

2023

ACTION PLAN

COMMUNITY DEVELOPMENT BLOCK GRANT
DISASTER RECOVERY FUNDS



EQUAL HOUSING
OPPORTUNITY



Lee County
Southwest Florida

Lee Board of County Commissioners
2120 Main Street
Fort Myers, Florida
www.leegov.com/recovery/cdbg-dr

Lee County Action Plan

for Community Development Block Grant – Disaster Recovery (CDBG-DR) Funds

Consolidated Appropriations Act of 2023
(Public Law 117-328)

Hurricane Ian
FEMA – 4673 – DR
Declared September 29, 2022

CFDA# 14.218
Federal Register Notice: 88 FR 32046



RECORD OF AMENDMENTS

The following table summarizes amendments to Lee County Florida's Disaster Recovery Action Plan.

<i>DATE ACTION PLAN WAS INITIALLY APPROVED BY HUD</i>
<i>TBD</i>

<i>DATE AMENDMENT APPROVED BY HUD</i>	<i>AMENDMENT NUMBER</i>	<i>DESCRIPTION OF AMENDMENT</i>

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I. EXECUTIVE SUMMARY

A. OVERVIEW

The U.S. Department of Housing and Urban Development (HUD) awarded Lee County \$1,107,881,000 in funding to support long-term recovery efforts following Hurricane Ian (FEMA – 4673 – DR) through the Office of Disaster Recovery (ODR) within the Office of Community Planning and Development. Community Development Block Grant-Disaster Recovery (CDBG-DR) funding is designed to address needs that remain after all other assistance has been exhausted. This plan details how funds will be allocated to address remaining unmet needs in Lee County.

To meet disaster recovery needs, the statutes making CDBG-DR funds available have imposed requirements and authorized HUD to modify the rules that apply to the annual CDBG program to enhance flexibility and allow for a quicker recovery. HUD has allocated \$1,107,881,000 in CDBG-DR funds to Lee County in response to Hurricane Ian (FEMA – 4673 – DR), through the publication of the Federal Register, 88 FR 32046 (May 18, 2023). <https://www.hud.gov/sites/dfiles/CPD/documents/6393-N-01CDBG-DR-Allocations.pdf>). This allocation was made available through PL 117-328: Consolidated Appropriations Act, 2023.

Lee County's Department of Strategic Resources and Government Affairs (SRGA) is the lead and responsible agency for administering the CDBG-DR funds allocated to Lee County. This Action Plan describes SRGA's analysis of the collective local impact of Hurricane Ian (DR 4673), the remaining unmet needs, and the County's plan for distribution of funds to the households and areas of the County most impacted by the storm. Lee County is committed to directing CDBG-DR funds to benefit low- and moderate-income households and area, in accordance with Section 103 of the Housing and Community Development Act. To ensure that projects are deployed in a timely manner and to streamline the recovery process, HUD provided multiple waivers and flexibilities in 88 FR 32046. Lee County will utilize these waivers and flexibilities as much as possible to ensure quick deployment of funds and a speedy recovery for the community.

B. DISASTER SPECIFIC OVERVIEW

In the past two years, Lee County jumped to the 9th fastest growing county in the U.S. The expanding number of secondary homes and growing tourism contributed to the significant strain on already limited housing and infrastructure capacity. On Wednesday, September 28, 2022, Hurricane Ian made landfall at Cayo Costa as a strong Category 4 hurricane with top wind speeds of 150 mph. Over 10 feet of storm surge impacted the barrier islands, Fort Myers Beach, and coastal areas along the Caloosahatchee River. Major infrastructure systems failed, leaving much of the County without access to water. Power grids were destroyed on barrier islands, and severely damaged in inland areas.

The County experienced significant loss in the already strained housing stock because of the storm. More than 9,900 residential units were destroyed, and more than 13,173 residential units suffered major damage. Initial damage assessments show Ian caused more than \$8 billion in damage to residential and commercial structures. It impacted every county beach, all county parks, every traffic signal, and generated an estimated 10 million cubic yards of debris, with 6 million of that collected roadside in unincorporated areas. The storm left more than 130,000 persons in need of housing assistance.

On September 28, 2022, Governor Ron DeSantis requested an expedited federal disaster declaration for Hurricane Ian. The Governor requested FEMA assistance under the Stafford Act for Individual Assistance and Public Assistance for all 67 counties, the Miccosukee Tribe of Indians of Florida, the Seminole Tribe of Florida, and Hazard Mitigation statewide.

On September 29, 2022, President Biden declared that a major disaster existed in the State of Florida. In addition to triggering emergency protective measures, the initial federal response provided funding under the Stafford Act for:

- Individual Assistance to affected individuals and households in Charlotte, Collier, DeSoto, Hardee, Hillsborough, Lee, Manatee, Pinellas, and Sarasota counties;
- Debris removal for Charlotte, Collier, DeSoto, Hardee, Hillsborough, Lee, Manatee, Pinellas, and Sarasota counties;
- Public Assistance for all 67 counties, the Miccosukee Tribe of Indians of Florida, and the Seminole Tribe of Florida; and
- Hazard Mitigation Grant Program assistance for hazard mitigation measures statewide.

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The severity and magnitude of Hurricane Ian justified the need for supplemental Federal assistance prior to the completion of joint federal, state, and local government Preliminary Damage Assessments (PDAs).

The response to Hurricane Ian was multi-agency and large scale. More than nine months after the storm, recovery remains a challenge for many households and communities. Through June 2023, an official State of Local Emergency remained in effect in Lee County.

