

Re: Freedom of Information Act Request

Dear Freedom of Information Officer:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and your agency's implementing regulations, the Revolving Door Project, jointly with the People's Action Homes Guarantee Campaign and the National Low Income Housing Coalition, makes the following request for records. The records requested herein may reside in multiple components or offices within your agency. We ask that you coordinate this request across your agency in your role as the agency's FOIA contact.

The Revolving Door Project requests that your agency produce the following within twenty business days:

All non-public comments (also referred to as "confidential comments") submitted to the Federal Housing Finance Agency via the Agency's email address Tenant\_Protection\_RFI@fhfa.gov in regards to the FHFA request for information (RFI) on "Tenant Protections for Enterprise-Backed Multifamily Properties."

To clarify the request, please note the Revolving Door Project is *not* seeking publicly available comments on the Tenant Protections Enterprise-Backed Multifamily Properties RFI.<sup>1</sup> While the RFI was underway, the FHFA stated that commenters may "email FHFA at Tenant\_Protection\_RFI@fhfa.gov if they seek to provide confidential or proprietary information as part of their responses and desire the information not be made public."<sup>2</sup> This request seeks all comments submitted to the FHFA through that method.

The Revolving Door Project acknowledges that the FHFA allowed commenters to submit proprietary information with the expectation of confidentiality; in accordance with that, we expect that the FHFA FOIA office will provide responding documents with redacted proprietary information in accordance with FOIA Exemption 4. However, in the spirit of the Freedom of Information Act's fundamental purpose to promote a transparent government, as well as the FHFA's specific goal to learn different stakeholder's opinions on tenant protections, we expect that the FHFA FOIA Office will maintain the overall integrity of the responding documents such that the public is able to fully assess the content of the comments, generally understand who the commenters are, and therefore assess what stakeholders are asking the FHFA to take under

---

<sup>1</sup> FHFA, "Request for Information Submissions," <https://www.fhfa.gov/AboutUs/Contact/Pages/input-submissions.aspx>

<sup>2</sup> FHFA, "Tenant Protections for Enterprise-Backed Multifamily Properties: RFI," May 2023, <https://www.fhfa.gov/Media/PublicAffairs/PublicAffairsDocuments/Multifamily-Tenant-Protections-RFI.pdf>

consideration during this governmental process. The public deserves to understand the information that the FHFA is accounting for when making policy.

The Revolving Door Project seeks all responsive records regardless of format, medium, or physical characteristics. In conducting your search, please understand the terms “record,” “document,” and “information” in their broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind.

To ensure that this request is properly construed, that searches are conducted in an adequate but efficient manner, and that extraneous costs are not incurred, the Revolving Door Project welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, the Revolving Door Project hopes to decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in electronic format by email or in PDF or TIF format on a USB drive. Please send any responsive material being sent by mail to the Revolving Door Project, 1499 Massachusetts Ave NW Apt G-10 Washington, DC.

If it will accelerate release of responsive records to the Revolving Door Project, please also provide responsive material on a rolling basis.

### **Request to Expedite Information**

The Revolving Door Project seeks for this request to be processed on an expedited basis. This is a matter of public interest in the Federal Housing Finance Agency and information which the Revolving Door Project is seeking to disseminate to the public. In accordance with 5 U.S.C. § 552(a)(6)(E)(v)(I),(II) and your agency’s implementing regulations, the Revolving Door Project has often played the role of disseminating information on government activity. In addition, there is an urgent need to inform the public of the information this request will bring to light, as the responding documents are currently under review by FHFA staff as they move forward on the RFI and prepare to make reports and opinions to FHFA leadership. The public should know what comments the FHFA staff is reviewing during this process before FHFA leadership begin to make final assessments and decisions, and the Revolving Door Project is prepared to disseminate this information.

### **Fee Waiver Request**

In accordance with 5 U.S.C. § 552(a)(4)(A)(iii) and your agency’s implementing regulations, the Revolving Door Project requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the

disclosures will likely contribute to a better understanding of relevant government procedures in a significant way.<sup>3</sup> Moreover, the request is primarily and fundamentally for non-commercial purposes.<sup>4</sup>

The Revolving Door Project requests a waiver of fees because disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of activities of the government.<sup>5</sup> Information regarding government officials' relationships with future employers is of great public interest as it helps members of the public to assess the integrity and credibility of governing institutions. The requested materials will shed light on this matter of great public interest. Additionally, Revolving Door Project has a long history of educating the public about the contents of its FOIA requests. Following the fulfillment of a similar request to the Federal Trade Commission, for example, the Revolving Door Project shared its findings with the news outlet, The Hill.<sup>6</sup>

This request is primarily and fundamentally not for commercial purposes, but rather the primary interest is in public disclosure of responsive records.<sup>7</sup> As a 501(c)(3) nonprofit, the Revolving Door Project does not have a commercial purpose and the release of the information requested is not in the Revolving Door Project's financial interest. The Revolving Door Project is a non-profit educational institution, and this request is made for educational purposes and not for a commercial use.

## **Conclusion**

We share a common mission to promote transparency in government. The Revolving Door Project looks forward to working with your agency on this request. If you do not understand any part of this request, have any questions, or foresee any problems in fully releasing the requested records, please contact Andrea Beaty at [beaty@therevolvingdoorproject.org](mailto:beaty@therevolvingdoorproject.org) or (240) 274-8737. Also, if the Revolving Door Project's request for a fee waiver is not granted in full, please contact us immediately upon making such a determination.

Sincerely,

Andrea Beaty  
Research Director  
The Revolving Door Project

---

<sup>3</sup> 45 C.F.R. § 5.54(a).

<sup>4</sup> *Id.*

<sup>5</sup> 45 C.F.R. § 5.54(b)(1),(2)(i)-(ii).

<sup>6</sup> Harper Neidig, "Tech fight puts former FTC officials in high demand," *The Hill*, August 28, 2019, <https://thehill.com/policy/technology/459039-tech-fight-puts-former-ftc-officials-in-high-demand>

<sup>7</sup> 45 C.F.R. § 5.54(b)(3)(i)-(ii).

