

DETROIT HOUSING COMMISSION

1301 East Jefferson, Detroit, Michigan 48207

Phone: (313) 877-8000, TTY/TDD (800) 222-3679



MICHIGAN FREEDOM OF INFORMATION ACT PROCEDURES AND GUIDELINES

Revised January 12, 2026

Statement of Principles

These procedures and guidelines (“Procedures and Guidelines”) are established by the Detroit Housing Commission (“DHC”) to comply with the Michigan Freedom of Information Act, 1976 PA 442, as amended, MCL 15.231 to 15.246 (“FOIA”).

All persons, except those persons incarcerated in state or local correctional facilities, are entitled to full and complete information regarding the affairs of DHC and the official acts of those who represent them as public officials and public employees, consistent with FOIA. People shall be informed so they can fully participate in the democratic process.

DHC has established these Procedures and Guidelines to implement FOIA and will create a written public summary of the specific procedures and guidelines relevant to the general public regarding how to submit written requests to DHC and explaining how to understand DHC’s written responses, deposit requirements, fee calculations, and avenues for challenge and appeal (“Written Public Summary”). The Written Public Summary will be written in a manner so as to be easily understood by the general public.

Section 1: General Policies

DHC, acting pursuant to Section 6 of FOIA, MCL 15.236, designates the Chief General Counsel as the FOIA coordinator (the “FOIA Coordinator”). The FOIA Coordinator is authorized to designate other DHC staff to act on their behalf to accept and process written requests for DHC’s public records and approve denials under Section 5(4) and (5) of FOIA, MCL 15.235, as authorized by Section 6 of FOIA, MCL 15.236, and otherwise as necessary.

If a public records request is received by fax, email, or another electronic submission, it is deemed received on the next business day. If a request is sent by email and delivered to a DHC spam or junk folder, the request is not deemed received until one day after the FOIA Coordinator first becomes aware of it. The FOIA Coordinator shall record in the FOIA log both the time the request was delivered to the spam or junk email folder and the time the FOIA Coordinator became aware of the request. The FOIA Coordinator shall review DHC spam and junk-mail folders on a regular basis, which shall be no less than once a month.



DHC will provide a reasonable accommodation to a qualified individual with a disability by providing modifications, alterations or adaptation in policy, procedures, or practices. Please advise us if you require a reasonable accommodation.



DETROIT HOUSING COMMISSION

1301 East Jefferson, Detroit, Michigan 48207
Phone: (313) 877-8000, TTY/TDD (800) 222-3679



The FOIA Coordinator may, in their discretion, implement administrative rules consistent with State law and these Procedures and Guidelines to administer the acceptance and processing of FOIA requests.

DHC is not obligated to create a new public record or to compile or summarize information that does not already exist. Neither the FOIA Coordinator nor other DHC staff is obligated to answer questions in requests for public records or about the content of the records themselves.

The FOIA Coordinator shall retain a copy of all written public records requests received by DHC for at least one year.

DHC will make these Procedures and Guidelines, along with the Written Public Summary, publicly available at no charge. If it does not, DHC cannot require deposits or charge fees otherwise permitted under FOIA until it complies.

A copy of these Procedures and Guidelines and the Written Public Summary must be publicly available upon request by visitors at DHC's main office.

These Procedures and Guidelines and the Written Public Summary will be posted and maintained on DHC's website at www.dhcmi.org. The links to these documents will be included in DHC's response to a written request, in lieu of providing paper copies.

Section 2: Requesting a Public Record

No specific form is required to submit a request for a public record, however, all requests must be in writing. Requests to inspect or obtain copies of public records prepared, owned, used, possessed, or retained by DHC may be submitted in any form of writing (letter, fax, email, etc.). Written requests for public records may be submitted in one of the following ways:

In person or by mail addressed to	FOIA Coordinator Detroit Housing Commission 1301 E. Jefferson Avenue Detroit, MI 48207
Via fax sent to	(313) 877-8764
Via email at	FOIACoordinator@dhcmi.org
Via electronically	Via the DHC FOIA Request Form located here: https://app.smartsheetgov.com/b/form/3be95749c5f34e20a80c2ebf6163e550



DHC will provide a reasonable accommodation to a qualified individual with a disability by providing modifications, alterations or adaptation in policy, procedures, or practices. Please advise us if you require a reasonable accommodation.



