



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

***Sent Via Email. No Hard Copy to Follow.***

June 23, 2025

Marcus Smallwood  
Agency Records Officer  
U.S. Department of Housing and Urban Development  
Office of Administration  
451 7th Street SW, Room 6204  
Washington DC. 20410

Dear Mr. Smallwood,

The National Archives and Records Administration (NARA) received the U.S. Department of Housing and Urban Development's (HUD) report dated May 20, 2025, in response to the allegation from the President of the AFGE National Council 222 which alleged that 432,000 pages or 200 boxes of permanent and temporary records belonging to HUD's Office of General Counsel (OGC), Office of Fair Housing (OFH) were improperly disposed of according to a whistleblower's first-hand account.

HUD investigated and determined that this allegation was previously reported to NARA on October 17, 2024, unauthorized disposition case UD-2025-0004. However, HUD conducted a second investigation and provided a new report on May 20, 2025.

This new report affirmed that 250 boxes of records from OGCFH relating to the duties and work of OGCFH lawyers who offer legal guidance on how to apply the Fair Housing Act, Section 504 of the Rehabilitation Act, and numerous other fair housing and civil rights laws, rules, and program standards with dates ranging from 1980-2020 were relocated to accommodate construction in the Weaver Building and then inadvertently shredded. The boxes were shredded by a third-party vendor on October 1, 2024 because they were inaccurately added to a different collection of records that had been assessed, inventoried, and identified as eligible for destruction under GRS 4.5, item 010 (Digitizing Source Records DAA-GRS-2022-0010-0001).

NARA acknowledges that HUD's Office of the Chief Administrative Officer (OCAO) concluded the materials were beyond recovery due to shredding. However, the report noted that much of the collection contained inactive records with case closure stamps from the 1980s, and duplicates of

records that can be found on the Federal Register (Legal Opinions NC1-207-79-11 Item 10A) or available from the Office of Management and Budget, Significant Legal Opinions NC1-207-79-1.

To prevent future losses of this kind HUD has restarted its annual planning process to ensure proper records management compliance, including internal auditing and risk assessment. Additionally, HUD has enhanced RM training focused on proper handling and disposal of records and non-records and resumed using required destruction forms (HUD 1067 series) and now maintains logs of all document destruction, including certificates from external shredding companies.

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](mailto:UnauthorizedDisposition@nara.gov).

Sincerely,

A handwritten signature in black ink that reads "William Fischer". The script is cursive and fluid, with the first name and last name clearly distinguishable.

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