

**Neighborhood Reinvestment
Corporation
d/b/a NeighborWorks America**

**Annual FOIA Report
Fiscal Year 2017**

What We Do

Established by an act of Congress as a nonpartisan nonprofit corporation, NeighborWorks America has created places of opportunity in communities across the country for nearly 40 years. We build the skills, supplement the funding and amplify the reach of grassroots organizations so they can leverage additional resources to achieve their missions.

We strengthen distressed urban, suburban and rural communities through a formal national network of local community-based partnership organizations composed of community residents, private sector and local government entities – known collectively as the NeighborWorks network.

[Our network of more than 240 independent, nonprofit organizations](#) helps individuals, families and communities thrive through comprehensive approaches to affordable housing and community development.

We support our network and the broader field through:

- **Grants.** In fiscal year 2016, NeighborWorks network members reported more than \$7 billion of investment in their communities. This level of investment is possible because for every \$1 of federal appropriation we award, NeighborWorks organizations are able to attract another \$91 to expand local impact.
- **Technical assistance.** We offer multiple grant, capacity-building and peer-exchange opportunities designed to help our members expand their work, pilot and replicate new approaches, build new partnerships, and improve their performance and governance.
- [Training and leadership development.](#) NeighborWorks America is the nation's leading trainer of community-development and affordable-housing professionals, awarding nearly 19,000 certificates in fiscal year 2016. Our offerings serve residents, network organizations and the field generally. All courses are regularly updated to reflect industry standards and current trends.
- [Organizational assessment.](#) To ensure that our network organizations are strong and healthy in their operations—and remain that way—we conduct rigorous assessments before their acceptance into NeighborWorks and every year thereafter. We also help our members incorporate evaluation into their own “ethos” through [Success Measures](#), a NeighborWorks social enterprise that helps nonprofits and their funders measure the impact of their community-development efforts and investments.
- Congress established NeighborWorks America as a non-profit corporation by passing the Neighborhood Reinvestment Corporation Act, Pub. L. 95-557 (1978). The

enabling legislation states that NeighborWorks America is subject to the FOIA statute, 5 U.S.C. §552. The enabling legislation also states that the corporation shall not be considered a federal agency, department or instrumentality of the Federal Government. Any reference to “agency” or “federal agency” in this report must be interpreted as a reference to NeighborWorks America.

I. Basic Information Regarding Report

1. If you have any questions about this Annual FOIA Report, please contact:

Gregory R. Sharma-Holt
Chief FOIA Officer
999 N. Capitol Street, N.E., Suite 900
Washington, D.C. 20002
gsharmaholt@nw.org
202-733-6989

2. Electronic link to this Report can be found in NeighborWorks America's FOIA Reading Room.

[NeighborWorks America - FOIA Reading Room¹](#)

3. To obtain a copy of the Report in paper form, please contact:

Gregory R. Sharma-Holt
Chief FOIA Officer
999 N. Capitol Street, N.E., Suite 900
Washington, D.C. 20002
gsharmaholt@nw.org
202-733-6989

II. Making a FOIA Request

1. All FOIA requests must be sent to the NeighborWorks FOIA Office at:

Gregory R. Sharma-Holt
Chief FOIA Officer
999 N. Capitol Street, N.E., Suite 900
Washington, D.C. 20002
foia@nw.org

¹ If you are reading a hardcopy of this report, NeighborWorks America's FOIA Reading Room is available at www.neighborworks.org/About-Us/Public-Policy/FOIA/Reading-room.

2. Brief description of why some FOIA requests are not granted and an overview of certain general categories of records to which FOIA exemptions apply.

NeighborWorks America does not grant some FOIA requests based on a number of FOIA exemptions. Information may be withheld under exemption b(4) because it is confidential and commercial or financial in nature and would cause significant harm to the submitter's competitive position if disclosed. Internal communications protected by legal privilege may also be withheld under exemption b(5). Also, personally identifiable information may be withheld under exemption b(6).

There are certain general categories of NeighborWorks America's records to which these FOIA exemptions apply. NeighborWorks America administers numerous grant programs for which independent organizations must submit applications to compete for such funding. The applications require organizations to submit responses to application questions, financial data, and other documents. Information withheld from application documents includes, but is not limited to, budgets, matching contributions sources, subcontractor identities, and outreach campaign plans that is confidential and commercial or financial in nature under exemption b(4). In addition, personally identifiable information, such as names, phone numbers, and email addresses are withheld under exemption b(6).

