

Commonwealth of Massachusetts EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES

Maura T. Healey, Governor ♦ Kimberley Driscoll, Lieutenant Governor ♦ Edward M. Augustus, Jr., Secretary

August 19, 2025

By Email

John Mostyn

mostynjohn@gmail.com

Re: SPR25/2022, Public Records Request Dated May 23, 2025

Dear Mr. Mostyn:

This correspondence is in regard to your appeal of the Executive Office of Housing and Livable Communities' (EOHLC) response to your public records of May 23, 2025. (Attached).

You requested the following records:

Pursuant to the Massachusetts Public Records Law (M.G.L. c. 66, §10), I am requesting access to and copies of all records in the custody of the Executive Office of Housing and Livable Communities (EOHLC) concerning the selection of 5 Redlands Road, West Roxbury, MA, as a site for a homeless shelter. Specifically, I am seeking:

- 1. Internal communications (including emails, memos, meeting notes) between EOHLC staff, contractors, and other agencies regarding the evaluation and selection of 5 Redlands Road, West Roxbury.*
- 2. Documents related to the assessment of the property's suitability for use as a shelter.*
- 3. Records of communications with the City of Boston, local officials, or community stakeholders about the proposed shelter at this location.*
- 4. Any funding documents associated with the acquisition, renovation, or operation of the shelter at 5 Redlands Road.*

On June 9, 2025, EOHLC responded and explained that, due to the Deliberative Process Exemption, the records were being withheld. G. L. c. 4, § 7(26)(d). Colleen Casey, the Chief of Staff for the Division of Housing Stabilization, called and spoke with you as well. She explained that EOHLC is not the entity signing the lease for 5 Redlands Road, West Roxbury. Rather an Emergency Assistance (EA) Family Shelter Program service provider, Making Opportunity Count, Inc. (MOC), would be entering into the contract should it move forward. Further, Ms. Casey told you that nothing had been finalized and the project was still under deliberation. She advised you to call Making Opportunities Count for further information.

On July 10, 2025, you appealed EOHLC's response to the Supervisor of Public Records. On July 28, 2025, the Supervisor of Public Records acknowledged your appeal. On August 5, 2025, the Supervisor of Public Records issued a determination, SPR 25/2022, directing EOHLC to provide a further response to you containing more specificity regarding the records located and how they fit under the Deliberative Process Exemption.

As a general response, EOHLC reiterates what staff has previously shared with you - that the site at 5 Redlands Road, West Roxbury, MA is one that EOHLC has expressed commitment to, but has not been formally contracted for, and is still in development. There will be no lease between EOHLC and the property owner. The lease, if one is signed, will be between MOC and the property owner, and will not be in EOHLC's possession.

Internal and external communications, in the form of emails and their attachments, regarding the evaluation and selection of the site as well as the site assessment and floor plans¹ are being withheld under the Deliberative Process Exemption. The Deliberative Process Exemption is intended to avoid release of materials that could taint the deliberative process if prematurely disclosed.² This is precisely why EOHLC is withholding these records until the development of the site, and the contracting process, are complete as the records contain information relating to policy positions under development by EOHLC. G. L. c. 4, § 7(26)(d). The responsive records possess a deliberative or policymaking character and are therefore exempt from mandatory disclosure. Once the development and contracting are completed, the records may be released subject to other applicable state public record law. As to your final request for “funding documents,” EOHLC has no records responsive to your request.

Regards,

/s/Adrian Walleigh
Adrian Walleigh
Counsel and Records Access Officer
Executive Office of Housing and Livable Communities

CC: Supervisor of Records, pre@sec.state.ma.us

¹ EOHLC also asserts the Public Safety Exemption as to the withholding of the floor plans for the site. G.L. c. 4, § 7(26)(n). The Public Safety Exemption allows for the withholding of certain records which, if released, will likely “jeopardize public safety.” As such, floor plans of the site, though still under deliberation, would also be subject to the Public Safety Exemption.

² Babets v. Sec’y of the Exec. Office of Human Servs., 403 Mass. 230, 237 n.8 (1988); *see* Boston Globe Media Partners, LLC v. Dep’t of Public Health, Suffolk Sup. No. 19-02387 (October 21, 2019) (finding that data files do not fall within Exemption (d), in part, because they are not part of inter-agency or intra-agency memoranda or letters).

July 10, 2025

Supervisor of Records
Office of the Secretary of the Commonwealth
McCormack Building, Room 1719
One Ashburton Place
Boston, MA 02108

Re: Appeal of Response to Public Records Request by
Executive Office of Housing and Livable Communities

Dear Sir or Madam,

On May 23, 2025, I submitted a public records request to the Executive Office of Housing and Livable Communities ("EOHLC"). A copy of my May 23, 2025, request is attached as Exhibit 1. Specifically, I requested copies of the following records:

[C]opies of all records in the custody of the Executive Office of Housing and Livable Communities (EOHLC) concerning the selection of 5 Redlands Road, West Roxbury, MA, as a site for a homeless shelter.

