

Boyne City Housing Commission (BCHC) Freedom of Information Act (FOIA) Procedures & Guidelines

Adopted by the BCHC Board of Commissioners 10/22/2025

Adopted under Michigan FOIA, MCL 15.231–15.246. These Procedures & Guidelines establish how BCHC receives, processes, and responds to public records requests.

1. FOIA Coordinator

The FOIA Coordinator is responsible for accepting and processing FOIA requests and approving denials. BCHC designates the Executive Director as FOIA Coordinator:

Name: Bethany Hedgepath, Executive Director (FOIA Coordinator)

Mailing: 829 S Park St, Boyne City, MI 49712

Email: info@boynecityhc.com

Fax: (231)582-3797

Phone: (231)582-6203 (For general inquiries only; FOIA requests must be in writing.)

2. Submitting a FOIA Request

Requests must be in writing and sufficiently describe the public records sought.

Requests may be submitted by:

- A. Email to the FOIA Coordinator
- B. Mail or hand-delivery to the BCHC office
- C. Fax, if available

Clearly mark the request “FOIA” and include contact information for the response. BCHC may treat a request received by email or fax after business hours as received on the next business day.

3. BCHC’s Response Timeframes

Within 5 business days after receiving it, BCHC will do one of the following:

- A. Grant the request (in whole or in part)
- B. Issue a written denial (in whole or in part) citing statutory exemptions
- C. Grant in part and deny in part or
- D. Issue a notice extending the response time by up to 10 additional business days
- E. If no response is issued within the statutory time, the request is considered denied. BCHC will comply with any fee-reduction requirements for untimely responses as provided in MCL 15.234.

4. Clarification & Narrowing

If a request is unclear or overly broad, BCHC may seek clarification. The request is considered received on the date the clarification is received. BCHC may assist the requester in narrowing the scope to reduce costs.

5. Fees and Deposits

BCHC may charge fees as permitted by MCL 15.234 to recover allowable costs. Fees will be itemized on the standard Michigan FOIA fee form. Allowable charges include:

- A. Labor Costs: Actual hourly wage (including up to the actual cost of fringe benefits not to exceed 50% of the applicable labor cost), billed in 15-minute increments, for (1) searching, locating, and examining records; (2) separating and deleting exempt from nonexempt information; and (3) duplication.
- B. Copies/Printing: \$0.10 per sheet for standard letter/legal sizes; actual cost for non-standard paper. Double-sided copies count as two pages.
- C. Non-Paper Media: Actual and most reasonably economical cost (e.g., USB drive, CD/DVD) when the requester asks for such delivery and BCHC has the technological capability.
- D. Mailing: Actual cost of the most economical method, including postage and mailing supplies.

- E. Fringe/Overhead: Only as permitted by statute; no separate overhead may be charged beyond the fringe limit described above.
- F. Deposits: BCHC may require a good-faith deposit of up to 50% of the estimated fee when the total charge is expected to exceed \$50. If a requester has not paid for previously requested records and the unpaid amount is more than 90 days past due and exceeds \$25, BCHC may require 100% deposit and payment of past-due amounts as permitted by statute.

6. Fee Waivers & Reductions

Indigency: A requester who is indigent may receive a waiver of the first \$20 of fees upon submitting a sworn statement meeting statutory criteria. BCHC will also apply any fee reductions required by law for untimely responses, as provided in MCL 15.234.

7. Exemptions

Some records or portions of records may be exempt from disclosure under FOIA or other laws (e.g., personal privacy, law enforcement records, attorney-client privileged material, bidder confidential information, etc.). BCHC will redact exempt information and provide the nonexempt portions accompanied by a written explanation of each exemption applied.

8. Appeals

- A. Appeal of Denial: A requester may submit a written appeal of a denial (in whole or in part) to the BCHC Board of Commissioners within 180 days, stating the word “appeal” and identifying the reasons for reversal. Alternatively, the requester may commence an action in the Charlevoix County Circuit Court within 180 days of the final determination.
- B. Appeal of Fee: A requester may appeal a fee in writing to the BCHC Board Chair (head of the public body) within 45 days of receiving the fee itemization, stating how the fee exceeds the permitted amount. The requester may also seek judicial review as provided in MCL 15.240.

9. Records Format & Electronic Delivery

BCHC will provide records on non-paper media or electronically if it has the technological capability and such delivery is specifically requested. BCHC is not required to create new records to satisfy a request.

10. Posting & Availability

These Procedures & Guidelines and the Public Summary are available without charge at the BCHC office. Upon request, BCHC will furnish a paper copy of the Public Summary and Procedures & Guidelines free of charge.

11. Federal Confidentiality & HUD Compliance

BCHC also complies with federal confidentiality requirements applicable to HUD programs (e.g., EIV data, personally identifiable information). Such records may be withheld or redacted as required by federal law and guidance.