

## MSHDA FOIA

Michigan's Freedom of Information Act (FOIA), MCL 15.231 *et seq*, provides that certain persons can receive copies or make inspections of most public records of public bodies upon written request. The person must sufficiently describe the records he or she seeks. The public body may charge a fee to cover the cost of complying with a person's FOIA request.

FOIA requests to the Michigan State Housing Development Authority can be sent by email or mail to:

Email: [MSHDA-FOIA@michigan.gov](mailto:MSHDA-FOIA@michigan.gov)

Michigan State Housing Development Authority  
Attn. FOIA Coordinator  
735 East Michigan Avenue  
P.O. Box 30044  
Lansing, MI 48909

Requests should include a name, phone number, and mailing address.

MSHDA's Transparency Liaison is Kara Hart-Negrich. Email: [hartnegrichk@michigan.gov](mailto:hartnegrichk@michigan.gov)

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## Michigan State Housing Development Authority Written Public Summary the Authority's Freedom of Information Act Procedures and Guidelines

### A. How to submit written requests.

FOIA requests to the Michigan State Housing Development Authority (the "Authority") can be sent by email or mail to:

Email: [MSHDA-FOIA@michigan.gov](mailto:MSHDA-FOIA@michigan.gov)

Michigan State Housing Development Authority  
Attn. FOIA Coordinator  
735 East Michigan Avenue  
P.O. Box 30044  
Lansing, MI 48909

FOIA requests must include all the following information:

- Individual (other than one who claims indigence)
  - Complete name
  - Address – Must be written in compliance with United States Postal Service addressing standards.
  - Contact information – Must include a valid telephone number and/or email address.
- Person (other than individual)
  - Complete name of person's agent
  - Address of person's agent – Must be written in compliance with United States Postal Service addressing standards.
  - Contact information of person's agent – Must include a valid telephone number and/or email address.

If a good faith deposit is required, it must be paid within 45 days, or the request is considered abandoned.

#### **B. How to understand the Authority's written responses to FOIA requests.**

The Authority has several options when responding to written requests for public records. It can grant the FOIA request, deny the request, grant it in part and deny it in part, or take one 10 business day extension. After 10 business days pass, the Authority has to respond with one of the other options.

If the request is granted or granted in part and denied in part, the Authority can also charge a fee to process the request. There is no fee for requests that do not require the Authority to incur costs above the threshold set in its Procedures and Guidelines. Fees are calculated using its procedures and guidelines and you will receive a detailed itemization of the fee. The Authority may require you to pay a good-faith deposit before it processes your request. After you pay any deposit and final balance due, the Authority will produce records in its possession that fall within the scope of your request and that legally may be disclosed to the public. If the Authority is able to provide a portion of the response early, it will do so. The Authority may also notify you that some of the records you have requested are available on its website. If there is a delay in fulfilling the request, the Authority will notify the requestor.

If the request is denied, the Authority will inform you of the basis for its denial in a written notice. Reasons the Authority may deny a request include:

1. You did not describe the records you have requested well enough and the Authority cannot determine what you are asking for;
2. The Authority has determined that it does not have records that respond to your request in its possession; or
3. The records you have requested are exempt from public disclosure.

If all or part of your request is denied, the Authority will inform you of your right to appeal its denial to the head of the Authority and/or to file a lawsuit against the Authority in its written response.

#### **C. Deposit requirements.**

If the Authority estimates a fee to process a FOIA request greater than \$50.00, the Authority will require a good-faith deposit from you before providing the public records. The deposit shall not exceed 1/2 of the total estimated fee. Any written notice containing a notice of a deposit shall also contain a best efforts estimate by the Authority regarding the time frame after a deposit is received that it will take the Authority to provide the public records. The time frame estimate is not binding upon the Authority, but the Authority shall provide the estimate in good faith and strive to be reasonably accurate and to provide the public records in a manner based on this State's public policy under section 1 of the FOIA, MCL 15.231, and the nature of the request in the particular instance.

#### **D. Fee calculations.**

The FOIA permits the Authority to charge a fee to process FOIA requests using a form to give you a detailed itemization of the costs involved. The Authority may charge for the following costs:

1. the costs of labor for the search, location, and examination of public records;
2. the costs of labor for the review of public records and separation and deletion of exempt from nonexempt material;
3. the cost of nonpaper physical media;
4. the cost of duplication and publication of public records;
5. the costs of labor for the duplication or publication of public records;
6. the actual cost of mailing public records.