Specifically, I am seeking:

Internal communications (including emails, memos, meeting notes) between EOHLC staff, contractors, and other agencies regarding the evaluation and selection of 5 Redlands Road, West Roxbury.

Documents related to the assessment of the property's suitability for use as a shelter.

Records of communications with the City of Boston, local officials, or community stakeholders about the proposed shelter at this location.

Any funding documents associated with the acquisition, renovation, or operation of the shelter at 5 Redlands Road.

EOHLC responded to my request by letter dated June 9, 2025, a copy of which is attached as Exhibit 2. In its response, EOHLC stated:

EOHLC has located records in its possession which are responsive to your request. Please be advised EOHLC is withholding the records in their entirety from your request pursuant to M.G.L. c. 4, § 7, cl. 26(d), which exempts records from the Public Records law "inter-agency or intra-agency memoranda or letters relating to policy

positions being developed by the agency; but this subclause shall not apply to reasonably completed factual studies or reports on which the development of such policy positions has been or may be based.” The responsive records are communications concerning decisions related to the development of policy. Because the subject of the communications identified in your request is still in deliberation and does not contain factual matters, EOHLC is withhold [sic] the document in its entirety. G. L. c. 4, § 7(26)(d).

I am appealing EOHLC’s response for the following reasons:

1. The response does not identify which categories of records requested are or are not within its possession, custody or control. G.L. c.66, §10(b)(ii); 950 CMR 32.06(3)(c)(2). Rather, it simply states it has located documents responsive to my request.
2. The response does not identify whether any of the records sought are in the possession, custody or control of any other agency. G.L. c.66, §10(b)(iii); 950 CMR 32.06(3)(c)(3).
3. The response does not “identify any records [or] categories of records” being withheld, nor does it “provide the specific reasons for such withholding.” G.L. c.66, §10(b)(iv); 950 CMR 32.06(3)(c)(4). Instead, the response simply states that “*EOHLC is withholding the records in their entirety from your request pursuant to M.G.L. c. 4, § 7, cl. 26(d).*” Although the response goes on to describe the records as “*communications concerning decisions related to the development of policy,*” no information is provided with respect to the parties to such communications, how many records are being withheld, the dates of such records or any other information to support assertion that the exemption asserted is applicable. In sum, EOHLC “cites the exemptions and statutes without providing specific explanations as to their applicability to the responsive records.” SPR22/1696. As stated in SPR22/2839:

A records custodian is required to not only cite an exemption, but to specifically explain the applicability of the exemption to the requested records. Further, to deny access to a record under the Public Records Law, a records access officer must identify the record, categories of records, or portions of the record it intends to withhold. G. L. c. 66, § 10(b)(iv); 950 C.M.R. 32.06(3)(c)(4). Any non-exempt, segregable portion of a public record is subject to mandatory disclosure. G. L. c. 66, § 10(a).

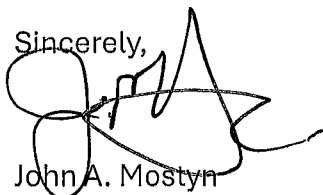
Moreover, “[i]t should also be reiterated that any information contained in these records that is factual in nature is always subject to disclosure as Exemption (d) does not apply to such information.” SPR18/533. EOHLC’s response does not explain how it determined that there is no factual information in the withheld documents.

4. Finally, EOHLC’s claim that the responsive records relate to ongoing policy development is simply implausible and is belied by the fact that the decision to locate a shelter at 5 Redlands Road appears to have been made long prior to my records request, and construction has already commenced to convert the property to that use.¹ Indeed, the facility is “slated to open” this month—a fact confirmed by EOHLC’s Undersecretary Christopher Thompson at a public meeting on May 20, 2025. See OPINION - An uproar over a homeless shelter in West Roxbury, Boston Globe, May 23, 2025; 5 Redlands Shelter Details, West Roxbury – Roslindale Bulletin, May 29, 2025.

For all of the reasons set forth above, I respectfully request that EOHLC be ordered to provide me with all records responsive to my request.

Thank you for your consideration. Please do not hesitate to contact me with any questions.

Sincerely,



John A. Mostyn

59 Redland Road

West Roxbury, MA 02132

Email: mostynjohn@gmail.com

Tel: 617-347-6679

¹ An electrical permit was issued on April 11, 2025, for work at the property described as follows: “**Vacant nursing home being renovated to lease to shelter organization. New elevator feed and rehab. Replace miscellaneous receptacles. Replace miscellaneous lighting fixtures. Remodel 10 bathrooms. Miscellaneous electrical repairs.**”

EXHIBIT 1



John Mostyn <mostynjohn@gmail.com>

Mostyn EOHLC Public Records Requests

1 message

EOHLCPublicRecordsRequest (OCD) <EOHLCPublicRecordsRequest@mass.gov>

Fri, May 23, 2025 at 1:17 PM

To: "mostynjohn@gmail.com" <mostynjohn@gmail.com>

Cc: "Walleigh, Adrian (EOHLC)" <adrian.walleigh@mass.gov>

EOHLC has received your public record request and will begin the search for responsive records. Thank you.