As result of Hurricane Ian and ongoing unmet recovery needs, a Congressional allocation of HUD disaster response funding through the Community Development Block Grant Disaster Recovery program was made to Lee County. On December 29, 2022, President Biden signed into law the “Consolidated Appropriations Act, 2023” (Public Law 117-328), which included \$3 billion in CDBG-DR funds for major disasters that occurred in 2022.

The projects outlined within this plan were selected through an evaluation of unmet needs resulting from Hurricane Ian (FEMA – 4673 – DR) and an evaluation of risks for future disaster impacts. CDBG-DR funds will support hazard mitigation, planning, and recovery for infrastructure and housing, as well as provide public services and planning to ensure individual household and community-wide recovery and resilience.

In accordance with the Federal Register Notice (88 FR 32046) governing these funds, Lee County submits this Public Action Plan to serve as the blueprint for the successful implementation of CDBG-DR funded programs. This plan may be amended as the needs in the community change post-Ian. **The initial draft plan is being made available for public comment and feedback between August 1 and August 31, 2023.**

C. SUMMARY

On December 29, 2022, President Biden signed into law the “Consolidated Appropriations Act, 2023 (Public Law 117-328), which included \$3 billion in CDBG-DR funds for major disasters that occurred in 2022. The U.S. Department of Housing and Urban Development (HUD) administers CDBG-DR funds, and grantees are required to submit a plan to the HUD Secretary detailing a recovery plan to address disaster needs. All funds must be allocated for disaster-related eligible activities in accordance with the applicable federal register notices, the Housing and Community Development Act of 1974, Title 24 Section 570 of the Code of Federal Regulations, and Federal Register Notice 88 FR 32046.

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The Community Development Block Grant Disaster Recovery (CDBG-DR) program provides communities impacted by disasters with resources to address a wide range of disaster-related needs. CDBG-DR allocations provide funding to develop viable communities, particularly for low- and moderate-income persons, through decent housing, a suitable living environment, and the expansion of economic opportunities. The primary objectives of this recovery Action Plan are as follows:

- Create and preserve safe, resilient, and affordable housing opportunities;
- Assist individual property owners to recover from the impacts of Hurricane Ian;
- Restore critical public facilities and infrastructure;
- Mitigate future disaster impacts through infrastructure investments;
- Deliver essential public services that support individual and community-wide recovery; and
- Plan for future resiliency.

Through the allocation process HUD identifies most impacted and distressed (MID) areas where CDBG-DR funding must be spent. For this grant, HUD identified all of Lee County as one of those areas. All funded projects and activities must be located in incorporated or unincorporated areas of Lee County, Florida. ***All CDBG-DR allocations will be available for disbursement from the Federal Treasury for approximately six years following the date of execution of the grant agreement.***

Project allocations are based on the best data currently available and reflect projections of need to support the programs. It can be anticipated there will be future adjustments based on actual experience as programs are implemented; however, neither public services, planning, nor administrative expenses will surpass their statutory caps. HUD statutory caps for CDBG-DR are as follows:

- 15% for Public Services
- 15% for Planning
- 5% for Administration

In the development of this disaster recovery Action Plan, Lee County consulted with disaster-affected citizens, stakeholders, local governments, public housing authorities, and other affected parties in the surrounding geographic area to ensure consistency of disaster impacts identified in the plan, and that the plan and planning process was comprehensive and inclusive. The information gathered through town hall meetings, stakeholder consultations, public meetings,

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and online public comment submissions were considered during the development of the Action Plan. Additional details regarding Citizen Participation efforts can be viewed in Section III.A.

Lee County also completed a disaster impact and unmet needs assessment to identify the impacts, long-term needs, and priorities for more than \$1.1 billion of Community Development Block Grant-Disaster Recovery (CDBG-DR) funding allocated as a result of the 2022 Hurricane Ian event. That assessment identified more than \$8 billion in unmet needs among housing, infrastructure, and economic revitalization. More than 94 percent of the overall need is housing and infrastructure.

The unmet needs analysis identified a total housing unmet recovery need of \$4,598,352,445.

FEMA real property damage estimates indicate that there are approximately 18,473 (79.87 percent) owner-occupied units and 4,655 (20.13 percent) renter-occupied units that suffered major-high or severe damage. Insurance data indicates that there are an estimated 49.08 percent of homeowners without insurance. By adding the number of renter and owner-occupied units, then dividing by the percent estimated to be uninsured, the County estimates that approximately 11,351 households may need some assistance to fully recover from Hurricane Ian. The County further estimates, based on the overall LMI population, that 4,742 (41.78 percent) of these households may be income qualified for CDBG-DR programs.

Lee County will implement the following housing recovery projects to address the unmet housing needs in Lee County:

- Affordable Multifamily Housing Development and Preservation
- Affordable Single Family Housing Development
- Individual Housing Rehabilitation, Reconstruction & Elevation – Owner and Renter Occupied
- Home Purchase Assistance
(i.e., downpayment, closing cost, and mortgage buydown assistance)
- Voluntary Residential Buyout

The housing programs together will receive \$660,000,000 of the allocated CDBG-DR funds from HUD. This represents approximately 60 percent of the CDBG-DR funds allocated to Lee County. Approximately 2,800 households will be provided assistance through the projects listed above.

The unmet needs analysis identified a total infrastructure unmet recovery need of \$3,040,625,610.

The infrastructure systems affected by Hurricane Ian's widespread damage included damage to energy systems, roadways, bridges, traffic controls, water and wastewater treatment systems, septic systems, cell towers, and voice and data services. Transportation was hazardous as water and debris, including many boats, blocked roads; there were downed trees and power lines, and traffic lights were out. Both the Sanibel Causeway (see *Figure 33*) and the Matlacha Pass Bridge were severely damaged during the storm and those barrier island areas were inaccessible by car until repairs were made.