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**Michigan State Housing Development Authority**  
**Freedom of Information Act Procedures and Guidelines**  
**Procedure: Freedom of Information Act Requests**  
**Effective Date: July 1, 2015**

**A. Appointment of FOIA Coordinator.**

In accordance with section 6 of the FOIA, MCL 15.236, the Authority has appointed a FOIA Coordinator, as well as an alternate FOIA Coordinator. The names of the FOIA Coordinator and alternate FOIA Coordinator are available from the Authority's Executive Office.

**B. Submission of FOIA Request.**

FOIA requests to the Michigan State Housing Development Authority can be sent by email or mail to:

Email: [MSHDA-FOIA@michigan.gov](mailto:MSHDA-FOIA@michigan.gov)

Michigan State Housing Development Authority  
Attn. FOIA Coordinator  
735 East Michigan Avenue  
P.O. Box 30044  
Lansing, MI 48909

Requests should include a name, phone number, and mailing address.

**C. Immediately Forward FOIA Request.**

Any employee of the Authority who receives a written request for a public record must immediately forward that request to the Authority's FOIA Coordinator at [MSHDA-FOIA@michigan.gov](mailto:MSHDA-FOIA@michigan.gov). If an Authority employee receives a written request for a public record that is delivered to a spam or junk-mail folder, the employee must record the date and time the written request is delivered to the spam or junk-mail folder and date and time the employee first becomes aware of the written request. The employee must forward those dates and times to the Authority's FOIA Coordinator with the written request.

**D. Request Response Time.**

The Authority may extend the time for responding by an additional 10 business days by notifying the requesting person in writing of the reason for the extension and the new due date. MCL 15.235(2)(d) and (6) Due to the short statutory time period within which the Authority must issue a written notice in response to the FOIA request, it is imperative that there be no delay in complying with the Authority's procedures and guidelines.

**E. Response to a FOIA Request.**

Only the Authority's FOIA Coordinator or Alternate FOIA Coordinator will respond to FOIA requests. The Authority will provide copies of these procedures and guidelines and a summary of these procedures and guidelines with each written response or provide a link to an on-line version of these documents. If a request is denied, in full or in part, the Authority will provide the requester with an explanation of the basis of the denial under the FOIA, and give notice to the requester of his or her remedial rights. MCL 15.235(4)

**F. Notification of FOIA Request.**

Upon receipt of a FOIA request, the Authority's FOIA Coordinator will email or, with the permission of the FOIA Coordinator's supervisor, fax the division or divisions that might possess records responsive to the FOIA request. In the discretion of the Executive Director, his designee, the Director of Legal Affairs, the Deputy Director of Legal Affairs or the FOIA Coordinator, the Authority may

request FOIA email search requests be performed by the Department of Technology, Management and Budget (DTMB).

#### **G. Division Response to Authority's FOIA Coordinator.**

As soon as possible, but not later than four business days before the Authority's FOIA response is due, the division's response is due to the FOIA Coordinator.

#### **H. Assessment of Fees for a FOIA Request.**

The FOIA permits the Authority to charge a fee for the search, retrieval, examination, review, and separation and deletion of exempt from nonexempt material, but only if the failure to charge a fee would result in unreasonably high costs to the Authority because of the nature of the request in the particular instance, and the Authority specifically identifies the nature of these unreasonably high costs. MCL 15.234(1) and (3)

The following fee guidelines for calculating labor and material costs incurred in processing FOIA requests are established pursuant to MCL 15.234(3):

