



Loudoun County Draft FOIA Proposals September 18, 2019

1) Modernize Library Public Record Exclusion

Amend Virginia Code §2.2-3705.7 (3) to state:

3. Information contained in library records that can be used to identify (i) both (a) any library patron who has borrowed *or accessed* material *or resources* from a library and (b) the material *or resources* such patron borrowed *or accessed* or (ii) any library patron under 18 years of age. For the purposes of clause (ii), access shall not be denied to the parent, including a noncustodial parent, or guardian of such library patron.

2) Add FOIA Exclusion for Affordable Housing Loan Application to §2.2-3705.1

“§2.2-3705.1 Exclusions to application of chapter; exclusions of general application to public bodies

The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law.

...

14. Financial records relating to the negotiation of a specific loan application submitted to a locality for the preservation or construction of affordable housing multifamily rental units that is related to a competitive application to be submitted to either the United States Department of Housing and Urban Development (HUD) or the Virginia Housing Development Authority (VHDA), where competition or bargaining is involved, and where the release of such records would adversely affect the bargaining position or negotiation strategy of the locality. Such records shall not be withheld after the locality has made a decision on whether or not to approve the affordable housing loan application, or such records have been made public by either HUD or VHDA, whichever is later.”