Lee County will implement the following infrastructure recovery projects to address the unmet infrastructure needs in Lee County:

- Hurricane Mitigation Grant Program Infrastructure Match Funding
- Critical Infrastructure

The infrastructure programs together will receive \$352,486,950 of the allocated CDBG-DR funds from HUD. This represents approximately 32 percent of the CDBG-DR funds allocated to Lee County. Mitigation funds are included in Lee County's total infrastructure budget and will be used to support improvements to infrastructure not impacted by Hurricane Ian.

The unmet needs analysis identified a total economic unmet recovery need of \$440,320,907.

Lee County has determined that the most impactful means by which to support overall economic recovery are included in housing and infrastructure programs. However, the County will continue to evaluate information related to the unmet needs of the business community and collaborate with municipal partners and other stakeholders to assess the feasibility of CDBG-DR programs to support economic revitalization. Consequently, an economic revitalization program could be incorporated into the Action Plan through a substantial amendment.

Lee County understands that wraparound public services and early opportunities for case management following a disaster are critical to complement housing and infrastructure activities. After Hurricane Ian, the County advertised its Coordinated Entry line as an access point for services and support for households impacted by Hurricane Ian. To date, the Coordinated Entry line has completed 2,417 unmet needs assessments and continues to receive calls daily. Through

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these calls the County has identified unmet needs for case management and behavioral health services.

The County has allocated \$15 million in public services to provide for case management and services navigation through the Unmet Needs Long Term Recovery group and to implement a more coordinated system for behavioral health services within the County.

The County will also allocate \$25 million for planning to create resiliency and recovery plans, as well as provide opportunities for municipalities within Lee County to conduct strategic planning.

The County will utilize 5 percent of the total grant award for administration, as allowed by the Federal Register Notice.

Additional information regarding the County's current unmet needs across HUD's defined sector categories (housing, infrastructure, and economic revitalization) are detailed in the following sections:

II.B. Housing Unmet Needs

II.C. Infrastructure Unmet Needs

II.D. Economic Revitalization Unmet Needs

D. UNMET NEEDS AND PROPOSED ALLOCATION

Table 1 – Lee County's Unmet Needs and Proposed Allocation

Category	Remaining Unmet Need	% of Unmet Need
Housing	\$4,598,352,445	56.92%
Infrastructure	\$3,040,625,610	37.63%
Economic Revitalization	\$440,320,907	5.45%
Total Unmet Needs	\$8,079,298,962	100%

Category	Program Allocation Amount	% of Program Allocation
Housing	\$660,000,000	59.57%
Economic Revitalization	\$0	0%
Infrastructure	\$207,980,950	18.77%
Mitigation	\$144,506,000	13.04%
Planning	\$25,000,000	2.26%
Public Services	\$15,000,000	1.35%
Admin	\$55,394,050	5.00%
Total Allocation	\$1,107,881,000	100%

Source: Unmet needs data compiled from a variety of sources, including, but not limited to the following: FEMA, HUD, Small Business Administration (SBA), National Flood Insurance Program (NFIP), Lee County Housing Authority, Housing Authority of the City of Fort Myers, Lee County Property Appraiser, Florida Division of Emergency Management (FDEM), FEMA Public Assistance (PA), FEMA Hazard Mitigation Grant Program (HMGP), Federal Highway Administration (FHWA), Lee County Recovery Task Force (RTF), U.S. Census Bureau (Decennial Census and American Community Survey), The Vulnerability Mapping Analysis Platform (VMAP) Social Vulnerability Index (SoVI), Lee County Homeless Continuum of Care, Lee County's Hazard Identification and Risk Assessment (HIRA) & Joint Local Mitigation Strategy (LMS) Plan (Lee County Public Safety).

II. UNMET NEEDS ASSESSMENT

A. OVERVIEW

Lee County completed a disaster impact and unmet needs assessment to identify the impacts, long-term needs, and priorities for more than \$1.1 billion of Community Development Block Grant-Disaster Recovery (CDBG-DR) funding allocated as a result of the 2022 Hurricane Ian event. The Federal Emergency Management Agency (FEMA) declaration number for this presidentially declared disaster is DR-4673. The United States (U.S.) Department of Housing and Urban Development (HUD) identified the most impacted and distressed (MID) area for this grant is all of Lee County, Florida.



Figure 1 - The location of Lee County, FL. ¹

The needs assessment evaluates unmet needs related to housing, infrastructure, economic revitalization, planning, and mitigation. This assessment takes into consideration pre-disaster needs in addition to unmet recovery needs resulting from Hurricane Ian.

¹ Map created by Lee County using ArcGIS software.

1. HURRICANE IAN'S IMPACT TO LEE COUNTY

Hurricane Ian originated from a tropical wave off the coast of Western Africa and moved across the central tropical Atlantic towards the Windward Islands. On September 21, 2022, it progressed through the Caribbean Sea. The storm grew and on September 23, 2022, it was designated a tropical depression, located 130 miles east-northeast of Aruba tracking to hit western Cuba heading for Florida. Ian made landfall in the U.S. in southwestern Florida as a Category 4 storm. See the Hurricane Ian track shown in *Figure 2*.

