



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

October 7, 2014

Mr. Michael Bostic  
Ms. Heather Silver  
Assistant City Attorneys  
Office of the City Attorney  
1500 Marilla Street, Room 7DN  
Dallas, Texas 75201

OR2014-17862

Dear Mr. Bostic and Ms. Silver:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 538517.

The City of Dallas (the "city") received two requests from different requestors for a specified Department of Housing and Urban Development ("HUD") voluntary compliance agreement. The second requestor also requested every e-mail, memorandum, or letter from HUD during a specified time period. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted representative sample of information.<sup>1</sup> We have also received and considered comments submitted by HUD. *See Gov't Code* § 552.304 (providing that interested party may submit written comments regarding why information should or should not be released).

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." *Id.* § 552.101. Section 552.101 encompasses information protected by federal and state law.

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<sup>1</sup>We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

You assert the submitted information is confidential under section 103.330 of title 24 of the Code of Federal Regulations, section 3610 of title 42 of the United States Code, and section 301.085 of the Property Code. *See* 24 C.F.R. § 103.330; *see also* 42 U.S.C. § 3610(b); Prop. Code § 301.085. Part 103 applies to complaints alleging discriminatory housing practices because of race, color, religion, sex or national origin, and complaints alleging discriminatory housing practices on account of handicap or familial status occurring on or after March 12, 1989. 24 C.F.R. § 103.1(b). Upon the filing of a complaint, both federal and state law mirror each other in language and encourage conciliation to the extent feasible. Section 103.330 provides the following:

(a) Except as provided in paragraph (b) of this section and § 103.230(c), nothing that is said or done in the course of conciliation under this part may be made public or used as evidence in a subsequent administrative hearing under Part 180 or in civil actions under Title VIII of the Fair Housing Act, without the written consent of the persons concerned.

*Id.* § 103.330(a); *see id.* § 103.9 (defining conciliation for purposes of part 103). Section 3610 of title 42 of the United States Code provides, in pertinent part:

(d) Prohibitions and requirements with respect to disclosure of information

(1) Nothing said or done in the course of conciliation under this subchapter may be made public or used as evidence in a subsequent proceeding under this subchapter without the written consent of the persons concerned.

42 U.S.C. § 3610(d)(1). Section 301.085 of the Property Code provides, in pertinent part:

(e) Statements made or actions taken in the conciliation may not be made public or used as evidence in a subsequent proceeding under this chapter without the written consent of the persons concerned.

Prop. Code § 301.085(e). You indicate the information at issue consists of statements made or actions taken in the course of conciliation in relation to a fair housing complaint. You state neither you nor HUD has consented to the release of the information at issue. Accordingly, we find the city must withhold the submitted information under section 552.101 of the Government Code in conjunction with federal law and section 301.085 of the Property Code.<sup>2</sup>

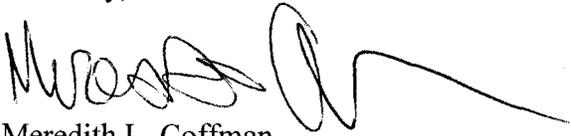
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<sup>2</sup>As our ruling is dispositive, we need not address HUD's arguments against disclosure of this information.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at [http://www.texasattorneygeneral.gov/open/orl\\_ruling\\_info.shtml](http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml), or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,

A handwritten signature in black ink, appearing to read 'Meredith L. Coffman', with a long, sweeping horizontal line extending to the right.

Meredith L. Coffman  
Assistant Attorney General  
Open Records Division

MLC/dls

Ref: ID# 538517

Enc. Submitted documents

c: 2 Requestors  
(w/o enclosures)