1. Fees will be uniform and not dependent upon the identity of the requesting person.
2. Fees will be itemized using the attached detailed itemization form and will include:
  - A. Labor costs for the search, location, and examination of public records will be calculated using the hourly wage of the Authority's lowest paid employee capable of conducting the search, location, and examination, whether or not they are available or actually perform the labor. Such labor costs shall be estimated and charged in increments of 15 minutes with all partial increments rounded down. The hourly wage will be based on the Authority's payroll records for the applicable fiscal year. Labor costs shall also include up to 50% of the hourly wage to partially cover the cost of fringe benefits, not to exceed the actual cost of fringe benefits. In the event DTMB performs an email search, the search will be calculated using the Authority's lowest paid employee capable of conducting the search.
  - B. Labor costs for the review of public records and separation and deletion of exempt from nonexempt material will be calculated using the hourly wage of the Authority's lowest paid employee capable of conducting the review and separation and deletion of exempt from nonexempt material, whether or not they are available or actually perform the labor. Such labor costs shall be estimated and charged in increments of 15 minutes with all partial increments rounded down. The hourly wage will be based on the Authority's payroll records for the applicable fiscal year. Labor costs shall also include up to 50% of the hourly wage to partially cover the cost of fringe benefits, not to exceed the actual cost of fringe benefits.
  - C. Nonpaper physical media costs will be calculated using the actual and most reasonably economical cost of computer discs, computer tapes, and other digital and similar media provided by the Authority.
  - D. Duplication and publication costs will be calculated using the actual total incremental cost of necessary duplication or publication of a public record, not including labor. The actual and incremental cost, calculated per sheet, shall be charged and will not exceed 10 cents per sheet of paper for letter or legal size paper. The Authority shall use the most economical means available for making copies, including the use of double-sided printing, if cost-saving and available.
  - E. Labor costs for the duplication or publication of public records, including making paper copies, making digital copies, or transferring digital public records to be produced on nonpaper physical media or through electronic means, will be calculated using the hourly wage of the Authority's lowest paid employee capable of duplicating or publishing the public records, whether or not they are available or actually perform the labor. Such labor costs shall be estimated and charged in increments of 15 minutes with all partial increments

- rounded down. The hourly wage will be based on the Authority's payroll records for the applicable fiscal year. Labor costs shall also include up to 50% of the hourly wage to partially cover the cost of fringe benefits, not to exceed the actual cost of fringe benefits.
- F. Actual costs of mailing using a reasonably economical and justifiable manner.
3. No Authority employee shall stipulate to work overtime or include overtime wages in the labor costs described in these procedures and guidelines.
  4. If a requester submits an affidavit of indigency, the first \$20.00 of a fee will be waived. A requesting person must include a statement that the request is not being made in conjunction with outside parties in exchange for payment or other remuneration.
  5. Labor costs for monitoring an inspection of original records will be calculated using the hourly wage of the Authority's lowest paid employee capable of monitoring the inspection. Labor costs for monitoring an inspection will not be charged for the first hour. The hourly wage will be based on the Authority's payroll records for the applicable fiscal year. Note: Section 3(3) of the FOIA, MCL 15.233(3), provides, in pertinent part, that "[a] public body shall protect public records from loss, unauthorized alteration, mutilation, or destruction."
  6. If a statute authorizes the sale or production of public records to the public for a specified fee or if a fee for production of public records is otherwise set by statute, the Authority will charge the statutory fee in lieu of a fee calculated using the guidelines set forth above.
  7. The Authority will not charge a fee for the search, retrieval, examination, review, and separation and deletion of exempt from nonexempt material that will take less than fifteen minutes. If the search, retrieval, examination, review, and separation and deletion of exempt from nonexempt material will take more than fifteen minutes, a fee will be charged in accordance with this procedure pursuant to section 4 of the FOIA, MCL 15.234. The hourly wage will be based on the Authority's payroll records for the applicable fiscal year.

#### **I. Deposit Requirements.**

If the Authority estimates a fee to process a FOIA request greater than \$50.00, the Authority will require a good-faith deposit from the requestor before providing the public records to the requestor. The deposit shall not exceed 1/2 of the total estimated fee. Any written notice containing a notice of a deposit shall also contain a best efforts estimate by the Authority regarding the time frame after a deposit is received that it will take the Authority to provide the public records to the requestor. The time frame estimate is not binding upon the Authority, but the Authority shall provide the estimate in good faith and strive to be reasonably accurate and to provide the public records in a manner based on this State's public policy under section 1 of the FOIA, MCL 15.231, and the nature of the request in the particular instance.

**J. Appeals of Fees and Disclosure Determinations.**

If the Authority charges a fee or denies all or part of a request, the requestor may submit to the head of the Authority a written appeal that specifically states the word “appeal” and identifies the basis for which the fee should be reduced or the disclosure determination should be reversed. Written appeals may be sent to the email address or mailing address listed above and will be forwarded to the Authority’s Executive Director or the person designated by the Executive Director to respond to written appeals.

**K. Avenues for challenge and appeal.**

If the Authority charges a fee or denies all or part of a request, you may submit to the head of the Authority a written appeal that specifically states the word “appeal” and identifies the basis for which the fee should be reduced or the disclosure determination should be reversed. Written appeals may be sent to the email address or mailing address listed above and will be forwarded to the Authority’s Executive Director or the person designated by the Executive Director to respond to written appeals.