DETROIT HOUSING COMMISSION

1301 East Jefferson, Detroit, Michigan 48207

Phone: (313) 877-8000, TTY/TDD (800) 222-3679



The request must sufficiently describe a public record so as to enable DHC staff to identify and find the requested public record. A request from a person, other than an individual who qualifies as indigent, must include the complete name, address, telephone number, and email address of the requestor.

If requests for public records are received by staff other than the FOIA Coordinator, upon their receipt, the requests shall be promptly forwarded to the FOIA Coordinator for processing.

A person may request that public records be provided on non-paper physical media, emailed, or otherwise provided to them in digital form in lieu of paper copies. DHC will comply with the request only if it possesses the necessary technological capability to provide records in the requested form.

A person may subscribe to future issuances of public records that are created, issued, or disseminated by DHC on a regular basis. A subscription is valid for up to six (6) months, at the request of the subscriber, and may be renewed by the subscriber.

A person serving a sentence of imprisonment in a local, state, or federal correctional facility in Michigan or another state is not entitled to submit a request for a public record. The FOIA Coordinator will deny all such requests.

Section 3: Processing a Request

Unless otherwise agreed to in writing by the person making the request, DHC will issue a response within five (5) business days of receipt of a FOIA request. If a request is received by fax, email, or any other electronic transmission, it is deemed received on the following business day.

DHC will respond to a request in one of the following ways:

1. Grant the request.
2. Issue a written notice denying the request.
3. Grant the request in part and issue a written notice denying in part the request.
4. Issue a notice indicating that, due to the nature of the request, DHC needs an additional 10 business days to respond, for a total of no more than 15 business days. Only one such extension is permitted.
5. Issue a written notice indicating that the public record requested is available at no charge on DHC's website.



DHC will provide a reasonable accommodation to a qualified individual with a disability by providing modifications, alterations or adaptation in policy, procedures, or practices. Please advise us if you require a reasonable accommodation.



DETROIT HOUSING COMMISSION

1301 East Jefferson, Detroit, Michigan 48207

Phone: (313) 877-8000, TTY/TDD (800) 222-3679



When a request is granted:

If the request is granted, or granted in part, the FOIA Coordinator will require that payment be made in full for the allowable fees associated with responding to the request before the public record is made available.

The FOIA Coordinator shall provide a detailed itemization of the allowable costs incurred to process the request ("FOIA Detailed Itemization of Fees") to the person making the request as indicated in *Appendix A*.

A link to these Procedures and Guidelines and the Written Public Summary will be included in DHC's response to a written request in lieu of providing paper copies.

If the cost of processing a FOIA request is \$50.00 or less, the requestor will be notified of the amount due and where the documents can be obtained.

If the cost of processing a FOIA request is expected to exceed \$50.00 based on a good-faith calculation, or if the requestor has not paid in full for a previously granted request, DHC will require a good-faith deposit pursuant to Section 4 of these Procedures and Guidelines before processing the request.

In making the request for a good-faith deposit, the FOIA Coordinator shall provide the requestor with a detailed itemization of the allowable costs estimated to be incurred by DHC to process the request and also provide a best efforts estimate of the time frame it will take DHC to provide the records to the requestor. The best efforts estimate shall be nonbinding on DHC, but will be made in good faith and will strive to be reasonably accurate, given the nature of the request in the particular instance, so as to provide the requested records in a manner based on the public policy expressed by Section 1 of FOIA, MCL 15.231.

