



419 Cherry St. Lansing, MI 48933 Telephone: (517) 487-6550 Fax: (517) 487-6977

Lansing Housing Commission Michigan Freedom of Information Act Procedures and Guidelines

The Lansing Housing Commission (“LHC”) is a public body required by law to provide public records to persons (except those persons incarcerated in state or local correctional facilities) requesting public records unless those records are exempt from public disclosure by the Freedom of Information Act (“FOIA”) or some other statute.

The policy below is intended to ensure uniformity of practice and procedures in the release of public records and in the fees charged for the cost of processing a request for public records.

1. How do I submit a FIOA request to Lansing Housing Commission?

FOIA requests to LHC can be sent by email, facsimile, or mail to:

Lansing Housing Commission
Attn: Kim Shirey
FOIA Coordinator
419 Cherry St.
Lansing, MI 48933

Fax: 517-487-6977

Email: kims@lanshc.org

Requests shall include the requesting person’s complete name, address and contact information, and if the request is made by a person other than an individual, the complete name, address and contact information of the person’s agent who is an individual.

Contact information must include a valid telephone number or email address. Requests must sufficiently describe the public record so as to enable LHC to identify and locate the requested record.

No specific form to submit a FOIA Request is required by LHC.

To ensure a prompt response, faxed requests should contain the term "FOIA" or "FOIA Request" on the cover page. Email requests should contain the term "FOIA" or "FOIA Request" in the subject line.

All request should be made to the attention of FOIA Coordinator Kim Shirey.

2. What kind of response can I expected to receive from my request?

Within 5 business days after receiving the FOIA request LHC will issue a response. A request received by fax or email is deemed to have been received on the following business day. A request submitted via mail is deemed to have been received the day LHC receives the request via mail.

LHC will respond to the request in one of the following ways:

- (A) Granting the request;
- (B) Denying the request;
- (C) Granting the request in part and issuing a written notice denying the request in part;
- (D) Issuing a notice extending the time to respond for not more than 10 additional business days.

If the request is granted, or granted in part, LHC will request payment be made for allowable fees associated with responding to the FOIA request before the public records are made available. Additional information regarding allowable fees can be found below.

If the cost of processing the FOIA request is expected to exceed \$50, or if you have not paid for a previously granted request, LHC will require a deposit before processing the request. Additional information regarding deposit requirements can be found below.

3. What are the deposit requirements?

If the cost of processing the request is expected to exceed \$50.00, or if you have not paid for a previously granted request, the LHC will require a deposit be made before your request is processed.

Processing Fees in Excess of \$50.00

If LHC finds in good faith that the total fee for processing the request will exceed \$50.00, then LHC will require a deposit in the amount of no more than 50% of the

total estimated fee. Any written notice containing a request for deposit shall also include a non-binding best efforts estimate of the time required to provide the public records requested. The estimation is not binding on LHC but shall be made in good faith. The estimation will reflect how long it will take to process the request after you have paid your deposit.

Previous Unpaid Requests

If LHC receives a request from an individual who has not paid LHC for a previously granted written request, then LHC will require a deposit of 100% of the estimated processing fee before it begins to search for the requested records. A 100% deposit will be required when **all** of the following conditions exist:

- (A) The final fee for the previous request was not more than 105% of the estimated fee;
- (B) The public records made available contained the information being sought in the prior request and are still in LHC's possession;
- (C) The public records were timely made available to the individual, subject to payment, within the best effort time frame estimated by LHC;
- (D) 90 days have passed since the LHC notified the individual in writing that the public records were available;
- (E) The individual is unable to show proof of prior payment to LHC; AND
- (F) LHC calculated a detailed itemization of the estimated fee deposit for the current written request's increased fee deposit.

LHC will **not** require a 100% estimated fee deposit if **any** of the following conditions apply:

- (A) The individual making the request is able to show proof of prior payment in full to LHC;
- (B) LHC is subsequently paid in full for the prior unpaid request; OR
- (C) 365 days have passed since the individual made the request for which full payment was not received by the Lansing Housing Commission.

4. What fees can I expect to pay for a record request?

The Michigan FOIA statute permits LHC to charge the following costs when processing a FOIA Request:

- (A) The costs of labor for the search, location, and examination of the public records. Additional information regarding labor costs can be found below;
- (B) The costs of labor for the review of public records, and separation and deletion of exempt from nonexempt material;
- (C) The cost of non-paper physical media, including the cost of computer discs, computer tapes or other digital or similar media if the LHC has the technological capability necessary to provide the public record in a non-paper physical media format;
- (D) The cost of duplication and copying of the public records, including making paper copies, making digital copies, or transferring digital public records to non-paper physical media or through the internet. LHC must use the most economical method for making copies of public records, including using double-sided printing, if cost-saving and available;
- (E) The cost of labor for the duplication, copying, or the publication of public records;
- (F) The actual cost of mailing or sending the public records to the requester.

