



Office of Administrative Services  
Freedom of Information Act Office

September 18, 2017

Mr. Paul Varnado  
Morrison & Foerster, LLP  
2000 Pennsylvania Avenue, NW  
Washington, DC 20006

Dear Mr. Varnado,

This letter is in response to your General Services Administration (GSA) Freedom of Information Act (FOIA) request (GSA-2017-001067), dated May 24, 2017, in which you requested the following:

“the National Law Center on Homelessness and Poverty (NLCHP) requests certain records and documents which may be in the possession of the General Services Administration (GSA) related to GSA oversight of Title V of the Stewart B. McKinney Homeless Assistance Act of 1987 (Title V), which requires federal agencies to screen their surplus real property for suitability to be used by providers of services to the homeless.

Please provide the following from January 1, 2010, to present:

1. Documents or materials related to GSA compliance with a March 21, 2013, order by the United States District Court for the District of Columbia (Case No. 88-cv-2503) requiring GSA to annually check the responses to its canvasses from landholding agencies pursuant to Title V against the Federal Real Property Profile (FRPP) database.
2. A list of all properties posted to GSA FRPP or otherwise disposed of which were not screened for availability and suitability through the procedures enumerated in Title V.
3. Documents or materials related to GSA's failure to produce the required reports for 2013 its delay until October 15, 2015, in providing its 2014 annual report to NLCHP.
4. Documents or materials related to applications for available federal properties under Title V, including applications pursuant to 45 C.F.R. § 12.a.9(d) and 24 U.S.C. 11411(e) and communications between GSA and applicants for federal properties potentially available under Title V.

U.S General Services Administration  
1800 F. Street, NW  
Washington, DC 20405  
Telephone: (202) 501-0800  
Fax: (202) 501-2727

5. Internal communications regarding federal properties potentially available under Title V, including those between or among program offices or administrative divisions of GSA.
6. Communications with other federal, state, or local government agencies related to pending expressions of interest and/or applications for federal properties potentially available under Title V, including but not limited to communications with the Department of Health and Human Services (HHS) regarding pending applications for federal properties pursuant to 45 C.F.R. Part 12 or 24 U.S.C. 11411.
7. Policies or criteria used by GSA to evaluate applications for federal properties potentially available under Title V.
8. Internal communications regarding the implementation and administration of Title V requirements and programs at GSA, including those between or among program offices or administrative divisions of GSA.
9. Documents or materials related to any process whereby GSA is implementing, or planning to implement, new regulations or internal guidance for Title V programs to comply with the Federal Assets Sale and Transfer Act of 2016 (FAST Act)".

Herein below is GSA's response to each part of your FOIA request as identified by numbers that correspond with above listing:

1. For item #1, GSA is providing the Federal Real Property Profile (FRPP) National Law Center on Homelessness and Poverty (NLCHP) Underutilized Reports for Fiscal Years 2013, 2014 and 2015. Additionally, we are providing the Data Dictionaries that accompany these reports, as well as the cover memos that were provided in the transmission of these reports to the United States District Court for the District of Columbia.
2. For item #2, GSA is unable to provide an inventory of properties posted to the GSA FRPP or otherwise disposed of which were not screened for availability and suitability through the procedures enumerated in Title V. Please note that if a property was disposed of under another type of authority prior to being included in the FRPP, GSA will not have record.
3. GSA has no responsive records to this part of your request.
4. For item #4, GSA is providing a summary of the application process.
5. For item #5, GSA is withholding this information. Please be advised that GSA is withholding this information as it contains attorney work-product, attorney-client conversations and pre-decisional conversations and recommendations that are

being withheld pursuant to the fifth exemption to the FOIA, 5 U.S.C. § 552(b)(5).

6. For item #6, GSA is providing you with all of the Agency's communications with other federal, state, or local government agencies related to pending expressions of interest and/or applications for federal properties potentially available under Title V regarding pending applications for federal properties pursuant to 45 C.F.R. Part 12 or 24 U.S.C. 11411. Specifically, we are providing you with all Agency communications for the following applicable properties:
  - The Lemma-Whyman U.S. Army Reserve Center, 145 Charlotte Street, Canandaigua, New York. Documents include correspondence with the Congressman's office, the landholding agency - National Park Service, local officials and HHS, and correspondence with applicants. There are 72 responsive pages included regarding this property;
  - The former U.S. Army Reserve Center at 1228 Carroll Street, Durham, North Carolina. Documents include correspondence with local officials, landholding agency – HSS, and meeting with the community, and interest from multiple potential applicants. There are 138 responsive pages included regarding this property;
  - The Alameda Federal Center Northern Parcel at 620 Central Ave, Alameda, California. There are 12 responsive pages included regarding this property; and
  - The Mission Street Parking at 1064 and 1068 Mission Street, San Francisco, California. There are 32 responsive pages included regarding this property.

Please be advised that within these communications, GSA has withheld the names, email addresses and telephone numbers of private individuals that are non-government employees, if their information is not already available publically, pursuant to 5 U.S.C. § 552(b)(6), because the disclosure of this information would constitute a clearly unwarranted invasion of personal privacy.

7. For item #7, GSA has no responsive documents. The evaluation and vetting of the applications occur within the landholding agencies, not by GSA.
8. For item #8 and item #9, please find attached the McKinney-Vento Amendments Program Memo which addresses GSA's implementation of the FAST Act, dated March 17, 2017.

As GSA did not have responsive documents to parts of your request and redacted parts of the responsive records in some of the responsive documents, this technically constitutes a partial denial of your FOIA request. As such, you have the right to appeal both: 1) the adequacy of the Agency's search for responsive records (where there were

no responsive records) and 2) our proposed redactions as made to the responsive records. You may administratively submit your appeal online at the following link: (<https://foiaonline.regulations.gov/foia/action/public/home>) or by writing to the following address shown below:

U.S. General Services Administration  
FOIA Requester Service Center (H1F)  
1800 F Street, NW, Room 7308  
Washington, DC 20405

Your appeal must be postmarked or electronically transmitted within 120 days of the date of the response to your request. In addition, your appeal must contain a brief statement of the reasons why the requested information should be released. Please enclose a copy of your initial request and this denial. Both the appeal letter and envelope or online appeal submission should be prominently marked, "Freedom of Information Act Appeal.

This completes our action on this request. Should you have any questions, please contact Travis Lewis, FOIA Program Manager at (202) 219-3078 or by email at [travis.lewis@gsa.gov](mailto:travis.lewis@gsa.gov). You may also contact the GSA FOIA Public Liaison, Audrey Brooks, at (202) 205-5912 or by email at [audrey.brooks@gsa.gov](mailto:audrey.brooks@gsa.gov) for any additional assistance and to discuss any aspect of your FOIA request. Additionally, 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, e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

*Travis Lewis*

FOIA Program Manager

Enclosures