

Complaint Exhibit 4

U.S. Department of Homeland Security
500 C Street, SW
Washington, DC 20472



FEMA

June 23, 2006

Valory Greenfield
Cindy Huddleston
Florida Legal Services, Inc.
3000 Biscayne Boulevard, Suite 450
Miami, FL 33137



RE: Freedom of Information Act Request
FOIA Case No.: 06-391

Dear Ms. Greenfield and Ms. Huddleston:

The U.S. Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA) acknowledges receipt of your Freedom of Information Act (FOIA) request dated June 16, 2006. In your letter you requested a copy of the following records:

- 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;
- 2) Templates 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 docs describing how FEMA creates housing termination guidance, memoranda, policies, instructions, including but not limited to notices and announcements published in the Federal Register;
- 4) Any docs 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, etc.;
- 5) With respect to the docs identified in numbers 1 through 4, request citations to Federal Register publication numbers or Government Printing Office document numbers for the foregoing documents, if any.

In addition to a request for records, you asked that we waive or reduce the fees incurred for processing your request. The FOIA authorizes waiver of fees when it is determined that such action is in the public interest because furnishing the information can be considered as primarily benefiting the general public.

The Freedom of Information Reform Act of 1986 addresses the term "public interest" by including that fees should be waived or reduced "if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester." Public Law No. 99-570, section 1803, 100 Stat. 3207, 3207-50 (codified as amended at 5 U.S.C. section 552(a)(4)(A)(iii)(1994 & Supp. II 1996). In order to warrant a waiver or reduction of fees, the public understanding of the government operations or activities in question, as compared to the level of public understanding existing prior to the disclosure, must be enhanced by the disclosure to a significant extent. Your request for a fee waiver did not establish how provision of the subject records to you at public expense would either primarily benefit the general public or significantly enhance the general public's understanding of FEMA operations or activities compared with its present understanding.

Moreover, to receive a fee waiver, one must establish both an ability and intent to effectively distribute the requested information to the general public. Your request did not establish this ability or intent.

Consequently, your request for a fee waiver is denied.

You may appeal our determination to deny a fee waiver within 60 days from the date of this letter. Your appeal should include copies of your original request and this response, as well as a discussion of the reasons supporting your appeal. The envelope should be plainly marked to indicate that it contains a Freedom of Information Act appeal. If you decide to appeal, please send your appeal to:

Freedom of Information Act/Privacy Act Appeals
U.S. Department of Homeland Security
245 Murray Lane, SW, Building 410
Washington, DC 20528

Each FOIA request must contain an agreement to pay certain costs for processing the records (6 CFR § 5.11). There are four categories of requesters: commercial use requesters; educational and non-commercial scientific institutions; representatives of the media; and all other requesters. Specific levels of fees are prescribed for each of these categories. We have determined that your request falls under the "commercial" category. Consequently, you will be responsible for search, review and duplication fees (see enclosed FOIA Fee Schedule).

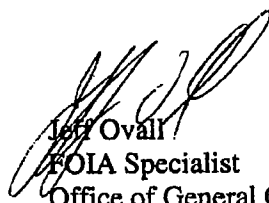
In addition, the FOIA requires advance payment when estimated costs to process a request exceed \$250. Because of the extremely broad scope of your request, we estimate

it will exceed \$250 for processing. I am writing to ask you to narrow the scope of your request in order to reduce your fees.

Please contact us should you wish to pursue your FOIA request absent a fee waiver and are willing to pay fees that will exceed \$25, and most likely well over \$250. You may want to consider narrowing the scope of your request so as to reduce your costs. If we do not hear from you within 30 days from the date of this letter, we will assume you no longer wish to pursue your request and we will administratively close the request.

Thank you for your interest in FEMA's programs and policies.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Oval", is written over the typed name and title.

Jeff Oval
FOIA Specialist
Office of General Counsel

FEMA Fee Schedule (6 C.F.R. § 5.11). The following table sets out the DHS/FEMA Fee Schedule that FEMA uses to determine fees. If the cost is \$14 or less, no fees are charged. The rates for managerial, professional and clerical search and review are assessed based upon the hourly wage of the personnel performing the work.

FOIA Fee Schedule

Activity	Rate	Commercial Use Requester	News Media, Educational Research, or Scientific Research Requester	Other Requester
(1) Managerial search	\$41.00 per hour	Applies	Does not apply	Applies. No charge for first two hours of cumulative search
(2) Professional search	\$28.00 per hour	Applies	Does not apply	Applies. No charge for first two hours of cumulative search
(3) Clerical search	\$16.00 per hour	Applies	Does not apply	Applies. No charge for first two hours of cumulative search
(1) Managerial review	\$41.00 per hour	Applies	Does not apply	Does not apply
(2) Professional review	\$28.00 per hour	Applies	Does not apply	Does not apply
(3) Clerical review	\$16.00 per hour	Applies	Does not apply	Does not apply
Duplication	\$0.10 per page	Applies	Applies. No charge for first 100 pages	Applies. No charge for first 100 pages
Duplication costs—tape, CD ROM or diskette	Actual Cost	Applies	Applies	Applies