Organizations that receive grants from NeighborWorks America are required to submit reports substantiating results of their use of the grant money. We withhold confidential and commercial or financial information, such as staffing plans, operational functions and URL links to the report under exemption b(4). In addition, personally identifiable information, such as names, home and email addresses, phone numbers, ages, and mortgage lenders, contained in such reports is withheld under exemption b(6).

Another category of documents is related to procurement contracts for services. Documents found under this category include task orders, letters of agreements, independent project reports and related communications. Within these documents, budgets and certain contract terms are redacted under exemption b(4). Internal communications which would not be available by law are withheld under exemption b(5). Also, personally identifiable information is redacted under exemption b(6).

NeighborWorks America's Internal Audit Department issues reports to the Board of Directors that evaluate and improve the effectiveness of risk management, control, and governance processes. These reports contain budgetary, consultant, and internal assessment information that is withheld as confidential commercial or financial data under exemption b(4). It also contains information regarding internal communications that is withheld under exemption b(5).

We have received requests seeking information that is not in NeighborWorks America's possession regarding internal operations of NeighborWorks America's Network member

organizations. The Network members are independent organizations and are not part of NeighborWorks America. FOIA requests for information in this category are denied because it is outside the scope of the FOIA statute.

3. Details on how to file a FOIA request.

Details on how to file a FOIA request with NeighborWorks America and how we handle FOIA requests may be found in [NeighborWorks' FOIA Guidelines](#).

III. Acronyms, Definitions and Exemptions

1. The following are definitions of terms used in this Report:

- a. **Administrative Appeal** – a request to a federal agency asking that it review at a higher administrative level a FOIA determination made by the agency at the initial request level.
- b. **Average Number** – the number obtained by dividing the sum of a group of numbers by the quantity of numbers in the group. For example, of 3, 7, and 14, the average number is 8.
- c. **Backlog** – the number of requests or administrative appeals that are pending at an agency at the end of the fiscal year that are beyond the statutory time period for a response.
- d. **Component** – for agencies that process requests on a decentralized basis, a "component" is an entity, also sometimes referred to as an Office, Division, Bureau, Center, or Directorate, within the agency that processes FOIA requests. The FOIA now requires that agencies include in their Annual FOIA Report data for both the agency overall and for each principal component of the agency.
- e. **Consultation** – the procedure whereby the agency responding to a FOIA request first forwards a record to another agency or component within the same agency for its review because that other agency has an interest in the document. Once the agency in receipt of the consultation finishes its review of the record, it responds back to the agency or component within the same agency that forwarded it. That agency, in turn, will then respond to the FOIA requester.
- f. **Exemption 3 Statute** – a federal statute that exempts information from disclosure and which the agency relies on to withhold information under subsection (b)(3) of the FOIA.

- g. **FOIA Request** – a FOIA request is generally a request to a federal agency for access to records concerning another person (i.e., a "third-party" request), or concerning an organization, or a particular topic of interest. FOIA requests also include requests made by requesters seeking records concerning themselves (i.e., "first-party" requests) when those requesters are not subject to the Privacy Act, such as non- U.S. citizens. Moreover, because all first-party requesters should be afforded the benefit of both the access provisions of the FOIA as well as those of the Privacy Act, FOIA requests also include any first-party requests where an agency determines that it must search beyond its Privacy Act "systems of records" or where a Privacy Act exemption applies, and the agency looks to FOIA to afford the greatest possible access. All requests which require the agency to utilize the FOIA in responding to the requester are included in this Report.

Additionally, a FOIA request includes records referred to the agency for processing and direct response to the requester. It does not, however, include records for which the agency has received a consultation from another agency. (Consultations are reported separately in Section XII of this Report.)

- h. **Full Grant** – an agency decision to disclose all records in full in response to a FOIA request.
- i. **Full Denial** – an agency decision not to release any records in response to a FOIA request because the records are exempt in their entirety under one or more of the FOIA exemptions, or because of a procedural reason, such as when no records could be located.
- j. **Median Number** – the middle, not average, number. For example, of 3, 7, and 14, the median number is 7.
- k. **Multi-Track Processing** – a system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests granted expedited processing are placed in yet another track. Requests in each track are processed on a first in/first out basis.
 - i. **Expedited Processing** – an agency will process a FOIA request on an expedited basis when a requester satisfies the requirements for expedited processing as set forth in the statute and in agency regulations.
 - ii. **Simple Request** – a FOIA request that an agency using multi-track processing places in its fastest (non- expedited) track based on the low volume and/or simplicity of the records requested.

