



## ANN ARBOR HOUSING COMMISSION Written Public Summary of FOIA Procedures & Guidelines

This is a written public summary of the AAHC's Freedom of Information Act (FOIA) Procedures and Guidelines. Copies of this summary and the FOIA Procedures and Guidelines are also available at [www.a2gov.org/housingcommission](http://www.a2gov.org/housingcommission).

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#### 1. How to Submit a FOIA Request

Requests to inspect or obtain copies of public records of the AAHC must be submitted in writing. The request must describe the public record sufficiently to enable the AAHC to find it. It must include the name and the mailing address of the requester or other information sufficient to contact the requester and transmit a response. The AAHC can usually accommodate requests for electronic delivery of public records.

To assist the AAHC in providing a prompt response, it is helpful if your request states "FOIA" or "FOIA Request" in the subject line of the email or communication containing the request.

For your convenience, the AAHC provides FOIA request forms below, although no specific form is required. *Note: A person serving a sentence of imprisonment in a local, state, or federal correctional facility is not entitled to submit a request for a public record under the FOIA.*

For all other AAHC records:

- General FOIA Request Form (PDF)
- Via email to [jhall@a2gov.org](mailto:jhall@a2gov.org)
- In person or by mail at: AAHC Office ATTN: FOIA Coordinator, 727 Miller Ave, Ann Arbor, MI 48103.
- Via fax to (734) 994-0781 - Attn: FOIA Coordinator

#### 2. How to Understand the AAHC's Response

Within 5 business days after receiving a FOIA request, the AAHC will respond to:

- grant the request;
- deny the request;
- grant the request in part and deny the request in part;
- issue a notice that the AAHC needs an additional 10 business days to respond;
- issue a notice that the public record is available on a AAHC internet site;

- issue a notice requiring a deposit before the request will be processed, if the estimated fee exceeds \$50.00;
- request clarification; or
- otherwise communicate with the requestor.

*Note that a request sent by fax or email is deemed received the following business day.*

If any part of the request is granted, the AAHC will require payment of any fees for the AAHC's costs to respond before the public record is released.

If public records are available for free on an AAHC internet site, a requester may still request the AAHC provide copies of those records, however fees will be charged and the fringe benefit multiplier applied to labor charges may exceed 50% of the hourly wage, reflecting actual costs.

A request may be wholly or partly denied if the AAHC does not possess the requested record or if specific exemptions listed in the FOIA apply. If a denial is based on an exemption, the public records or portions of public records subject to the exemption will be redacted or omitted and the exemption will be explained.

### **3. Fee Calculations**

Generally, the first hour of AAHC staff time spent searching for and reviewing public records is free. After that, staff time is billed in 15 minute increments. Exceptions to the free hour are:

- any IT staff time performing a search for or retrieval of electronic information; or
- any staff time processing video recordings for redactions.

AAHC staff time spent duplicating or publishing public records is charged in 15-minute increments.

AAHC staff time will be calculated at the employee's wage rate, plus a multiplier reflecting the actual costs of fringe benefits, of the lowest-paid AAHC employee capable of responding to the particular request. The multiplier generally cannot exceed 50% of the hourly wage except, as noted above, when asking for copies of records available free on the internet. Overtime wages will not be included unless specifically agreed to by the requester.

The AAHC currently charges for the actual cost of paper copies and media as follows:

Paper Copies	
8½ x 11	\$.05 per sheet
8½ x 14	\$.05 per sheet
30"x30" GIS print	\$12.50 per sheet
Compact Disc or DVD	\$1.00 each
Photographs, videotapes, maps, plans, blueprints, microfilm, and other media that must be duplicated or published off-site	Actual cost of duplication/publication charged to AAHC, including postage
Other media provided by the AAHC	Varies depending on actual cost of the media

The AAHC charges the cost to mail a public record to a requester, including delivery confirmation, except that postage costs are waived for up to 8 pages (including the AAHC's written response) that fit into a business envelope.

All fees will be detailed on an itemized form provided in the response.

The AAHC will waive the first \$20.00 of the fee upon submission of an Affidavit of Indigency (PDF) and supporting documentation showing that the requester is:

- indigent and receiving specific public assistance; or
- if not receiving public assistance, stating facts demonstrating an inability to pay because of indigency.

#### 4. Deposit Requirements

If the estimated total fee for processing the request exceeds \$50.00, the AAHC will require a 50% deposit. The AAHC will not begin processing the request until the deposit is paid.

If the AAHC receives a request from an individual who has not paid for copies of public records collected for a prior request, the AAHC will require a deposit of 100% of the estimated total fee before the new request is processed, if all of the following conditions exist:

- the final fee for the prior request was not more than 105% of the estimated fee;
- the public records made available contained the information sought and remain in the AAHC's possession;

The AAHC will not require the 100% estimated fee deposit if any of the following applies:

- the individual is able to show proof of full payment for the prior request;
- the individual pays in full the amount due for the prior request; or
- 365 days have passed since the individual made the request that was not paid for.

## 5. Appeals

### Appeal of a Denial

If a requester believes that all or part of a request has been improperly denied, the requester may submit an appeal to the AAHC Executive Director within 180 days after the date of the denial. The appeal must be in writing, specifically state the word "appeal," and identify the reason(s) for seeking a reversal of the denial. The appeal may be submitted in the same manner as a FOIA request.

Within 10 business days after receiving the appeal, the AAHC Executive Director will respond to:

- reverse the denial;
- uphold the denial;
- reverse the denial in part and uphold it in part; or
- under unusual circumstances, issue a notice extending the response time for up to 10 business days.

Regardless of whether a requester submits an appeal to the AAHC Executive Director, a requester may file a civil action in Washtenaw County Circuit Court within 180 days after the AAHC's final determination to deny the request.

### Appeal of a Fee

If a requester believes that the fee charged by the AAHC exceeds the amount permitted by the FOIA or the AAHC's FOIA Procedures and Guidelines, the requester may submit a written appeal for a fee reduction to the AAHC Executive Director within 45 days after the date of the fee notice. The appeal must be in writing, specifically state the word "appeal" and identify how the required fee exceeds the amount permitted by the FOIA or the AAHC's FOIA Procedures and Guidelines. The appeal may be submitted in the same manner as a FOIA request.

Within 10 business days after receiving the appeal, the AAHC Executive Director will respond to:

- waive the fee;
- reduce the fee;
- uphold the fee; or
- issue a notice extending the response time for up to 10 business days.

Within 45 days after receiving notice of the AAHC Executive Director's determination of the fee appeal, the requester may commence a civil action in Washtenaw County Circuit Court for a fee reduction.