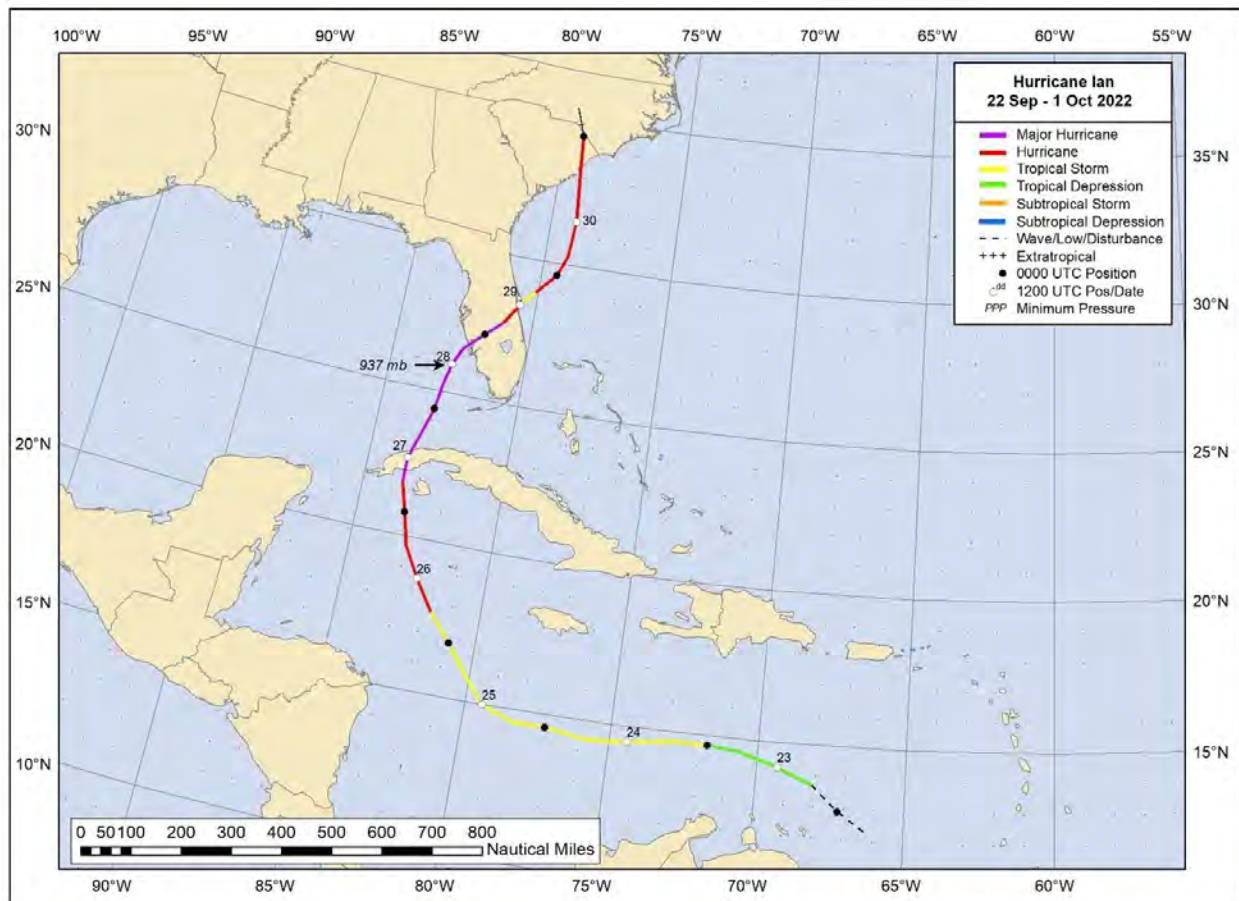


Figure 2 - The best storm track of Hurricane Ian from Sept. 23 - 30, 2022. ²

Hurricane Ian made its initial U.S. landfall on the barrier island of Cayo Costa, in Lee County, Florida on September 28, 2022, at 3:05 p.m. Eastern Daylight Time (EDT). At the time of landfall in Lee County ("County"), the storm had been declared a major hurricane with an approximate wind speed of 150 miles per hour (MPH) and an estimated central pressure of 941 millibars (mb). Hurricane Ian produced a catastrophic storm surge in the County causing major flooding along the southwest coast of Florida, the barrier islands near Fort Myers, as well as rivers and bays such

² https://www.nhc.noaa.gov/data/tcr/AL092022_Ian.pdf, page 41

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as the Caloosahatchee River, Estero Bay, and the Imperial River. Lee County is geographically vulnerable to storm surge. The exact track of Hurricane Ian, its strong sustained winds, and large storm size contributed to widespread devastating impacts. Ian moved northeast out of Lee County across Florida and back into the Atlantic where it veered north to South Carolina and eventually dissipated as a hurricane on October 1, 2022.

STORM SURGE

Peak storm surge inundation levels of 10 to 15 feet above ground level (AGL) occurred in Fort Myers Beach and Estero Island; 9 to 13 feet AGL occurred in the eastern portion of Sanibel Island; 8 to 12 feet AGL occurred in Estero, Bonita Beach and Bonita Springs; 6 to 9 feet AGL occurred in Pine Island, Cape Coral, and other communities along the mouth of the Caloosahatchee River; and 5 to 8 feet AGL occurred in Fort Myers.³ The range of storm surge levels throughout the Lee County area can be seen in *Figure 3*.

Fort Myers Beach and Estero experienced peak Hurricane Ian inundation levels of 10 to 15 ft AGL. A United States Geological Survey (USGS) water level sensor measured a wave-filtered water level of 12.70 ft above mean higher high water (MHHW) level at Fort Myers Beach Pier, which was the highest water level measurement from this network. Nearby, a remote camera mounted by storm chaser, Max Olson, captured the evolution of the storm surge event on Fort Myers Beach (see *Figure 4 images a through e*). The camera was located less than 0.5 miles to the east on Estero Boulevard relative to the USGS water level sensor. A timeline of images show (a) the onset of storm surge inundating the streets, (b) rapidly moving water carrying large floating debris, (c) a home in the view of the camera floating off its foundation with large waves crashing over it, (d) waves splashing over the camera, mounted approximately 12 feet above the road, and (e) receding waters revealing a barren landscape approximately 6.5 hours after the first image. These images show the destructive power of the storm surge and waves that occurred throughout the area.