When a request is denied or denied in part:

If the request is denied or denied in part, the FOIA Coordinator will issue a denial that shall provide in the applicable circumstance:

1. An explanation as to why a requested public record is exempt from disclosure; or
2. A certificate that the requested record does not exist under the name or description provided by the requestor, or another name reasonably known by DHC; or
3. An explanation or description of the public record or information within a public record that is separated or deleted from the public record; and



DHC will provide a reasonable accommodation to a qualified individual with a disability by providing modifications, alterations or adaptation in policy, procedures, or practices. Please advise us if you require a reasonable accommodation.



DETROIT HOUSING COMMISSION

1301 East Jefferson, Detroit, Michigan 48207

Phone: (313) 877-8000, TTY/TDD (800) 222-3679



4. An explanation of the person's right to submit an appeal of the denial to either DHC's Executive Director or seek judicial review in the Wayne County Circuit Court; and
5. An explanation of the right to receive attorneys' fees, costs, and disbursements as well actual or compensatory damages, and punitive damages of \$1,000.00 if the court determines that DHC has not complied with Section 5 of FOIA, MCL 15.235, and orders disclosure of all or a portion of a public record; and
6. The denial shall be signed by the FOIA Coordinator.

If a request does not sufficiently describe a public record, the FOIA Coordinator may, in lieu of issuing a denial indicating that the request is deficient, seek clarification or amendment of the request by the person making the request. Any clarification or amendment will be considered a new request subject to the timelines described in this Section.

Requests to inspect public records:

DHC shall provide reasonable facilities and opportunities for persons to examine and inspect public records during normal business hours. The FOIA Coordinator is authorized to promulgate rules regulating the manner in which records may be viewed so as to protect DHC records from loss, alteration, mutilation, or destruction and to prevent excessive and unreasonable interference with normal DHC operations.

Requests for certified copies:

The FOIA Coordinator shall, upon written request, furnish a certified copy of a public record at no additional cost to the person requesting the public record.

Section 4: Fee Deposits

If the fee estimate is expected to exceed \$50.00 based on a good-faith calculation, the requestor will be asked to provide a deposit not exceeding one-half of the total estimated fees.

If a request for public records is from a person who has not paid DHC in full for copies of public records made in fulfillment of a previously granted written request, the FOIA Coordinator will require a deposit of 100% of the estimated processing fee before beginning to search for a public record for any subsequent request by that person when all of the following conditions exist:

1. The final fee for the prior request was not more than 105% of the estimated fee;



DHC will provide a reasonable accommodation to a qualified individual with a disability by providing modifications, alterations or adaptation in policy, procedures, or practices. Please advise us if you require a reasonable accommodation.



DETROIT HOUSING COMMISSION

1301 East Jefferson, Detroit, Michigan 48207

Phone: (313) 877-8000, TTY/TDD (800) 222-3679



2. The public records made available contained the information sought in the prior written request and remain in DHC's possession;
3. The public records were made available to the person, subject to payment, within the time frame estimated by DHC to provide the records;
4. Ninety (90) days have passed since the FOIA Coordinator notified the person in writing that the public records were available for pickup or mailing;
5. The person is unable to show proof of prior payment to DHC; and
6. The FOIA Coordinator has calculated a detailed itemization that is the basis for the current request's increased estimated fee deposit.

The FOIA Coordinator will not require an increased estimated fee deposit if any of the following apply:

1. The person making the request is able to show proof of prior payment in full to DHC;
2. DHC is subsequently paid in full for the applicable prior request;
3. Three hundred sixty five (365) days have passed since the person made the request for which full payment was not remitted to DHC; or
4. The final fee for the prior written request was more than 105% of the estimated fee.

Section 5: Calculation of Fees

A fee may be charged for the labor cost of copying or duplication.

A fee will **not** be charged for the labor cost of search, examination, review, and the deletion and separation of exempt from nonexempt information **unless** failure to charge a fee would result in unreasonably high costs to DHC because of the nature of the request in the particular instance, and DHC specifically identifies the nature of the unreasonably high costs.

