

Jerome Wesevich (ELP)

From: Jerome Wesevich (ELP)
Sent: Friday, May 14, 2021 4:57 PM
To: 'juan.vegasandoval@fema.dhs.gov'
Cc: 'Juanita Valdez-Cox'; Brittanny Perrigue(CCL); Hannah Dyal (CCL)
Subject: FW: [External Email] FEMA FOIA 2021-FEFO-00621 Acknowledgement
Attachments: lupe foia 552a2 request to fema - FINAL SIGNED.pdf



Dear Mr. Vega:

In accord with your request to be notified of FOIA requests related to those we've filed in the past regarding IHP rules, please find the attached request filed today, which is acknowledged below. Please direct any correspondence regarding this request to everyone who is copied on this email.

Respectfully,

Jerome Wesevich

Texas RioGrande Legal Aid
1331 TEXAS AVENUE
EL PASO, TEXAS 79901
(915) 585-5120
WWW.TRLA.ORG

jwesevich@trla.org

From: fema-foia@fema.dhs.gov <fema-foia@fema.dhs.gov>
Sent: Friday, May 14, 2021 3:46 PM
To: Jerome Wesevich (ELP) <JWESEVICH@trla.org>
Cc: juan.vegasandoval@fema.dhs.gov
Subject: [External Email] FEMA FOIA 2021-FEFO-00621 Acknowledgement

May 14, 2021

SENT VIA E-MAIL TO: JWESEVICH@trla.org

Re: **FOIA Request Number 2021-FEFO-00621
Acknowledgment**

Dear Wesevich:

This correspondence acknowledges receipt of your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), dated May 14, 2021 and received in this office on May 14, 2021. You are seeking the following: a. all records that communicate to any FEMA employee or to any FEMA contractor (including subcontractors) any substantive or procedural standard that is or will be used by FEMA, FEMA employees, FEMA contractors, or FEMA subcontractors to help decide any application for assistance under the Individuals and Households Program ("IHP") established in 42 U.S.C. § 5174 following a disaster declared after January 1, 2019; and b. all records that state any future change to any existing substantive or procedural IHP standard described above, regardless of whether the change is disaster-specific or applies to all future disasters. Records that are responsive to this request include without limitation all IHP documents that FEMA has labeled or refers to as: (1) Standard Operating Procedures; (2) IHP Inspection Guidelines; (3) IHP Line Items; (4) Response and Recovery Directorate Guidance; (5) FEMA Policy Memoranda; (6) Policy and Guidance Quick Reference Guide; (8) FEMA Helpline Guidance Manuals; (9) IHP Toolbox; (10) Habitability Document; (11) Filed Inspector Manuals; (12) Pre-Shift Instructions; (13) Contractor Training Documents; and (14) Periodic

Text or Email Updates Sent to Inspection Contractors. Your request has been assigned the following tracking number **2021-FEFO-00621**. Due to current working conditions in response to the COVID-19 outbreak, please expect a delay in our response. Please be assured that we continue our commitment to provide timely FOIA responses and are processing your FOIA request as soon as possible.

In regards to your request for a fee waiver, the DHS FOIA Regulations at 6 CFR § 5.11(k)(2) set forth six factors DHS is required to evaluate in determining whether the applicable legal standard for a fee waiver has been met: (1) Whether the subject of the requested records concerns “the operations or activities of the government;” (2) Whether the disclosure is “likely to contribute” to an understanding of government operations or activities; (3) Whether disclosure of the requested information will contribute to the understanding of the public at large, as opposed to the individual understanding of the requestor or a narrow segment of interested persons; (4) Whether the contribution to public understanding of government operations or activities will be “significant;” (5) Whether the requester has a commercial interest that would be furthered by the requested disclosure; and (6) Whether the magnitude of any identified commercial interest to the requestor is sufficiently large in comparison with the public interest in disclosure, that disclosure is primarily in the commercial interest of the requestor.

Upon review of your request and an evaluation of the six factors identified above, DHS has determined that it will conditionally grant your request for a fee waiver. The fee waiver determination will be based upon a sampling of the responsive documents received from the various DHS program offices as a result of the searches conducted in response to your FOIA request. DHS will, pursuant to DHS regulations applicable to non-commercial requestors, provide two hours of search time and process the first 100 pages at no charge to you. If upon further determination that, DHS determines that the disclosure of the information contained in those documents does not meet the factors permitting DHS to waive the fees then DHS will at that time either deny your request for a fee waiver entirely or allow for a percentage reduction in the amount of the fees corresponding to the amount of relevant material found that meets the factors allowing for a fee waiver. In either case, DHS will promptly notify you of its final decision regarding your request for a fee waiver.

Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Consistent with the DHS FOIA Regulations 6 C.F.R. § 5.5(a), FEMA processes FOIA requests according to their order of receipt. Although FEMA’s goal is to respond within 20 business days of receipt of your request, FOIA does permit a 10-day extension of this time period in certain circumstances. As your request seeks documents that will require a thorough and wide-ranging search, FEMA will invoke a 10-day extension for your request pursuant to 5 U.S.C. § 552(a)(6)(B). If you would like to narrow the scope of your request, please contact our office. We will make every effort to comply with your request in a timely manner.

Please be advised that we have queried the FEMA organizations which may have responsive records. However, we will be in touch with you soon for more details about the types of documents you are seeking.

If you have any questions or would like to discuss this matter, please contact the assigned FOIA specialist directly at, juan.vegasandoval@fema.dhs.gov. For a faster response please contact the FOIA specialist by email. You may also contact FEMA at FEMA-FOIA@fema.dhs.gov, (202) 646-3323, or you may contact FEMA’s Public Liaison in the same manner. Please reference FOIA request number 2021-FEFO-00621.

Thank you for your interest in FEMA.

Sincerely,

Disclosure Branch
Information Management Division
Office of the Chief Administrative Officer
Federal Emergency Management Agency
U.S. Department of Homeland Security