

Complaint Exhibit 3

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VIA CERTIFIED MAIL RRR

June 16, 2006

Headquarters Freedom of Information Act Officer
Federal Emergency Management Agency
500 C Street, S.W.
Washington D.C. 20472

In re: Freedom of Information Act Request

Dear FEMA Freedom of Information Act Officer(s):

Please provide the undersigned requester, Florida Legal Services, Inc., a copy of the documents described below and in the following list.

For purposes of this request the terms "housing" or "premises" includes trailers, manufactured homes, hotel or motel rooms, and/or shelter space, and the term "termination" includes pre-termination preparatory, notification, or warning activities such as phone calls, personal visits, or meetings. The term "national disaster" is restricted to hurricanes or flooding in states bordering the Gulf of Mexico or states in the southeastern region of the United States. The documents sought and described in numbers #1 through #4 below are only those that applied to the 2004 and 2005 national disasters, those that apply or are intended to apply to 2006 national disasters, and any drafted or created, albeit not yet implemented, in anticipation of future national disasters.

1. All national and regional policy memoranda, field guidelines, written instructions, electronic messages or memos, applicant guides, or the like, concerning the termination of housing provided by FEMA to victims of national disasters.
2. Template or standard forms for the following documents: demand letter to surrender leased premises; notice of eviction from leased premises; legal complaint or administrative petition seeking eviction from leased premises; forms, letters, or notices advising individuals in

advance of actual eviction proceedings or warning individuals to prepare for leaving their leased premises.

3. Any documents describing how FEMA creates housing termination guidances, memoranda, policies, instructions, including but not limited to notices and announcements published in the Federal Register.
4. Any documents describing how FEMA creates standard or template housing termination forms such as, but not limited to: demand letters to surrender leased premises; notice of eviction from leased premises; legal complaint or administrative petition seeking eviction from leased premises; and forms, letters, or notices advising individuals in advance of actual eviction proceedings or warning individuals to prepare for leaving their leased premises.
5. With respect to the documents identified in numbers #1 through #4 above, we request citations to Federal Register publication numbers or Government Printing Office document numbers for the foregoing documents, if any.

Pursuant to 6 C.F.R. 5.11(k) and 44 C.F.R. 5.43, the requester Florida Legal Services, Inc. (FLS) seeks a waiver and/or reduction of any fees associated with this request. Waiver is appropriate because FLS administers the Florida Pro Bono Coordinators Association, which partners with the Young Lawyers Division (YLD) of the Florida Bar to handle referrals of FEMA-funded disaster hotline callers that YLD is unable to assist through the hotline. As further justification for the fee waiver/reduction, the undersigned requester states as follows:

- A. The undersigned requester, Florida Legal Services, Inc., is a non-profit corporation which was formed in 1972 by The Florida Bar to act as a statewide focal point to expand the availability of legal assistance to the poor in Florida. FLS is a statewide, public interest law firm which supports the legal needs of poor people through legislative and administrative advocacy, impact litigation, policy analysis, training, and technical support including individual and group consultations as well as publication and dissemination of educational material. We confer and collaborate with more than twenty-five legal aid and legal services organizations throughout Florida who provide help to individuals seeking public assistance.
- B. Among our roles is the provision of educational and technical information to the advocates who serve the poverty community. We have over 30 years of expertise and experience in fulfilling this role. And consistent with the foregoing, FLS intends to disseminate the information sought to the legal services community throughout the state which will, in turn, disseminate the information to its client constituency affected by national disasters. Our efforts will reach a reasonably broad audience.
- C. The following statistics illustrate the broad public audience we regularly reach. We maintain at least two electronic list-serves with which we regularly share the sort of technical information we are seeking from FEMA, that is, information about government-subsidized housing after natural disasters. We intend to disseminate the information we receive from FEMA through these list-serves. Our disaster list-serve (FL_disaster_group@yahoo.com) is comprised of fifty-one subscribers from about twenty-one different civil legal assistance or social service organizations serving victims of disasters. Our housing list-serve (FL_housing_umbrella_group@yahoo.com) is comprised of

32 subscribers from about sixteen different civil legal assistance or social service organizations serving persons living in government subsidized shelters or housing.