Costs for the search, examination, review, and deletion and separation of exempt from non-exempt information are "unreasonably high" when they are excessive and beyond the normal or usual amount for those services (Attorney General Opinion No. 7,083 of 2001), compared to the costs of DHC's usual FOIA requests, not compared to DHC's operating budget. (*Bloch v Davison Community Sch*, unpublished per curiam opinion of the Michigan Court of Appeals, issued April 26, 2011 (Docket No. 296003).

The following factors shall be used to determine an unreasonably high cost to DHC:

1. Volume of the public record requested.



DHC will provide a reasonable accommodation to a qualified individual with a disability by providing modifications, alterations or adaptation in policy, procedures, or practices. Please advise us if you require a reasonable accommodation.



DETROIT HOUSING COMMISSION

1301 East Jefferson, Detroit, Michigan 48207

Phone: (313) 877-8000, TTY/TDD (800) 222-3679



2. Amount of time spent searching for, examining, reviewing, and separating exempt from non-exempt information in the record requested.
3. Whether the public records are from more than one DHC department or whether various DHC offices are necessary to respond to the request.
4. The available staffing to respond to the request.
5. Any other similar factors identified by the FOIA Coordinator in responding to the particular request.

FOIA permits DHC to charge for the following costs associated with processing a request:

1. Labor costs associated with copying or duplication, which include making paper copies, making digital copies, or transferring digital public records to non-paper physical media or through the Internet.
 - a. DHC shall not charge more than the hourly wage of the lowest-paid employee capable of performing the task, regardless of who actually performs the work.
 - b. DHC will charge fees in 15-minute increments, but must round down all partial increments. If the time involved is less than 15 minutes, there will be no charge.
 - c. DHC may add up to 50% of the applicable labor charge for fringe benefits not to exceed the actual cost of the fringe benefits.
 - d. DHC may charge for overtime only if approved by the requestor in writing.
 - e. The FOIA Detailed Cost Itemization DHC submits to the requestor will include the hourly wage and number of hours charged for, the fringe benefit multiplier, if any, used, and whether overtime wages are included.
2. Labor costs associated with searching for, locating, and examining a requested public record, when failure to charge a fee will result in unreasonably high costs to DHC.
 - a. The costs shall not exceed the hourly wage of the lowest-paid employee capable of performing the task, regardless of who actually performs the work.
 - b. Time must be charged in increments of 15 minutes or more and partial time will be rounded down. If the time involved is less than 15 minutes, there will be no charge.
 - c. DHC may add up to 50% of the applicable labor charge for fringe benefits not to exceed the actual cost of the fringe benefits.
 - d. DHC may charge for overtime only if approved by the requestor in writing.



DHC will provide a reasonable accommodation to a qualified individual with a disability by providing modifications, alterations or adaptation in policy, procedures, or practices. Please advise us if you require a reasonable accommodation.



DETROIT HOUSING COMMISSION

1301 East Jefferson, Detroit, Michigan 48207

Phone: (313) 877-8000, TTY/TDD (800) 222-3679



- e. The FOIA Detailed Cost Itemization DHC submits to the requestor will include the hourly wage and number of hours charged for, the fringe benefit multiplier, if any, used, and whether overtime wages are included.
3. Labor costs associated with a review of a record to separate and delete (redact) information exempt from disclosure, when failure to charge a fee will result in unreasonably high costs to DHC.
 - a. If performed by a DHC employee, the costs shall not exceed the hourly wage of the lowest-paid employee capable of performing the tasks, regardless of who actually performs the work.
 - b. If the FOIA Coordinator determines that DHC does not employ an employee capable of redacting records, DHC may use contracted labor for this purpose. DHC may charge for contracted labor costs at an hourly rate up to \$74.88 (6 times the state minimum hourly wage).
 - c. Time must be charged in 15-minute increments, with partial time rounded down. If the time involved is less than 15 minutes, there will be no charge.
 - d. If DHC knows or has reason to know the record has previously been redacted and the redacted version is still in DHC's possession, DHC may not impose a charge.
 - e. DHC may add up to 50% of the applicable labor charge for fringe benefits, not to exceed the actual cost of the fringe benefits.
 - f. DHC may charge for overtime only if approved by the requestor in writing.
 - g. The FOIA Detailed Cost Itemization DHC submits to the requestor will include the hourly wage and number of hours charged for, the fringe benefit multiplier, if any, used, and whether overtime wages are included.
 4. The cost of copying or duplication, not including labor, of paper copies of public records. This may include the cost for copies of records already on DHC's website if DHC is requested to make copies.
 - a. Paper copies of public records made on standard letter (8 ½ x 11 inches) or legal (8 ½ x 14 inches) sized paper will not exceed \$0.10 per sheet of paper.
 - b. Copies for non-standard-sized sheets of paper will reflect the actual cost of reproduction.
 - c. DHC will provide records using double-sided printing if it is cost-saving and available.
 - d. The FOIA Detailed Cost Itemization DHC submits to the requestor must include the cost per sheet and the number of sheets.