³ https://www.nhc.noaa.gov/data/tcr/AL092022_Ian.pdf, page 9

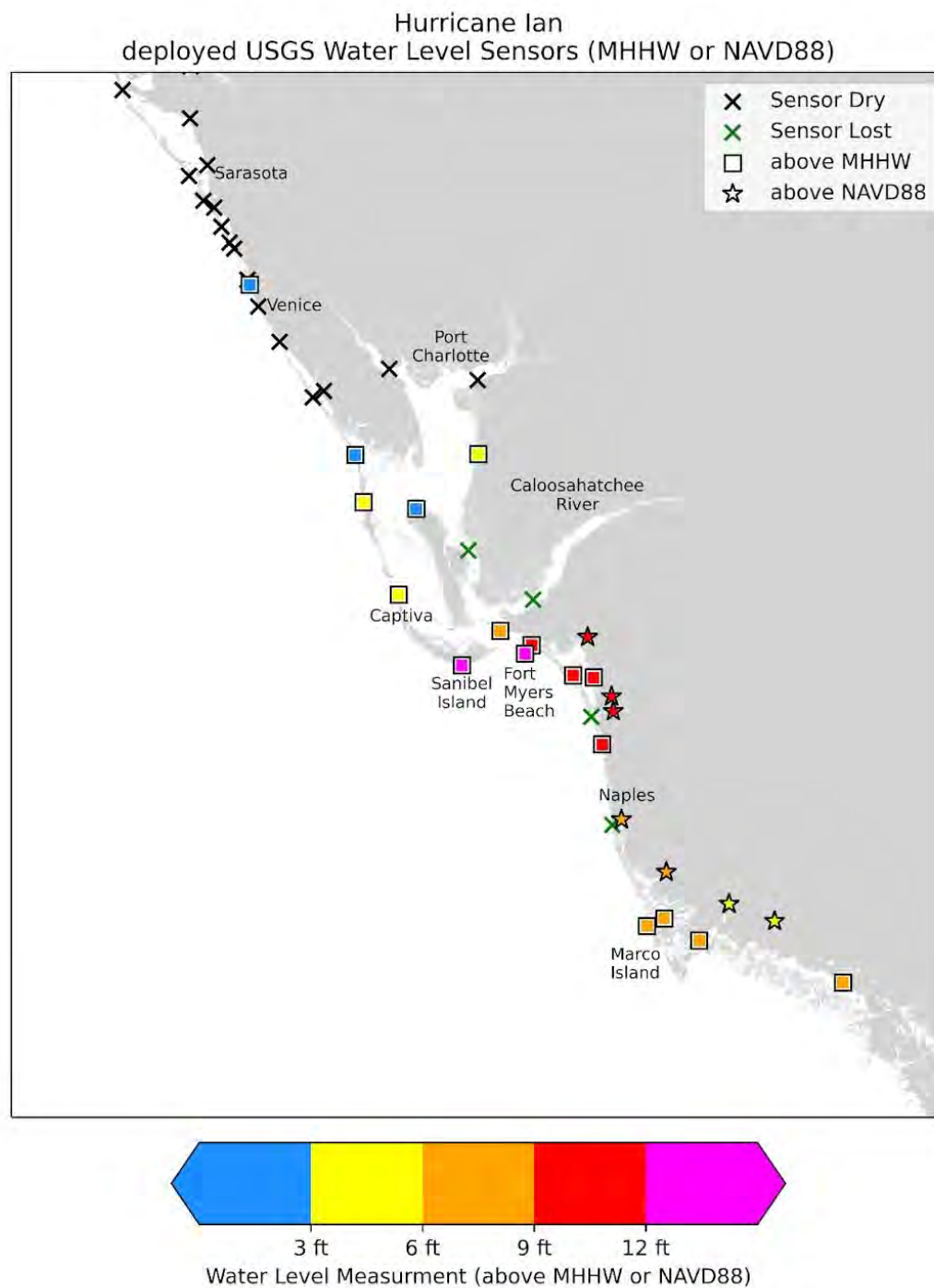


Figure 3 - Maximum wave filtered water level measurements from USGS water level sensors.⁴