- iii. **Complex Request** – a FOIA request that an agency using multi-track processing places in a slower track based on the high volume and/or complexity of the records requested.
- l. **Partial Grant/Partial Denial** – in response to a FOIA request, an agency decision to disclose portions of the records and to withhold other portions that are exempt under the FOIA, or to otherwise deny a portion of the request for a procedural reason.
- m. **Pending Request or Pending Administrative Appeal** – a request or administrative appeal for which an agency has not taken final action in all respects.
- n. **Perfected Request** – a request for records which reasonably describes such records and is made in accordance with published rules stating the time, place, fees (if any) and procedures to be followed.
- o. **Processed Request or Processed Administrative Appeal** – a request or administrative appeal for which an agency has taken final action in all respects.
- p. **Range in Number of Days** – the lowest and highest number of days to process requests or administrative appeals.
- q. **Time Limits** – the time period in the statute for an agency to respond to a FOIA request (ordinarily twenty working days from receipt of a perfected FOIA request).

2. Information may be withheld providing it falls under one or more of the nine FOIA exemptions:

- a. **Exemption 1:** classified national defense and foreign relations information.
- b. **Exemption 2:** information that is related solely to the internal personnel rules and practices of an agency.
- c. **Exemption 3:** information that is prohibited from disclosure by another federal law.
- d. **Exemption 4:** trade secrets and other confidential business information.
- e. **Exemption 5:** inter-agency or intra-agency communications that are protected by legal privileges.
- f. **Exemption 6:** information involving matters of personal privacy.

- g. **Exemption 7:** records or information compiled for law enforcement purposes, to the extent that the production of those records (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions, or (F) could reasonably be expected to endanger the life or physical safety of any individual.
- h. **Exemption 8:** information relating to the supervision of financial institutions.
- i. **Exemption 9:** geological information on wells.

Charts and information regarding Fiscal Year 2017 FOIA requests.

The following charts and information are provided in accordance with the Department of Justice Annual FOIA Report Handbook. The chart headings correspond with the data sections in the Department of Justice Handbook for Agency Annual Freedom of Information Act Reports

3. Agency Component Abbreviations

Component Abbreviation	Component Name

IV. Exemption 3 Statutes

Statute	Type of Information Withheld	Case Citation	Agency / Component	Number of Times Relied upon by Agency / Component	Total Number of Times Relied upon by Agency Overall
N/A	N/A	N/A	NW	0	0

V. FOIA Requests

A. Received, Processed and Pending FOIA Requests

Agency / Component	Number of Requests Pending as of Start of Fiscal Year	Number of Requests Received in Fiscal Year	Number of Requests Processed in Fiscal Year	Number of Requests Pending as of End of Fiscal Year
NW	2	5	4	3
				0
AGENCY OVERALL	2	5	4	3

B. Disposition of FOIA Requests

1. All Processed Requests

Agency / Component	Number of Full Grants	Number of Partial Grants / Partial Denials	Number of Full Denials Based on Exemptions	Number of Full Denials Based on Reasons Other than Exemptions									TOTAL
				No Records	All Records Referred to Another Component or Agency	Request Withdrawn	Fee-Related Reason	Records not Reasonably Described	Improper FOIA Request for Other Reason	Not Agency Record	Duplicate Request	*Explain in Chart Below	
NW	1	2	0	1	0	0	0	0	0	0	0	0	4
													0
AGENCY OVERALL	1	2	0	1	0	0	0	0	0	0	0	0	4

2. "Other" Reasons for "Full Denials Based on Reasons Other than Exemptions"

Agency / Component	Description of "Other" Reasons for Denials from Chart B(1)	Number of Times "Other" Reason Was Relied Upon	TOTAL
NW	N/A	0	0
AGENCY OVERALL			0

3. Number of Times Exemptions Applied

Agency / Component	Ex. 1	Ex. 2	Ex. 3	Ex. 4	Ex. 5	Ex. 6	Ex. 7(A)	Ex. 7(B)	Ex. 7(C)	Ex. 7(D)	Ex. 7(E)	Ex. 7(F)	Ex. 8	Ex. 9
NW	0	0	0	1	0	1	0	0	0	0	0	0	0	0
AGENCY OVERALL	0	0	0	1	0	1	0	0	0	0	0	0	0	0

VI. Administrative Appeals of Initial Determinations of FOIA Requests

A. Received, Processed, and Pending Administrative Appeals

Agency / Component	Number of Appeals Pending as of Start of Fiscal Year	Number of Appeals Received in Fiscal Year	Number of Appeals Processed in Fiscal Year	Number of Appeals Pending as of End of Fiscal Year
NW	0	1	1	0
AGENCY OVERALL	0	1	1	0