DHC will provide a reasonable accommodation to a qualified individual with a disability by providing modifications, alterations or adaptation in policy, procedures, or practices. Please advise us if you require a reasonable accommodation.



DETROIT HOUSING COMMISSION

1301 East Jefferson, Detroit, Michigan 48207

Phone: (313) 877-8000, TTY/TDD (800) 222-3679



5. The cost to mail or send a public record to a requestor.
 - a. DHC may not charge more than the actual cost to mail public records using a reasonably economical and justified means.
 - b. DHC may charge for the least expensive form of postal delivery confirmation.
 - c. No cost will be made for expedited shipping or insurance unless approved by the requestor in writing.
 - d. DHC will include the mailing or shipping costs on the FOIA Detailed Cost Itemization DHC submits to the requestor.

6. The cost of computer discs, computer tapes, or other digital or similar media when the requestor asks for records in non-paper physical media. This may include the cost for copies of records already on DHC's website if DHC is requested to make copies.
 - a. Computer disks, computer tapes, or other digital or similar media will be at the actual and most reasonably economical cost for the non-paper media.
 - b. This cost will only be assessed if DHC has the technological capability necessary to provide the public record in the requested non-paper physical media format.
 - c. DHC will procure any non-paper media and will not accept media from the requestor in order to ensure integrity of DHC's technology infrastructure.
 - d. DHC will include the costs of the non-paper media on the FOIA Detailed Cost Itemization DHC submits to the requestor.

If DHC does not respond to a written request in a timely manner, DHC must:

1. Reduce the labor costs by 5% for each day DHC exceeds the time permitted under FOIA up to a 50% maximum reduction, if **any** of the following applies:
 - a. DHC's late response was willful and intentional;
 - b. The request conveyed a request for information within the first 250 words of the body of a letter, facsimile, email, or email attachment; or
 - c. The written request included the words, characters, or abbreviations for "freedom of information," "information," "FOIA," "copy," or a recognizable misspelling of such, or legal code reference to MCL 15. 231, et seq. or 1976 Public Act 442 on the front of an envelope or in the subject line of an email, letter, or facsimile cover page.
2. Fully note the charge reduction in the FOIA Detailed Cost Itemization.

Section 6: Waiver of Fees

The cost of the search for and copying of a public record may be waived or reduced if DHC determines that a waiver or reduced fee is in the public interest because it can be considered



DHC will provide a reasonable accommodation to a qualified individual with a disability by providing modifications, alterations or adaptation in policy, procedures, or practices. Please advise us if you require a reasonable accommodation.



DETROIT HOUSING COMMISSION

1301 East Jefferson, Detroit, Michigan 48207

Phone: (313) 877-8000, TTY/TDD (800) 222-3679



as primarily benefitting the general public. The FOIA Coordinator may identify specific records or record types that should be made available at no charge or at a reduced cost.

Section 7: Discounted Fees

Indigence

The FOIA Coordinator will discount the first \$20.00 of the processing fee for a request if the person requesting a public record submits an affidavit:

1. Stating that the individual is indigent and receiving specific public assistance; or
2. If not receiving public assistance, stating facts demonstrating an inability to pay because of indigence.

