



Office of the Chief
Records Officer for the
U.S. Government

Sent Via Email. No Hard Copy to Follow.

October 29, 2024

Thomas Jenkins
U.S. Department of Housing and Urban Development
Office of Administration
451 7th Street SW
Roo 6204
Washington DC. 20410

Dear Mr. Jenkins,

The National Archives and Records Administration (NARA) received your notification of a potential unauthorized disposition of U.S. Department of Housing and Urban Development (HUD) records. NARA acknowledges that HUD is currently investigating this matter and only has preliminary information at this time.

In accordance with 36 CFR 1230.16(b), NARA is requesting that HUD continue to investigate this allegation and provide a report within 30 calendar days of the date of this letter. The report must include the following information:

- A complete description of the records, including any associated NARA approved disposition authority number(s).
- The office maintaining these records
- A statement of the exact circumstances surrounding the destruction of records.
- Any actions taken to recover or reconstruct the records.
- A statement describing what safeguards will be established to prevent future unauthorized disposition of federal records.

Your attention to this matter is greatly appreciated. If you have any questions or wish to discuss this further, please contact the Records Management Oversight and Reporting Program by email at UnauthorizedDisposition@nara.gov.

Sincerely,

William Fischer

WILLIAM FISCHER
Chief Records Officer
for the U.S. Government (Acting)



Office of the Chief
Records Officer for the
U.S. Government

Sent Via Email. No Hard Copy to Follow.

December 18, 2024

Thomas Jenkins
U.S. Department of Housing and Urban Development
Office of Administration
451 7th Street SW
Room 6204
Washington DC. 20410

Dear Mr. Jenkins,

The National Archives and Records Administration (NARA) received the U.S. Department of Housing and Urban Development's (HUD) report dated November 22, 2024, regarding the unauthorized disposition of 250 cubic feet of records that “document actions and activities of OGCFH [Office of General Counsel (OGC), Office of Fair Housing (OGCFH)] attorneys responsible for providing legal counsel on the application of the Fair Housing Act, Section 504 of the Rehabilitation Act, and dozens of other fair housing and civil rights statutes, regulations, and programmatic requirements.” The inclusive dates of the records are unknown, however upon an OGCFH assessment the records generally date from 1980 - 2020.

The report indicates that prior to July 2024, the OGCFH moved 250 cubic feet of boxes containing OGCFH’s records to a different office space due to construction so that the records could be protected, inventoried, scanned and transferred to an agency digital repository in accordance with NARA guidelines.

On September 27, 2024, the Office of the Chief Administrative Officer (OCAO) internally requested to transfer the 250 cubic feet of boxes to an onsite vendor for shredding. OCAO’s records management (RM) staff identified these records as Official Litigation Case Files that could be destroyed under GRS 4.5, item 010. However, OGCFH were not consulted in this decision and OCAO did not properly authorize the destruction of these records.

On October 7, 2024, OGC personnel reported the disappearance of the 250 boxes from their office space to the Agency Records Officer (ARO). The Senior Agency Official for Records

Management (SAORM) and ARO investigated and determined that the records had been destroyed (shredded) on October 1, 2024 due to the following:

- Improper interpretation of a records schedule.
- HUD inventory forms are not properly maintained.
- Established inventory procedures and consulting with the program office or records liaisons before implementing the disposition of records were not followed.
- Not consulting with the ARO before disposing of high priority records within the agency.

The OCAO determined that the records could not be salvaged because they were shredded. Efforts to salvage or reconstruct the records were made but OGC estimates that staff could only recover about 0.1 percent of the destroyed records. NARA acknowledges that HUD cannot salvage the shredded records and that only 0.1 percent of the records could be recovered and that HUD has instituted new controls to prevent future loss of records.

Based on the information provided, HUD has satisfied all reporting requirements of 36 CFR 1230.14 and NARA considers this matter closed. If you have any questions or wish to discuss this further, please contact the Records Management Oversight and Reporting Program by email at UnauthorizedDisposition@nara.gov.

Sincerely,

A handwritten signature in black ink that reads "William Fischer". The signature is written in a cursive, slightly slanted style.

WILLIAM FISCHER
Chief Records Officer
for the U.S. Government (Acting)