⁴ https://www.nhc.noaa.gov/data/tcr/AL092022_Ian.pdf, page 48

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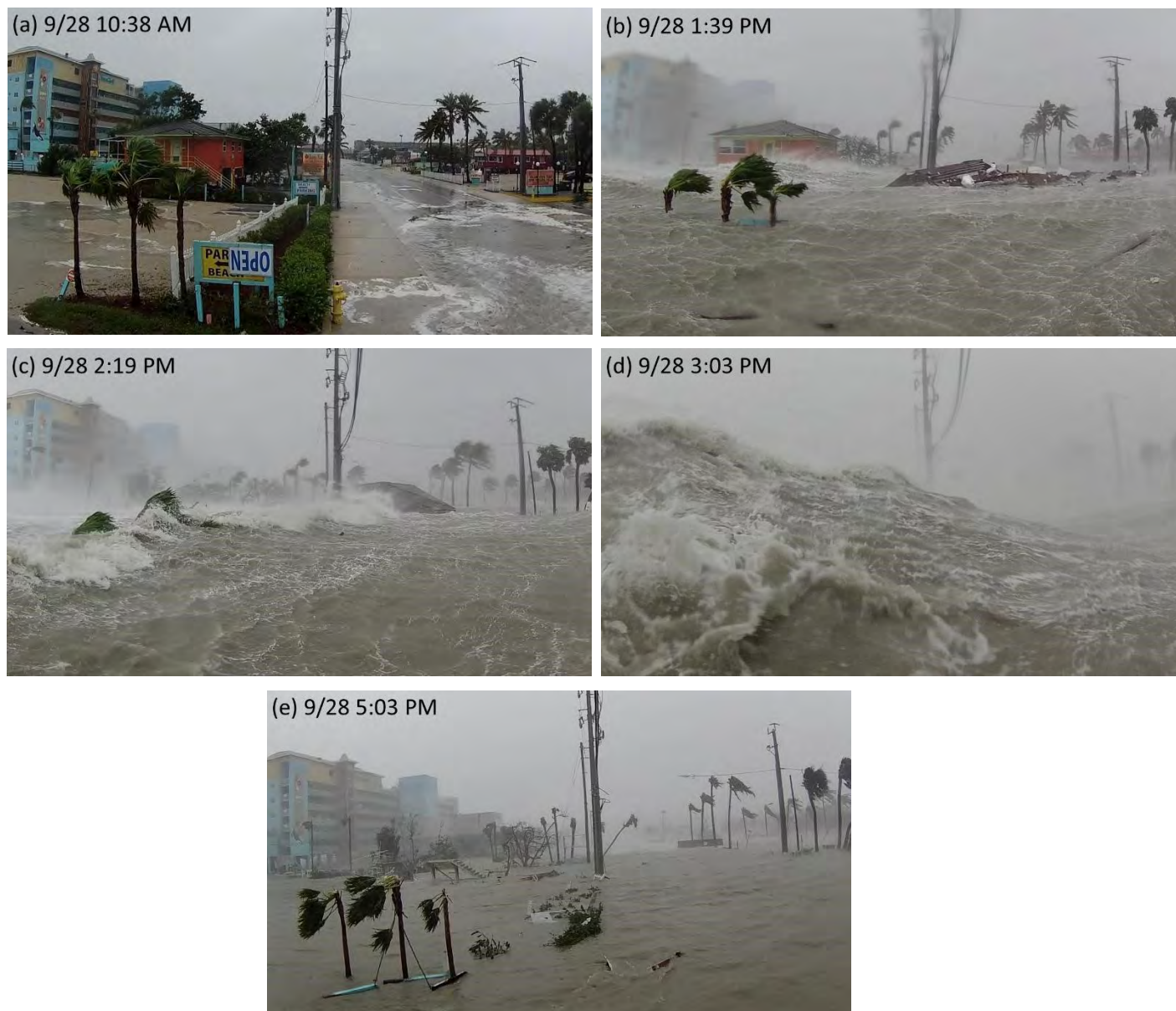


Figure 4 - (a - e)– Still images and approximate local times from a remote camera showing storm surge inundation in Fort Myers Beach. ⁵

⁵ https://www.nhc.noaa.gov/data/tcr/AL092022_lan.pdf and image credit: Max Olson, page 51

WIND IMPACTS

Hurricane Ian's path over Florida and sustained hurricane-force winds caused widespread power outages throughout southwest Florida. At 5:00 PM Eastern Daylight Time (EDT) on September 29, 2022, there were 2,624,701 customers without electricity (*Figure 5*). Southwest Florida's Electric Cooperative (LCEC), which provides electrical power to six counties in southwest Florida including Lee County, reported that over 90 percent of customers in its service area were without power.⁶ Power outages lasted sixteen days; Sanibel Island, the final area without power service, was restored on October 14, 2023.

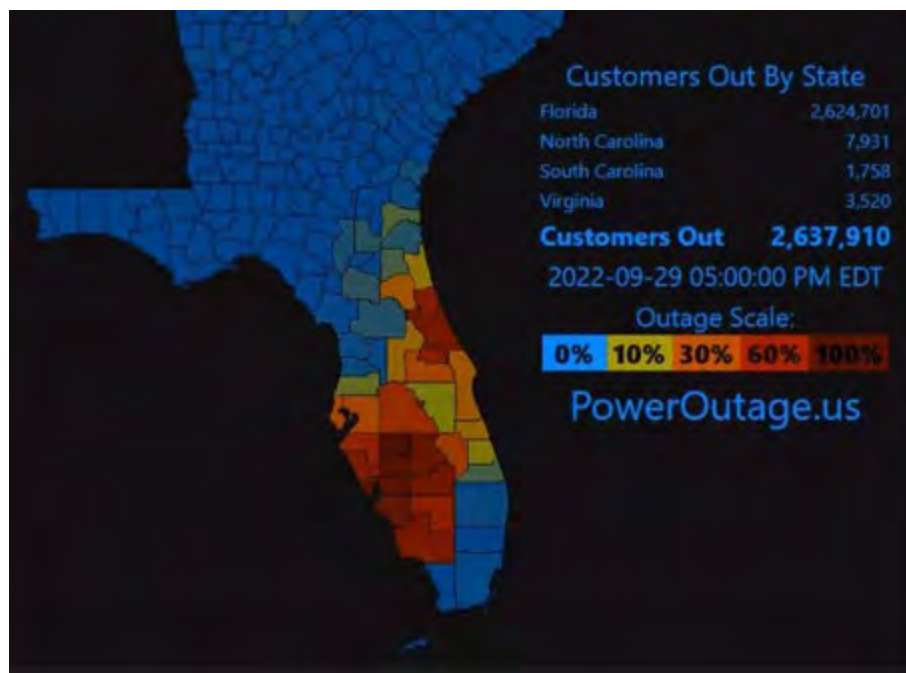


Figure 5 - Power outage map for Florida on September 29, 2022.⁷

The wind impacts also caused roof, building, and infrastructure damage to homes, businesses, and public facilities across the County, compounding to the damage caused by the historic storm surge. Ian's impact required massive debris removal efforts. As of June 28, 2023, unincorporated Lee County alone had collected 6.38 million cubic yards of debris as a result of the hurricane-force winds and storm surge.⁸