Christine Rice

Paralegal Specialist

Executive Office of Housing & Livable Communities

100 Cambridge Street, Suite 300

Boston, MA 02114

From: noreply@formstack.com <noreply@formstack.com>

Sent: Friday, May 23, 2025 11:27 AM

To: EOHLCPublicRecordsRequest (OCD) <EOHLCPublicRecordsRequest@mass.gov>

Subject: EOHLC Public Records Requests



Formstack Submission For: EOHLC Public Records Requests

Submitted at 05/23/25 11:26 AM

Name: JOHN MOSTYN

**Organization of
Company (if
applicable):**

Email: mostynjohn@gmail.com

Phone: 6173476679

Address: 59 Redlands Road
Unit 2
West Roxbury, MA 02132

**Date Range of Request
(ie. January 3, 2023 to
September 30, 2024):** January 1, 2025 to May 23, 2025

Subject: Public Records Request – 5 Redlands Road West Roxbury Shelter Site Selection

Dear Records Access Officer,

Pursuant to the Massachusetts Public Records Law (M.G.L. c. 66, §10), I am requesting access to and copies of all records in the custody of the Executive Office of Housing and Livable Communities (EOHLC) concerning the selection of 5 Redlands Road, West Roxbury, MA, as a site for a homeless shelter.

Specifically, I am seeking:

Summary of Request:

Internal communications (including emails, memos, meeting notes) between EOHLC staff, contractors, and other agencies regarding the evaluation and selection of 5 Redlands Road, West Roxbury.

Documents related to the assessment of the property's suitability for use as a shelter.

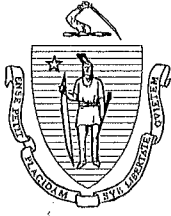
Records of communications with the City of Boston, local officials, or community stakeholders about the proposed shelter at this location.

Any funding documents associated with the acquisition, renovation, or operation of the shelter at 5 Redlands Road.

If possible, please provide these records in electronic format. If there are any fees for searching or copying these records, please inform me before processing the request.

Thank you for your assistance.

EXHIBIT 2



Commonwealth of Massachusetts
**EXECUTIVE OFFICE OF HOUSING &
LIVABLE COMMUNITIES**

Maura T. Healey, Governor ♦ Kimberley Driscoll, Lieutenant Governor ♦ Edward M. Augustus, Jr., Secretary

June 9, 2025

By Email

John Mostyn
mostynjohn@gmail.com

Re: Public Records Request Dated May 23, 2025

Dear John Mostyn:

This correspondence is in response to your revised public record request made to the Executive Office of Housing and Livable Communities (EOHLC) on May 23, 2025. You requested the following records:

Pursuant to the Massachusetts Public Records Law (M.G.L. c. 66, §10), I am requesting access to and copies of all records in the custody of the Executive Office of Housing and Livable Communities (EOHLC) concerning the selection of 5 Redlands Road, West Roxbury, MA, as a site for a homeless shelter.

Specifically, I am seeking:

Internal communications (including emails, memos, meeting notes) between EOHLC staff, contractors, and other agencies regarding the evaluation and selection of 5 Redlands Road, West Roxbury.

Documents related to the assessment of the property's suitability for use as a shelter.

Records of communications with the City of Boston, local officials, or community stakeholders about the proposed shelter at this location.

Any funding documents associated with the acquisition, renovation, or operation of the shelter at 5 Redlands Road.

EOHLC has located records in its possession which are responsive to your request. Please be advised EOHLC is withholding the records in their entirety from your request pursuant to M.G.L. c. 4, § 7, cl. 26(d), which exempts records from the Public Records law "inter-agency or intra-agency memoranda or letters relating to policy positions being developed by the agency; but this subclause shall not apply to reasonably completed factual studies or reports on which the development of such policy positions has been or may be based." The responsive records are communications concerning decisions related to the development of policy. Because the subject of the communications identified in your request is still in deliberation and does not contain factual matters, EOHLC is withhold the document in its entirety. G. L. c. 4, § 7(26)(d).

* * * * *

EOHLC now considers your public record request closed. If you wish to challenge any aspect of this response, you may appeal to the Supervisor of Public Records following the procedure set forth in 950 C.M.R. 32.08, a copy of which is available at <http://www.mass.gov/courts/case-legal-res/law-lib/laws-by-source/cmr/>. You may also file a civil action in accordance with G.L. c. 66, § 10A.

Regards,

/s/Adrian Walleigh

Adrian Walleigh

Counsel and Records Access Officer

Executive Office of Housing and Livable Communities