



FEMA



June 3, 2021

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

Mr. Jerome Wesevich
Texas RioGrande Legal Aid, Inc.
3825 Agnes St.
Corpus Christi, TX 78405

Re: FEMA FOIA Case Number 2021-FEFO-00621

Dear Mr. Wesevich:

This is in furtherance of our May 14, 2021 acknowledgement letter regarding your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), dated 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.
- C. 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.

This letter addresses your request for expedited treatment.

In regard to your request for expedited treatment, under the DHS FOIA regulations, expedited processing of a FOIA request is warranted if the request involves “circumstances in which the lack of expedited treatment could (i) reasonably be expected to pose an imminent threat to the life or physical safety of an individual; (ii) an urgency to inform the public about an actual or alleged federal government activity, if made by a person who is primarily engaged in disseminating information; (iii) the loss of substantial due process rights; or (iv) a matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity

which affect public confidence 6 C.F.R. § 5.5(e)(l). Requesters seeking expedited processing must submit a certified statement explaining in detail the basis for the request. 6 C.F.R. § 5.5(e)(3).

In your FOIA request you expressed that you are seeking expedited treatment because the information associated with this request involves the potential loss of substantial due process rights as referenced in 6 C.F.R. § 5.5(e)(1)(iii). You provided the following explanation, ““Specifically, the residents of the declared disaster area need the requested records to properly appeal any adverse IHP decisions that are made, and appeals are subject to FEMA’s 60-day appeal deadline stated in 44 C.F.R. § 206.115. Without the requested records, applicants to FEMA may submit incomplete or inaccurate appeals and lose the opportunity to properly show the damage to their home caused by a disaster.”

Thank you for your detailed explanation. Your request for expedited treatment is hereby granted. Please be aware there may be a delay in our response to your FOIA request. FEMA is currently processing an uptick in FOIA requests made for FEMA’s records regarding COVID-19 efforts on an expedited track. Please be assured that we continue our commitment to provide timely FOIA responses and are processing your FOIA request as soon as practicable. We have tasked the appropriate program office for records.

You have the right to appeal if you disagree with FEMA’s response. The procedure for administrative appeals is outlined in the DHS regulations at 6 C.F.R. § 5.8. In the event you wish to submit an appeal, we encourage you to both state the reason(s) you believe FEMA’s initial determination on your FOIA request was erroneous in your correspondence and include a copy of this letter with your appeal. Should you wish to do so, you must send your appeal within 90 working days from the date of this letter to fema-foia@fema.dhs.gov, or alternatively, via mail at the following address:

FEMA
Office of the Chief Administrative Officer
Information Management Division (FOIA Appeals)
500 C Street, SW, Seventh Floor, Mail Stop 3172
Washington, D.C. 20472-3172

As part of the 2007 amendments, the Office of Government Information Services (OGIS) was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies. You may contact OGIS in any of the following ways:

Office of Government Information Services
National Archives and Records Administration
860 I Adelphi Road- OGIS
College Park, MD 20740-600 1
E-mail: ogis@nara.gov
Web: <https://ogis.archives.gov>
Telephone: 202-741-5770/Toll-free: 1-877-684-6448
Facsimile: 202-741-5769

If you need any further assistance or would like to discuss any aspect of your request, please contact the assigned FOIA Specialist at juan.vegasandoval@fema.dhs.gov and refer to FOIA case number

2021-FEFO-00621. You may also contact someone by emailing fema-foia@fema.dhs.gov, calling, (202) 646-3323, and you may contact our FOIA Public Liaison in the same manner. For a faster response please email the assigned FOIA specialist directly.

Thank you for your interest in FEMA.

Sincerely,

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