



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 10, 1998

Mr. Douglas A. Poneck
Escamilla & Poneck, Inc.
1200 South Texas Building
603 Navarro Street
San Antonio, Texas 78205-1826

OR98-2143

Dear Mr. Poneck:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 117908.

The San Antonio Housing Authority (the "housing authority"), which you represent, received a request for "[a]ll appraisals or estimates of value of the Victoria Courts real estate regardless of source of preparation for the period of January 1, 1990 through June 10, 1998."¹ You contend that the documents responsive to this request are excepted from disclosure under sections 552.104 and 552.105 of the Government Code. We have considered the exceptions you claim and have reviewed the documents at issue.

Section 552.105 excepts from disclosure information relating to:

- (1) the location of real or personal property for a public purpose prior to public announcement of the project; or
- (2) appraisals or purchase price of real or personal property for a public purpose prior to the formal award of contracts for the property.

Section 552.105 was designed to protect a governmental body's planning and negotiating position with respect to particular transactions. Open Records Decision No. 564 at 2 (1990). This exception protects information relating to the location, appraisals, and purchase price of property only until the transaction is either completed or aborted. Open Records Decision Nos. 357 at 3 (1982), 310 at 2 (1982).

¹The requestor is also seeking 26 other categories of information. To the extent this other information exists, we assume that you have already released it to the requestor.

You explain that the housing authority “is presently applying with the U.S. Department of Housing and Urban Development to obtain permission to dispose of Victoria Courts through competitive sale.” You state that the disclosure of the requested appraisal would undermine the housing authority’s efforts to dispose of the property for the highest value. Under these circumstances, we find that the housing authority may withhold the submitted documents from disclosure under section 552.105.

Because we are able to resolve this matter under section 552.105, we do not address your section 552.104 argument. We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/mjc

Ref: ID# 117908

Enclosures: Submitted documents

cc: Mr. Eddie Villanueva
Victoria Residents Association
P.O. Box 14373
San Antonio, Texas 78214
(w/o enclosures)