⁶ <https://www.lcec.net/widespread-power-outages-damage-assessment-today>

⁷ https://www.nhc.noaa.gov/data/tcr/AL092022_Ian.pdf page 60, and <https://poweroutage.us/>

⁸ <https://ianprogress.leegov.com/pages/debris>

2. PRESIDENTIAL DECLARATION

On September 29, 2022, less than 24 hours after landfall, Presidential Declaration DR-4673 was signed for the state of Florida due to the catastrophic impacts of Hurricane Ian. The incident period spanned from September 23, 2022, to November 4, 2022. *Figure 6* shows that Hurricane Ian-related U.S. Federal Emergency Management Agency (FEMA) assistance was made available to all 67 counties in Florida, demonstrating the massive direct and indirect scope and impact of Ian. Due to the major impacts in the County, assistance from both FEMA Individual Assistance (IA) and Public Assistance (PA) Programs were available to individuals and eligible entities in Lee County.⁹

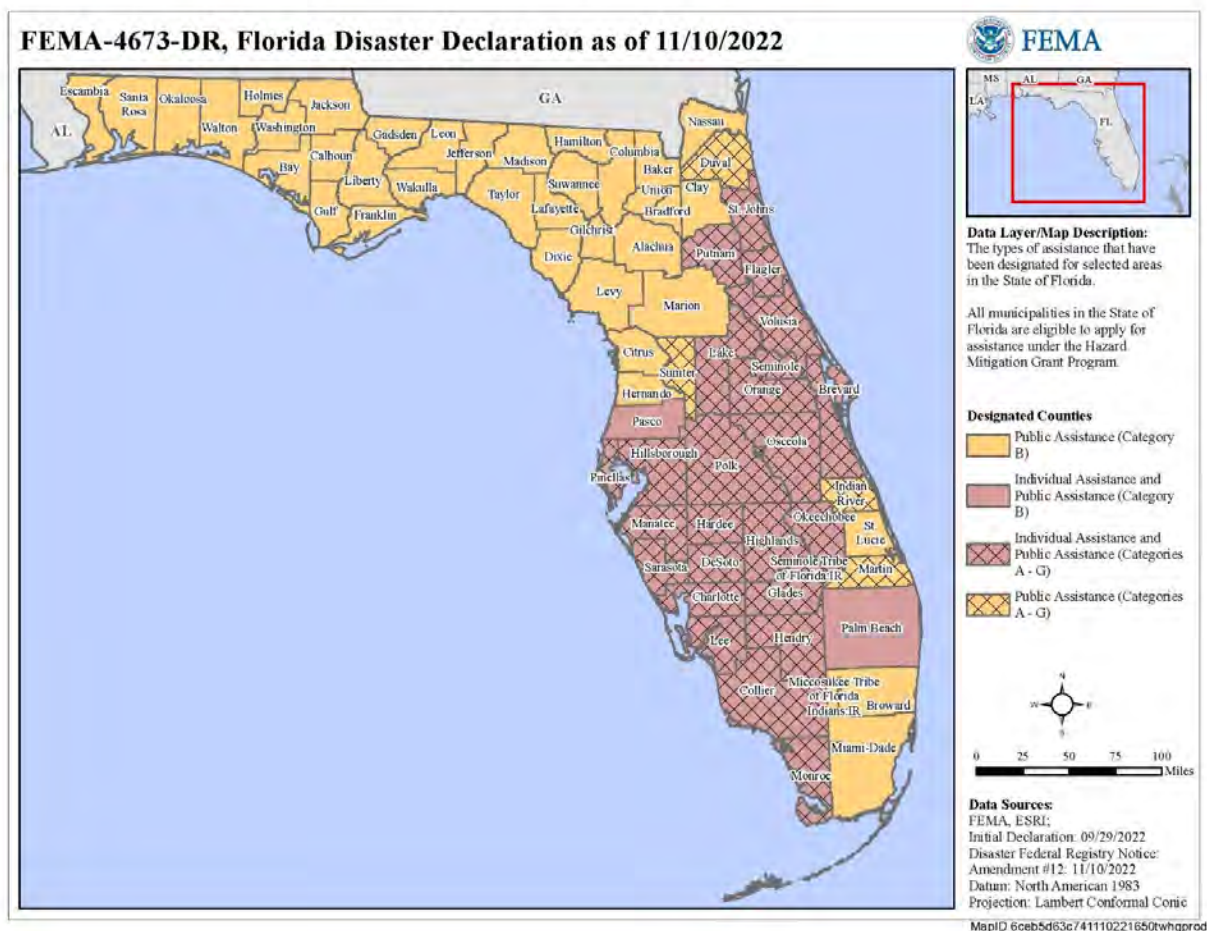


Figure 6 - Designated Counties for Presidential Disaster Declaration 4673.¹⁰

⁹ <https://www.fema.gov/disaster/4673/designated-areas>

¹⁰ https://gis.fema.gov/maps/dec_4673.pdf

3. BACKGROUND, PROCESS, AND SUMMARY OF IMPACT AND UNMET NEEDS

The Federal Register Notice issued by HUD on May 18, 2023, at 88 FR 32046 will be referred to in this section as the May 18 Notice.

