June 6, 2013

The Honorable Maurice Jones
Deputy Secretary
U.S. Department of Housing and Urban Development
451 7th Street S.W.
Washington, DC 20410

Dear Deputy Secretary Jones:

I am writing to request your assistance in resolving an issue involving the Department’s failure to act in a timely and transparent manner. Exactly one year ago today HUD received from NAHRO a request under the Freedom of Information Act for all data collected by the Department on the HUD Form 52725 (Operating Budget Schedule of Positions and Compensation) in the previous year. This request remains unfulfilled, despite repeated attempts by NAHRO to move the process forward. NAHRO’s request has taken on a new urgency in light of the Department’s FY 2014 budget’s proposal involving public housing agency employee compensation. As a result, NAHRO is more invested than ever in ensuring that the Department fulfills its legal obligations in this matter.

HUD acknowledged NAHRO’s request in a letter, transmitted on June 26, 2012, acknowledging that the request (numbered 12-FI-HQ-01922) had been received on June 6. Accordingly, and also on June 26, the Department transmitted a second letter stating that, due to “unusual circumstances,” the Department would require more than the statutorily allotted 20-day time limit to process NAHRO’s request. That second letter estimated that the processing of NAHRO’s request would be completed in 30 to 45 days, that our request had been assigned to Sandra Wright for processing, and that “any records not subject to an exemption will be forwarded…promptly upon the completion of HUD’s search and review process.” It has now been 345 days since the transmission of that correspondence.

NAHRO has never agreed with the Department’s implication that our request required an unusually long period of time to process. We note that the Department made public to the media on June 4, 2012 statistics (including averages) gleaned from the data collected through the form. This analysis clearly would have required as a prerequisite to its performance the compilation of an electronic spreadsheet or database containing all of the collected data. Thus, a single electronic file with all of the information being sought by NAHRO must exist.

NAHRO has repeatedly contacted the Department in the intervening months to request updates on the status of our request, but the Department has taken no meaningful action in response to these inquiries. On October 24, 2012, following repeated inquiries to Sandra Wright in the FOIA Office as well as Harold Katsura in the PIH Office of Policy, Programs and Legislative Initiatives, NAHRO sent a letter to Deborah Snowden, Chief of the FOIA Branch, detailing our unfulfilled requests. At that time, NAHRO also sent a copy of our letter to you and

Betsey Martens, President; Preston Prince, CME, Senior Vice President; Chris Lamberty, PHM, Vice President-Housing; Mary E. Paumen, Vice President-International; Paul Purcell, Vice President-Community Revitalization and Development; Alan D. Styles, Vice President-Commissioners; Pamela G. Thompson, PHM, Vice President-Member Services; Deborah E. Wilson, Vice President-Professional Development; Saul N. Ramirez, Jr., Chief Executive Officer

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to Assistant Secretary for Public and Indian Housing Sandra Henriquez, as well as Peter Constantine in the Office of the General Counsel. Unfortunately, this effort yielded no results.

In March of 2013, after repeated phone calls to Sandra J. Wright went unanswered, we were informed that responsibility for the request had been transferred to Deborah Snowden. NAHRO staff contacted Ms. Snowden by phone, only to have her question why we were asking for this information. Ms. Snowden went on to make the outrageous suggestion that we should consider collecting this information ourselves if it was important to us. Rather than assuring us that the Department would fulfill its legal obligations, however belatedly, she instead appeared to be attempting to suggest that we abandon our request.

NAHRO once again made repeated efforts to contact Ms. Snowden in April of 2013 to inquire about the status of the request. After several attempts, we were told that the responsibility for the request had been shifted away from Ms. Snowden and back to one of her staff. This staff member informed us that that our request was “on hold” but was unable to provide any further information.

A year has now passed, and each of our phone calls and emails has failed to spur the Department to fulfill its obligations. NAHRO is frustrated by and disappointed in the Department’s actions, and we are left to wonder if it simply incompetence or some other, more troubling underlying motivation that is responsible for what could reasonably be viewed as obstructionism. Nevertheless, NAHRO would like to make one final, good faith effort to resolve this matter, and respectfully asks that the Department transmit the requested data with all due haste.

As previously mentioned, NAHRO believes the data we have requested already exists in the format or formats we prefer, namely Microsoft Excel or Access. We believe, therefore, that it is perfectly reasonable to expect that the Department could fulfill our request within five business days of the receipt of this letter. (To be perfectly clear, we expect to receive the requested data in electronic format; we will not consider the receipt of a hard copy report to be satisfactory since, as I am sure you will understand, we fully intend to proceed with our own analysis of the data as soon as it made available to us.) If our request is not honored within five business days, NAHRO will unfortunately and regretfully have no choice but to seek other means of recourse, including requesting an investigation by the Inspector General and notifying the appropriate congressional oversight committees, as well as the pursuit of all appropriate legal remedies.

We look forward to your timely response to this correspondence.

Sincerely,

Saul N. Ramirez, Jr.
Chief Executive Officer

cc: The Honorable Sandra Henriquez, Assistant Secretary for Public and Indian Housing
    The Honorable Helen R. Kanovsky, General Counsel