B. Disposition of Administrative Appeals ~ All Processed Appeals

Agency / Component	Number Affirmed on Appeal	Number Partially Affirmed & Partially Reversed/Remanded on Appeal	Number Completely Reversed/Remanded on Appeal	Number of Appeals Closed for Other Reasons	TOTAL
NW	0	1	0	0	1
AGENCY OVERALL	0	1	0	0	1

C. Reasons for Denial on Appeal

(1) Number Of Times Exemptions Applied

Agency / Component	Ex. 1	Ex. 2	Ex. 3	Ex. 4	Ex. 5	Ex. 6	Ex. 7(A)	Ex. 7(B)	Ex. 7(C)	Ex. 7(D)	Ex. 7(E)	Ex. 7(F)	Ex. 8	Ex. 9
NW	0	0	0	1	0	1	0	0	0	0	0	0	0	0
AGENCY OVERALL	0	0	0	1	0	1	0	0	0	0	0	0	0	0

(2) Reasons Other Than Exemptions

Agency / Component	No Records	Records Referred at Initial Request Level	Request Withdrawn	Fee-Related Reason	Records not Reasonably Described	Improper Request for Other Reasons	Not Agency Record	Duplicate Request or Appeal	Request in Litigation	Appeal Based Solely on Denial of Request for Expedited Processing	Other *Explain in chart below
NW	0	0	0	0	0	0	0	0	0	0	0
AGENCY OVERALL	0	0	0	0	0	0	0	0	0	0	0

(3) "Other" Reasons

Agency / Component	Description of "Other" Reasons for Denial on Appeal from Chart C(2)	Number of Times "Other" Reason Was Relied Upon	TOTAL
NW	N/A	0	0
AGENCY OVERALL			0

(4) Response Time for Administrative Appeals

Agency / Component	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
AGENCY OVERALL	224.00	224.00	224.00	224.00

(5) Ten Oldest Pending Administrative Appeals

Agency / Component		10th Oldest Appeal	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Appeal
	Date of Appeal										
	Number of Days Pending										
AGENCY OVERALL	Date of Appeal	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0

VII. FOIA Requests: Response Time for Processed and Pending Requests

A. Processed Requests ~ Response Time for All Processed Perfected Requests

Agency / Component	SIMPLE				COMPLEX				EXPEDITED PROCESSING			
	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
AGENCY OVERALL	16.5	16.5	5	28	65	65	65	65	16	16	16	16

B. Processed Requests ~ Response Time for Perfected Requests in Which Information was Granted

Agency / Component	SIMPLE				COMPLEX				EXPEDITED PROCESSING			
	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
AGENCY OVERALL	28	28	28	28	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

C. Processed Simple Requests ~ Response Time in Day Increments

Agency / Component	<1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	TOTAL
NW	1	1	0	0	0	0	0	0	0	0	0	0	0	2
														0
AGENCY OVERALL	1	1	0	0	0	0	0	0	0	0	0	0	0	2

C. Processed Complex Requests ~ Response Time in Day Increments

Agency / Component	<1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	TOTAL
NW	0	0	0	1	0	0	0	0	0	0	0	0	0	1
														0
AGENCY OVERALL	0	0	0	1	0	0	0	0	0	0	0	0	0	1

C. Processed Requests Granted Expedited Processing ~ Response Time in Day Increments

Agency / Component	<1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	TOTAL
NW	1	0	0	0	0	0	0	0	0	0	0	0	0	1
														0
AGENCY OVERALL	1	0	0	0	0	0	0	0	0	0	0	0	0	1

D. Pending Requests ~ All Pending Perfected Requests

Agency / Component	SIMPLE			COMPLEX			EXPEDITED PROCESSING		
	Number Pending	Median Number of Days	Average Number of Days	Number Pending	Median Number of Days	Average Number of Days	Number Pending	Median Number of Days	Average Number of Days
AGENCY OVERALL	0	N/A	N/A	3	346	374	0	N/A	N/A

E. Pending Requests – Ten Oldest Pending Perfected Requests

Agency / Component		10th Oldest Request	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request
	Date of Receipt										
	Number of Days Pending										
AGENCY OVERALL	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2017-05-05	2016-05-17	2015-01-29
	Number of Days Pending	0	0	0	0	0	0	0	103	346	673