An individual is not eligible to receive the waiver if:

1. The requestor has previously received discounted copies of public records from DHC twice during the calendar year; or
2. The requestor requests information in connection with other persons who are offering or providing payment to make the request.

Nonprofit organization advocating for developmentally disabled or mentally ill individuals

The FOIA Coordinator will discount the first \$20.00 of the processing fee for a request from:

1. A nonprofit organization formally designated by the State to carry out activities under Subtitle C of the Federal 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, 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, as amended, MCL 330.1931.
 - c. Is accompanied by documentation of its designation by the State.

Section 8: Appeal of a Denial of a Public Record

When a requestor believes that all or a portion of a public record has not been disclosed or has been improperly exempted from disclosure, the requestor may appeal to DHC's Executive



DHC will provide a reasonable accommodation to a qualified individual with a disability by providing modifications, alterations or adaptation in policy, procedures, or practices. Please advise us if you require a reasonable accommodation.



DETROIT HOUSING COMMISSION

1301 East Jefferson, Detroit, Michigan 48207

Phone: (313) 877-8000, TTY/TDD (800) 222-3679



Director by filing an appeal of the denial with the FOIA Coordinator. If the appeal is not filed within forty-five (45) days of issuance of the FOIA Coordinator's denial of the request, the determination of the FOIA Coordinator will be DHC's final determination to deny the request.

The appeal must be in writing, specifically state the word "appeal," and identify the reason or reasons the requestor is seeking a reversal of the denial.

Within ten (10) business days of receiving the appeal, DHC's Executive Director will respond in writing by:

1. Reversing the disclosure denial;
2. Upholding the disclosure denial;
3. Reversing the disclosure denial in part and upholding the disclosure denial in part; or
4. Under unusual circumstances, issuing a notice extending for not more than ten (10) business days the period during which DHC's Executive Director shall respond to the written appeal. DHC's Executive Director shall not issue more than one notice of extension for a particular written appeal.

If DHC's Executive Director fails to respond to a written appeal, or if DHC's Executive Director upholds all or a portion of the disclosure denial that is the subject of the written appeal, the requesting person may seek judicial review of the nondisclosure by commencing a civil action in Wayne County Circuit Court.

Whether or not a requestor submitted an appeal of a denial to DHC's Executive Director, the requestor may file a civil action in Wayne County Circuit Court within one hundred eighty (180) days after DHC's final determination to deny the request.

If a court determines that a public record is not exempt from disclosure, it shall order DHC to cease withholding or to produce all or a portion of a public record wrongfully withheld, regardless of the location of the public record. Failure to comply with a court order may be punished as contempt of court.

If a person asserting the right to inspect, copy, or receive a copy of all or a portion of a public record prevails in such an action, the court shall award reasonable attorneys' fees, costs, and disbursements. If the person or DHC prevails in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements.

If the court determines that DHC has arbitrarily and capriciously violated FOIA by refusal or delay in disclosing or providing copies of a public record, the court shall order DHC to pay a



DHC will provide a reasonable accommodation to a qualified individual with a disability by providing modifications, alterations or adaptation in policy, procedures, or practices. Please advise us if you require a reasonable accommodation.



DETROIT HOUSING COMMISSION

1301 East Jefferson, Detroit, Michigan 48207

Phone: (313) 877-8000, TTY/TDD (800) 222-3679



civil fine of \$1,000.00, which shall be deposited into the general fund of the State treasury. The court shall award, in addition to any actual or compensatory damages, punitive damages in the amount of \$1,000.00 to the person seeking the right to inspect or receive a copy of a public record. The damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

Section 9: Appeal of an Excessive Fee

“Fee” means the total fee or any component of the total fee calculated under Section 4 of FOIA, MCL 15.234, including any deposit.

If a requestor believes that the fee charged by DHC to process a FOIA request exceeds the amount permitted by state law or under this policy, the requestor must first appeal to DHC’s Executive Director by submitting a written appeal for a fee reduction to the FOIA Coordinator within forty-five (45) days of issuance of the FOIA Coordinator’s denial of the request.