- D. FLS' efforts reach an even broader audience through the follow-up work performed by the legal services programs to which we provide educational and technical information. Following the Florida hurricanes that took place in 2004 and 2005, the legal services and legal aid organizations in affected areas produced community education materials concerning national disasters based on information and publications originally produced by FLS. For example, the legal services program in Miami, Florida estimates that it distributed over 100 disaster-related flyers and brochures in 2005 and 2006 together. Flyers were distributed to case managers at homeless assistance centers serving hundreds of individuals and at community action agencies serving dozens of citizens each month. The staff of the Miami legal services program intends to conduct a disaster preparedness seminar for community agencies in late June and will share their materials with all attendees. Another example of the way FLS' efforts reach an even broader audience is the follow-up work performed by the legal services program serving Northwest Florida. The legal services program serving Northwest Florida estimates that, since and including 2004, it has distributed over 6500 disaster-related flyers. Staff has provided community education to over 30 community organizations that also serve individuals affected by the recent hurricanes. These organizations are encouraged to share information with their clients as well as others in the community.
- E. Our organization, Florida Legal Services, Inc., also maintains Web sites with pages devoted to official disaster information (<http://www.floridalegal.org/Disaster.htm>) (our disaster Web page)¹ and housing law information (<http://www.fladvocate.org/housing/index.cfm>). These two Web sites are accessible through the Internet and are thus available to the general public. Since the inceptions of the 2005 storm season, there have been 1891 hits to our disaster Web page at (<http://www.floridalegal.org/Disaster.htm>), 2,046 hits to our disaster community information flyers and 167 hits to the Florida Bar Foundation's Disaster Assistance Manual.
- F. The release of the information to FLS will benefit the general public because it will contribute significantly to public understanding of the operations and activities of FEMA. Currently, the general public knows that FEMA can terminate leases. Leasing of temporary housing is a critical operation and activity of FEMA. Nevertheless, the general public is unaware of the policies, procedures, and processes FEMA employs to terminate these leases. For example, the public does not know what sort of notice of termination FEMA provides nor how much advance notice is provided. In addition, the public does not what appeal rights the public has nor what appeal forums and processes are available to contest termination. The right to notice and appeal are fundamental rights and the public has a compelling interest in how FEMA comports with notions of fairness and due process.
- G. The lack of public knowledge is all the more true in the poverty communities served by legal services offices. The poor lack the kind of assets and resources that aid in individual

¹Florida Legal Services is currently developing a new and improved Web site devoted to disaster which will be unveiled on or about July 1, 2006 for use by the general public, pro bono attorneys and legal services advocates.

recovery after a natural disaster. As a result, the poor depend to a greater extent on FEMA than the general public. The release of the information to FLS will benefit the indigent public even more than the general public, because it will contribute significantly to the understanding of the operations and activities of FEMA in poverty communities. Poverty enclaves have long-term established relationships with legal services lawyers and their social service affiliates. Legal services programs and affiliated social services are better at reaching their targeted constituents than government and public media. Poor people do not have the financial means to subscribe to newspapers and often lack television and radios. They are under-served by government because of fear, mistrust, and historic neglect and antipathy.

H. FLS' interest in the information sought is non-commercial. FLS does not intend to re-sell the information nor will FLS receive any personal or commercial benefit from the disclosure of the information.

Please exercise your discretion to consider the cost-effectiveness of the investment of your administrative resources in the decision-making process concerning the granting of this fee waiver/reduction request and determining our use to be non-commercial.


Please notify us if the waiver/reduction is not granted. If the waiver/reduction is not granted, please additionally notify us in advance if the fees to be charged will be greater than \$25.00. In any event, we understand that for a non-commercial use, the first 100 pages of duplication and the first two hours of search will be free of charge.

Thank you for your prompt attention to the above requests.

Sincerely,



VALORY GREENFIELD
CINDY HUDDLESTON
Staff Attorneys for
Florida Legal Services, Inc.

SENDER: COMPLETE THIS SECTION	
1. Article addressed to: Headquarters Freedom of Information Act Officer FEMA Street, S.W. Washington, DC 20472	
2. Article Number: 7002 2410 0006 0439 5216 (Transfer from service) PS Form 3811, February 2004 Domestic Return Receipt	
3. Service Type: <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Registered <input type="checkbox"/> Insured Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> C.O.D. <input type="checkbox"/> Yes	
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
COMPLETE THIS SECTION ON DELIVERY A. Signature:  <input type="checkbox"/> Agent B. Received by (Printed Name): <u>VALORY GREENFIELD</u> <input type="checkbox"/> Addressee C. Date of Delivery: <u>6/21/02</u> D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	