. Snowden
Chief, FOIA Branch
Office of Administration