

# **EXHIBIT D**



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

OFFICE OF ADMINISTRATION

November 12, 2019

Mr. Jeffrey L. Kessler  
Winston & Strawn LLP  
200 Park Avenue  
New York, NY 10166  
jkessler@winston.com

Re: 20-FI-HQ-00246

Dear Mr. Kessler:

This is to acknowledge receipt of your Freedom of Information Act (FOIA) request dated October 29, 2019, and received in this Office on November 8, 2019, in which you requested records related to a proposed rule, the SAVE program, and other subjects. At this time, your request has been assigned the above-referenced tracking number.

Pursuant to the FOIA, 5 U.S.C. 552 § (a)(6)(A)(i)(2012 & Supp. V 2017), once HUD properly receives a FOIA request, the Department has 20 working days within which to make a determination on the request unless unusual circumstances exist. To the extent that your request requires a search in another Office, consultations with other Department components or another agency, and/or involves a voluminous amount of material, your request falls within “unusual circumstances.” See 5 U.S.C. 552 § (a)(6)(B)(i)-(iii) (2012 & Supp. V 2017). Accordingly, we will need to extend the time limit to respond to your request beyond the ten additional days provided by the statute. For your information, we use multiple tracks to process requests, but within those tracks we work in an agile manner, and the time needed to complete our work on your request will necessarily depend on a variety of factors, including the complexity of our records search, the volume and complexity of any material located, and the order of receipt of your request. At this time, we have assigned your request to the complex track. In an effort to speed up our process, you may wish to narrow the scope of your request to limit the number of potentially responsive records so that it can be placed in a different processing track. You can also agree to an alternative time frame for processing, should records be located, or you may wish to await the completion of our records search to discuss either of these options. Any decision with regard to the application of fees will be made only after we determine whether fees will be implicated for this request.

Pursuant to HUD FOIA Regulations at 24 C.F.R. 15.104(c), the Department will grant a request for expedited processing under the FOIA when it can be determined that a compelling need exists. The term “compelling need” is defined as either: (1) circumstances in which the lack of expedited treatment could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; (2) in the case of a request made by a person primarily engaged in disseminating information, an urgency to inform the public concerning actual or alleged Federal Government activity; or (3) the loss of substantial due process rights. In your request, you state that

the reason for seeking expedited processing is that “[t]he imminent ratification of the Proposed Rule threatens the integrity of the family unit . . . as mixed-status families will face the possibility of asking an ineligible family member to leave an assisted household.” Your request for expedited processing is approved.

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, Room 2510, 8601 Adelphi Road, 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.

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 your request, please contact me at (202) 402-3450. Thank you for your interest in the Department’s programs and policies.

Sincerely,

*Ethan Bodell*

Ethan G. Bodell, Esq.  
Government Information Specialist  
Freedom of Information Act Office  
Office of the Executive Secretariat