VIII. Requests for Expedited Processing and Requests for Fee Waiver

A. Requests for Expedited Processing

Agency / Component	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate	Number Adjudicated Within Ten Calendar Days
AGENCY OVERALL	0	0	16	16	0

B. Requests for Fee Waiver

Agency / Component	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate
AGENCY OVERALL	5	0	5	5

IX. FOIA Personnel and Costs

Agency / Component	PERSONNEL			COSTS		
	Number of "Full-Time FOIA Employees"	Number of "Equivalent Full-Time FOIA Employees"	Total Number of "Full-Time FOIA Staff"	Processing Costs	Litigation-Related Costs	Total Costs
NW	1	0.05	1.05	\$83,650.00	\$0.00	\$83,650.00
			0			\$0.00
AGENCY OVERALL	1	0.05	1.05	\$83,650.00	\$0.00	\$83,650.00

X. Fee Collected for Processing Requests

Agency / Component	Total Amount of Fees Collected	Percentage of Total Costs
NW	\$0.00	0.00%
AGENCY OVERALL	\$0.00	0.00%

XI. Number of Times Subsection (3) Used or Number of Subsection (A)(2) Postings

A. Number of Times Subsection (3) Used

Agency / Component	Number of Times Subsection (3) Used
NW	0
AGENCY OVERALL	0

B. Number of Subsection (A)(2) Postings

Agency / Component	Number of (a)(2) Records Posted by the FOIA Office	Number of (a)(2) Records Posted by Program Offices
NW	14	16
AGENCY OVERALL	14	16

XII. Backlogs, Consultations, and Comparisons

A. Backlogs of FOIA Requests and Administrative Appeals

Agency / Component	Number of Backlogged Requests as of End of Fiscal Year	Number of Backlogged Appeals as of End of Fiscal Year
NW	3	0
AGENCY OVERALL	3	0

B. Consultations on FOIA Requests – Received, Processed, and Pending Consultations

Agency / Component	Number of Consultations Received from Other Agencies that were <u>Pending</u> at the Agency as of <u>Start</u> of the Fiscal Year	Number of Consultations <u>Received</u> from Other Agencies During the Fiscal Year	Number of Consultations Received from Other Agencies that were <u>Processed</u> by the Agency During the Fiscal Year	Number of Consultations Received from Other Agencies that were <u>Pending</u> at the Agency as of <u>End</u> of the Fiscal Year
NW	0	1	1	0
AGENCY OVERALL	0	1	1	0

C. Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at Agency

Agency / Component		10th Oldest Consultation	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Consultation
	Date										
	Number of Days										
AGENCY OVERALL	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days	0	0	0	0	0	0	0	0	0	0

D. Comparisons of Requests

1. Comparison of Numbers of Requests from Previous and Current Annual Report – Requests Received and Processed

Agency / Component	NUMBER OF REQUESTS RECEIVED		NUMBER OF REQUESTS PROCESSED	
	Number Received During Fiscal Year from Last Year's Annual Report	Number Received During Fiscal Year from Current Annual Report	Number Processed During Fiscal Year from Last Year's Annual Report	Number Processed During Fiscal Year from Current Annual Report
NW	1	5	1	4
AGENCY OVERALL	1	5	1	4

2. Comparison of Backlogged Requests from Previous and Current Annual Report – Backlogged Requests

Agency / Component	Number of Backlogged Requests as of End of the Fiscal Year from Previous Annual Report	Number of Backlogged Requests as of End of the Fiscal Year from Current Annual Report
NW	2	3
AGENCY OVERALL	2	3

E. Comparisons of Administrative Appeals

1. Comparison of Numbers of Administrative Appeals from Previous and Current Annual Report – Appeals Received and Processed

Agency / Component	NUMBER OF APPEALS <u>RECEIVED</u>		NUMBER OF APPEALS <u>PROCESSED</u>	
	Number Received During Fiscal Year from Last Year's Annual Report	Number Received During Fiscal Year from Current Annual Report	Number Processed During Fiscal Year from Last Year's Annual Report	Number Processed During Fiscal Year from Current Annual Report
NW	0	1	0	1
AGENCY OVERALL	0	1	0	1

2. Comparison of Numbers of Administrative Appeals from Previous and Current Annual Report – Backlogged Appeals

Agency / Component	Number of Backlogged Appeals as of End of the Fiscal Year from Previous Annual Report	Number of Backlogged Appeals as of End of the Fiscal Year from Current Annual Report
NW	0	0
AGENCY OVERALL	0	0