The appeal must be in writing, specifically state the word “appeal,” and identify how the required fee exceeds the amount permitted.

Within ten (10) business days after receiving the appeal, DHC’s Executive Director will respond in writing by:

1. Waiving the fee;
2. Reducing the fee and issuing a written determination indicating the specific basis that supports the remaining fee;
3. Upholding the fee and issuing a written determination indicating the specific basis that supports the required fee; or
4. Issuing a notice detailing the reason or reasons for extending for not more than ten (10) business days the period during which DHC’s Executive Director will respond to the written appeal. DHC’s Executive Director shall not issue more than one notice of extension for a particular written appeal.

Where DHC’s Executive Director reduces or upholds the fee, the determination must include a certification from DHC’s Executive Director that the statements in the determination are accurate and that the reduced fee amount complies with these Procedures and Guidelines and Section 4 of FOIA, MCL 15.234.



DHC will provide a reasonable accommodation to a qualified individual with a disability by providing modifications, alterations or adaptation in policy, procedures, or practices. Please advise us if you require a reasonable accommodation.



DETROIT HOUSING COMMISSION

1301 East Jefferson, Detroit, Michigan 48207

Phone: (313) 877-8000, TTY/TDD (800) 222-3679



Within forty-five (45) days after receiving notice of DHC's Executive Director's determination of an appeal, the requesting person may commence a civil action in Wayne County Circuit Court for a fee reduction.

If a civil action is commenced against DHC for an excessive fee, DHC is not obligated to complete the processing of the request for the public record at issue until the court resolves the fee dispute.

An action shall not be filed in circuit court unless *one* of the following applies:

1. DHC does not provide for appeals of fees;
2. DHC's Executive Director failed to respond to a written appeal as required; or
3. DHC's Executive Director issued a determination to a written appeal.

If a court determines that DHC required a fee that exceeds the amount permitted under these Procedures and Guidelines or Section 4 of FOIA, MCL 15.234, the court shall reduce the fee to a permissible amount. Failure to comply with a court order may be punished as contempt of court.

If the requesting person prevails in court by receiving a reduction of 50% or more of the total fee, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages.

If the court determines that DHC has arbitrarily and capriciously violated FOIA by charging an excessive fee, the court shall order DHC to pay a civil fine of \$500.00, which shall be deposited in the general fund of the State treasury. The court may also award, in addition to any actual or compensatory damages, punitive damages in the amount of \$500.00 to the person seeking the fee reduction. The fine and any damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

Section 10: Conflicts; Effective Date

To the extent that any provision of these Procedures and Guidelines or an administrative rule promulgated by the FOIA Coordinator after the effective date of these Procedures and Guidelines is found to be in conflict with previous FOIA policies, procedures, or guidelines issued by DHC, these Procedures and Guidelines shall control. To the extent that any provision of these Procedures and Guidelines or any administrative rule promulgated by the



DHC will provide a reasonable accommodation to a qualified individual with a disability by providing modifications, alterations or adaptation in policy, procedures, or practices. Please advise us if you require a reasonable accommodation.



DETROIT HOUSING COMMISSION

1301 East Jefferson, Detroit, Michigan 48207

Phone: (313) 877-8000, TTY/TDD (800) 222-3679



FOIA Coordinator pertaining to the release of public records is found to be in conflict with any State statute, the applicable statute shall control.

The FOIA Coordinator is authorized to modify these Procedures and Guidelines and to adopt administrative rules as the FOIA Coordinator deems necessary to facilitate the legal review and processing of requests for public records made pursuant to FOIA, provided that such modifications and rules are consistent with State law.

Section 11. Penalties for Non-Compliance

If the court determines in either an appeal of a denial of a public record or the appeal of an excessive fee, that DHC willfully and intentionally failed to comply with FOIA or otherwise acted in bad faith, then in addition to another award or sanction, the court shall impose a civil fine of not less than \$2,500.00 or more than \$7,500.00 for each occurrence.