Labor Costs

All labor costs will be estimated and charged in 15-minute increments, with all partial time increments rounded down.

LHC will charge labor costs at the hourly wage rate of LHC's lowest-paid employee capable of doing the work in the specific fee category, regardless capable of searching for, locating, and examining the public records in the particular FOIA Request, regardless of whether that person is available or who actually performs the labor.

Labor costs will also include a charge to cover or partially cover the cost of fringe benefits. LHC may add up to 50% to the applicable labor charge amount to cover or partially cover the cost of fringe benefits, but in no case may it exceed the actual cost of fringe benefits.

Overtime wages will not be included in the labor costs unless agreed to by the requester.

Contractor labor costs will be charged at 6 times the state minimum hourly wage rate as determined under section 4 of the improved workforce opportunity wage act, 2018 PA 337, MCL 408.934, in the event LHC does not employ a person capable of separating and deleting exempt information from nonexempt information.

LHC will not charge costs of search, examination, review, and the deletion and separation of exempt from nonexempt information as provided in MCL 15.244, unless failure to charge a fee would result in unreasonably high costs to LHC because of the nature of the request in the particular instance, and LHC specifically identifies the nature of these unreasonably high costs.

Paper Copy Costs

LHC will not charge more than \$0.10 per sheet of paper copy for copies of public records made on an 8-1/2 by 11 inch paper. This charge does not include the labor to make the copies.

The cost of paper copies will be calculated as a total cost per sheet of paper and will be itemized and noted in a manner that expresses both the cost per sheet and the number of sheets of paper provided.

Non-Paper Physical Media Costs

For any public record provided on any form of non-paper physical media, such as CD, thumb drive or digital or similar media, the actual and most reasonably economic cost for the non-paper media will be charged, in addition to labor costs. Said cost will only be charged if LHC has the technological capabilities to provide the records and LHC and the requestor have stipulated to the documents being provided in this manner.

Mailing Costs

LHC will charge the actual cost of mailing, if any, for sending the public records in a reasonably economical and justifiable manner. LHC will not charge more for expedited shipping or insurance unless stipulated by the requestor, but LHC may otherwise charge for the least expensive form of postal delivery confirmation when mailing public records.

5. Can I request a fee waiver?

The Michigan FOIA statute provides that processing fees may be waived in certain circumstances. A request for a fee waiver should be sent with your FOIA request and directed to the attention of FOIA coordinator Kim Shirey. A request for a fee waiver can be made in the following circumstances:

Public Interest

The cost of the FOIA request may be waived or reduced if in the sole judgment of the FOIA Coordinator a waiver or reduced fee is in the public interest because it can be considered as primarily benefiting the general public.

Indigence Discount

The Michigan FOIA statute provides that an individual may qualify for an indigence discount. LHC will discount the first \$20.00 of fees for a request if you submit an affidavit, sworn statement, stating that you are:

- (A) Indigent and receiving public assistance; or
- (B) If not receiving public assistance, stating facts demonstrating an inability to pay because of indigence.

An individual is **not** eligible to receive the \$20.00 discount if:

- (A) The individual has previously received discounted copies of public records from LHC twice during a calendar year; or
- (B) The individual is requesting information on behalf of other persons who are offering or providing payment to the individual to make the request.

Nonprofit Organizations

A nonprofit organization formally designated by the state to carry out activities under subtitle C of the developmental disabilities assistance and bill of rights act of 2000, Public Law, 106-402, and the protection and advocacy for individuals with mental illness act, Public Law 99-319, or their successors, may receive the \$20.00 discount if the request meets **all** of the following requirements:

- (A) Is made directly on behalf of the organization or its clients;
- (B) Is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the mental health code, 1974 PA 258, MCL 330.1931;
AND
- (C) Is accompanied by documentation of its designation by the state, if requested by the public body.

6. How do I appeal a FOIA request decision or excessive fee?

If the Lansing Housing Commission charges what you believe to be an excessive fee or denies all or part of a request, you may submit a written appeal to LHC's Executive Director. The written appeal must specifically state the word "APPEAL" and identify the basis for which the fee should be reduced or the basis for which the disclosure determination should be reversed. Written appeals may be sent via email to:

kims@lanshc.org

or via mailing to:
Lansing Housing Commission
Attn: Executive Director
419 Cherry St.
Lansing, MI 48933

Appeal of Denial of a Public Record

Within 10 business days after receiving a written appeal, LHC's Executive Director will respond in writing by:

- (A) Reversing the disclosure denial;
- (B) Upholding the disclosure denial; or
- (C) Reverse the disclosure denial in part and uphold the disclosure denial in part.

