

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

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PUBLIC CITIZEN,)	
1600 20th Street NW)	
Washington, DC 20009,)	
)	
Plaintiff,)	Civil Action No. 25-1177
)	
v.)	
)	
UNITED STATES DEPARTMENT OF)	
HOUSING AND URBAN)	
DEVELOPMENT,)	
451 7th Street SW)	
Washington, DC 20410,)	
)	
Defendant.)	
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COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

1. Plaintiff Public Citizen brings this action under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, to compel defendant United States Department of Housing and Urban Development (HUD) to produce records responsive to a FOIA request Public Citizen submitted regarding HUD’s use of non-governmental entities to conduct government communications.

JURISDICTION AND VENUE

2. This Court has jurisdiction under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331. Venue is proper under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391(e).

PARTIES

3. Plaintiff Public Citizen is a nonprofit organization. Public Citizen submitted the FOIA request at issue in this action.

4. Defendant HUD is an agency of the United States within the meaning of FOIA. 5 U.S.C. § 551(1). HUD has possession or control of the records responsive to Public Citizen's FOIA request.

BACKGROUND

5. On January 31, 2025, Public Citizen submitted a FOIA request to HUD for records relating to HUD's use of non-governmental entities to conduct government communications. Specifically, Public Citizen's FOIA request sought: "All email messages from an email ending in @hud.gov to an email address ending in @public.govdelivery.com, @govdelivery.com, or @granicus.com." The request is "limited to records that were created on or after January 20, 2025, through the date of processing of this FOIA request."

6. In its FOIA request, Public Citizen sought a full waiver of fees because disclosure of the requested records would be in the public interest and not for commercial use.

7. By email to Public Citizen on February 13, 2025, HUD acknowledged Public Citizen's FOIA request and assigned the request tracking number 25-FI-HQ-01640. The email also stated that HUD placed Public Citizen's FOIA request in its complex track.

8. On February 26, 2025, HUD emailed Public Citizen and stated that it "need[ed] clarification on [the] request," and requested "the name(s) of the individual(s) for the email ending in @hud.gov [Public Citizen is] seeking the requested information from."

9. On February 26, 2025, Public Citizen responded by email, explaining that Public Citizen's FOIA request reasonably described the records requested with sufficient specificity and, therefore, that HUD was required to conduct a search for records responsive to the request.

10. HUD acknowledged Public Citizen's response on February 26, 2025. HUD has not responded since, and it has not made a final determination or a final production of records in response to Public Citizen's FOIA request.

11. More than 20 business days have passed since Public Citizen submitted its FOIA request, and more than 20 business days have passed since Public Citizen responded to HUD's email.

CLAIM FOR RELIEF

12. Public Citizen has a right under FOIA, 5 U.S.C. § 552, to the records responsive to its FOIA request and to a public-interest fee waiver.

13. HUD's failure to disclose the requested records has no legal basis.

PRAYER FOR RELIEF

WHEREFORE, Public Citizen requests that this Court:

A. Declare that HUD's failure to provide the records responsive to Public Citizen's FOIA request is unlawful;

B. Order HUD to make the requested records available to Public Citizen at no cost and without delay;

C. Award Public Citizen its costs and reasonable attorneys' fees under 5 U.S.C. § 552(a)(4)(E); and

D. Grant such other relief as this Court may deem just and proper.

Dated: April 17, 2025

Respectfully submitted,

/s/ Zachary R. Shelley

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