The court is required to consider DHC's budget and whether DHC has been previously assessed penalties for FOIA violations.

A civil fine is to be deposited into the general fund of the State treasury.

Section 12: Appendix of FOIA Forms

- Appendix A – Freedom of Information Act (FOIA) Request Form
- Appendix B – FOIA Detailed Cost Itemization



DHC will provide a reasonable accommodation to a qualified individual with a disability by providing modifications, alterations or adaptation in policy, procedures, or practices. Please advise us if you require a reasonable accommodation.



DETROIT HOUSING COMMISSION

1301 East Jefferson, Detroit, Michigan 48207

Phone: (313) 877-8000, TTY/TDD (800) 222-3679



APPENDIX A Freedom of Information Act (FOIA) Request Form

The DHC FOIA Request Form can be located online on the following webpage:

<https://app.smartsheetgov.com/b/form/3be95749c5f34e20a80c2ebf6163e550>



DHC will provide a reasonable accommodation to a qualified individual with a disability by providing modifications, alterations or adaptation in policy, procedures, or practices. Please advise us if you require a reasonable accommodation.



DETROIT HOUSING COMMISSION

1301 East Jefferson, Detroit, Michigan 48207

Phone: (313) 877-8000, TTY/TDD (800) 222-3679



APPENDIX B

FREEDOM OF INFORMATION ACT DETAILED ITEMIZATION OF FEES

Requestor's Contact Information	Date
	Click or tap to enter a date.

FEE CALCULATION

PART I: Labor Costs ¹	Hours Spent	Hourly Rate	Multiplier for Fringe Benefits	Amount
To search for and retrieve responsive records	Click or tap here to enter text.	\$39.62	34%	\$
To duplicate or publish	Click or tap here to enter text.	\$39.62	34%	\$
For review and examination of responsive records and the separation of exempt from non-exempt material	Click or tap here to enter text.	\$52.16	34%	\$
PART II: Actual Costs				
Non-paper physical media				\$0.00
Mailing				\$0.00
PART III: Copying Costs		Cost Per Page	Number of Pages	Amount
Duplication and publication costs for copying and scanning		\$0.10	Enter page amount.	\$
PART IV: Fee Reductions				
Waiver for an indigent individual or a qualifying nonprofit organization. ²				\$0.00
Reduction for untimely response ³				\$0.00
<i>Please make the check payable to the Detroit Housing Commission, and mail it to:</i> Detroit Housing Commission ATTN: FOIA Coordinator 1301 E. Jefferson Ave Detroit, MI 48207		TOTAL AMOUNT DUE		\$
		50% Deposit Requested ⁴		\$
		50% Deposit Due Date ⁵		Click or tap to enter a date.

1. "Labor costs" will be calculated using the lowest-paid DHC employee capable of performing each task. If more than one hourly rate is used, they will be listed on this form. Labor costs are calculated by taking the number of hours spent multiplied by the hourly wage + 50% of fringe benefits, whereby the multiplier for fringe benefits shall not exceed 50% or the actual cost of fringe benefits.

2 An affidavit of indigency must be submitted to qualify for a fee waiver.

3 Subtotal amount multiplied by 5% reduction per day multiplied by the number of days.

4 If the total fee is more than \$50.00, you will be asked to pay a deposit of one-half of the total estimated fee. The total fee and deposit are estimates, and your final costs may vary from these amounts.

5 As set forth under section 4(14) of the FOIA, MCL 15.234(14), if a fee appeal has not been filed under section 10a of the FOIA, MCL 15.240a, the DHC must receive the required deposit within 45 days after the requester's statutorily determined receipt of this notice, as stated herein. Otherwise, the FOIA request will be considered abandoned, and the DHC will not be required to fulfill the request.



DHC will provide a reasonable accommodation to a qualified individual with a disability by providing modifications, alterations or adaptation in policy, procedures, or practices. Please advise us if you require a reasonable accommodation.