Whether or not you submitted an appeal of a denial to LHC's Executive Director, you may file a civil action in the County Circuit Court within 180 days after LHC's final determination to deny your request. If you prevail in the civil action the court will award you reasonable attorneys' fees, costs and disbursements. If the court determines that the LHC acted arbitrarily and capriciously in refusing to disclose or provide a public record, the court shall award you damages in the amount of \$1,000.

Appeal of an FOIA Processing Fee/Cost

Within 10 business days after receiving a written appeal, LHC's Executive Director will respond in writing by:

- (A) Waiving the fee;
- (B) Reducing the fee and issuing a written determination indicating the specific basis that supports the remaining fee;
- (C) Upholding the fee and issuing a written determination indicating the specific basis that supports the required fee; or
- (D) Issuing a notice detailing the reason or reasons for extending for not more than 10 business days the period during which LHC's Executive Director will respond to the written appeal.

Within 45 days after receiving notice of the determination of the processing fee appeal, you may commence a civil action in the County Circuit Court for a fee reduction. If you prevail in the civil action by receiving a reduction of 50% or more of the total fee, the court may award all or appropriate amount of reasonable attorneys' fees, costs and disbursements. If the court determines that LHC acted arbitrarily and capriciously by charging an excessive fee, court may also award you punitive damages in the amount of \$500.

LHC's Standard Form Detailing itemization of any fee amount in response to a FOIA Request beings on the following page.



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**Lansing Housing Commission
Michigan Freedom of Information Act Request
Detailed Itemization**

A. Labor Costs

Costs for searching for, locating and examining of public records pertaining to a granted written FOIA Request.

The hourly wage rate of LHC's lowest-paid employee capable of doing the work in the specific fee category, regardless capable of searching for, locating, and examining the public records in the particular FOIA Request, regardless of whether that person is available or who actually performs the labor.	Hourly Wage \$ _____
☐ Labor costs include a charge to cover or partially cover the cost of fringe benefits. LHC may add up to 50% to the applicable labor charge amount to cover or partially cover the cost of fringe benefits, but in no case may it exceed the actual cost of fringe benefits. 50% hourly wage x multiplier =	Hourly Wage \$ _____
Determination of total labor time using increments of 15 minutes with partial time rounded down. 15 min = .25; 30 min = .50; 45 min = .75 and 1 hour = 1.	Total Time _____
Total Labor	\$ _____

B. For Contractor Labor

The hourly wage of the contracted labor (not to exceed 6 times the State of Michigan minimum hourly wage):

☐ LHC has determined that it does not employ a person capable of deleting exempt information from non-exempt information. The hourly wage contracted for this is	Hourly Wage \$ _____
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Determination of total labor time using increments of 15 minutes with partial time rounded down. 15 min = .25; 30 min = .50; 45 min = .75 and 1 hour = 1.	Total Time _____
Total Labor	\$ _____

C. Labor Costs Not Charged

Cost Not Charged for Separating Exempt Information from Non-Exempt Including Redaction of Documents

The hourly wage rate of LHC's lowest-paid employee capable of doing the work in the specific fee category, regardless capable of searching for, locating, and examining the public records in the particular FOIA Request, regardless of whether that person is available or who actually performs the labor.	Hourly Wage \$ _____
[] Labor costs include a charge to cover or partially cover the cost of fringe benefits. LHC may add up to 50% to the applicable labor charge amount to cover or partially cover the cost of fringe benefits, but in no case may it exceed the actual cost of fringe benefits. 50% hourly wage x multiplier =	Hourly Wage \$ _____
Determination of total labor time using increments of 15 minutes with partial time rounded down. 15 min = .25; 30 min = .50; 45 min = .75 and 1 hour = 1.	Total Time _____
Total Labor not charged	\$ _____

D. Paper Copy Costs

Cost LHC Charges per copy	Cost per copy \$0.10
Number of Copies	_____
Total Copy Costs	\$ _____

E. Non-Paper Physical Media Costs

Description Non-Paper Physical Media Cost	Cost
	\$
Total Non-Paper Physical Media Costs	\$

F. Mailing Costs

Method of Mail:	Cost
	\$
Total Costs	\$

Total costs incurred for the FOIA Request as provided for in paragraphs A, B, D, E, and F is \$_____.00. Payment is due prior to FHC releasing the documents.