Unmet needs are calculated for each of the HUD defined sectors (housing, infrastructure, and economic revitalization) based on guidance provided by HUD in its [Federal Register Notice published on May 18, 2023 \(“May 18 Notice”\)](#). The

County followed the Federal Register Notice guidance, pages 32058 to 32059 that described how to complete an unmet needs assessment including data sources, methodological processes, and how to specifically calculate unmet needs for each sector.

HUD defines “unmet needs” as resources necessary to recover from a disaster that are not likely to be addressed by other sources of funds, by accounting for the various forms of assistance available to, or likely to be available to, affected communities (e.g., FEMA PA funds) and individuals (e.g., estimated homeowner’s insurance) and use the most recent available data to estimate the portion of need unlikely to be addressed by insurance proceeds, other Federal assistance, or any other funding sources. Any remaining need, after accounting for all support, represents the overall unmet need. The results of the unmet needs assessment are used to determine a baseline of unmet needs by category and then used as the basis for the creation of recovery programs. The County’s current unmet needs across HUD’s defined sector categories (housing, infrastructure, and economic revitalization) are detailed in the following sections:

II.B. Housing Unmet Needs

II.C. Infrastructure Unmet Needs

II.D. Economic Revitalization Unmet Needs

OVERVIEW OF DATA USED

Data sources utilized in the assessment are listed in this table and more fully described in the following pages.

Table 2 - Data Sources Utilized in the Assessment.

Data	Source
Hurricane Impacts and Weather Data	National Oceanic and Atmospheric Administration (NOAA), National Weather Service (NWS)
Presidential Disaster Declaration Areas	FEMA
Most Impacted and Distressed Area	HUD
Housing Impact Data	FEMA Individual Assistance, Small Business Administration (SBA), National Flood Insurance Program (NFIP), Lee County Housing Authority, Housing Authority of the City of Fort Myers, Lee County Property Appraiser
Infrastructure Data	Florida Division of Emergency Management (FDEM), FEMA Public Assistance (PA), FEMA Hazard Mitigation Grant Program (HMGP), Federal Highway Administration (FHWA), Lee County Recovery Task Force (RTF)
Socioeconomic and Demographic Data	U.S. Census Bureau (Decennial Census and American Community Survey), The Vulnerability Mapping Analysis Platform (VMAP) Social Vulnerability Index (SoVI)
Low- and Moderate-Income Data	HUD
Homelessness, Unsheltered Populations Data	Lee County Homeless Continuum of Care, HUD Exchange Point-in-Time Counts
Mitigation Data	Lee County's Hazard Identification and Risk Assessment (HIRA) & Joint Local Mitigation Strategy (LMS) Plan (Lee County Public Safety), NOAA, United States Geological Survey (USGS), FEMA, NWS

SUMMARY OF UNMET NEEDS METHODOLOGY BY SECTOR

Housing

To calculate the Housing unmet needs, Lee County used FEMA IA, Lee County Property Appraiser, and National Flood Insurance Program (NFIP) data to identify damaged or destroyed units, calculate the value of housing losses, and tabulate against the assistance received. An increase of 30 percent⁷ of estimated value of housing losses in Lee County was included to account for costs associated with making newly constructed and rehabilitated housing more resilient to future disasters. Additional information regarding the methodology utilized to determine the housing unmet needs can be found in section *II.B Housing Unmet Needs*.

Infrastructure

Infrastructure impacts are estimated from the non-federal cost share of FEMA PA and HMGP projects, FHWA, and non-match projects submitted to Lee County. An increase of 30 percent¹¹ of the total of all Lee County PA project costs was included to account for costs associated with making repaired and newly constructed infrastructure more resilient to future disasters. An additional 38 percent¹² Producer Price Index increase for building materials and supplies was incorporated to account for anticipated increases in the cost of building materials. Additional information regarding the methodology utilized to determine the infrastructure unmet needs can be found in section *II.C. Infrastructure Unmet Needs*.

Economic Revitalization

To calculate the economic revitalization unmet needs, Lee County used summarized SBA data using Total Verified Loss (estimate) for a subset of operational categories and accounted for an additional 30 percent in funding needed to support rebuilding to higher standards (resilience) and removed payments that had been made. Additional information regarding the methodology utilized to determine the Economic Revitalization Unmet Needs can be found in section *II.D Economic Revitalization Unmet Needs*.

¹¹ The 30 percent resilience investment is consistent with the approach that HUD took in 2013 when it allocated CDBG-DR funding to jurisdictions impacted by Superstorm Sandy. See the allocation methodology in HUD's Federal Register Notice issued November 18, 2013 (78 FR 69112).

¹² Producer Price Index by Industry: Building Material and Supplies Dealers, April 2023, <https://fred.stlouisfed.org/series/PCU44414441>

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Table 3 – Summary of estimated unmet needs and proposed allocation list the unmet need estimates by HUD category. It lists the proportion per category of the total estimate, the proposed HUD funding allocation per category, and proportion of HUD funding per program category.

Category	Unmet Need	Percent of Total Unmet Need
Housing	\$4,598,352,445	56.92%
Infrastructure	\$3,040,625,610	37.63%
Economic	\$440,320,907	5.45%
Total	\$8,079,298,962	100%

B. HOUSING UNMET NEED

The following section describes the losses and unmet needs related to Hurricane Ian's impact on housing in Lee County.

The unmet needs analysis identified a total housing unmet recovery need of \$4,598,352,445.

FEMA real property damage estimates indicate that there are approximately 18,473 (79.87 percent) owner-occupied units and 4,655 (20.13 percent) renter-occupied units that suffered major-high or severe damage. Insurance data indicate that there are an estimated 49.08% of homeowners without insurance. By adding the number of renter and owner-occupied units, then multiplying by the percent estimated to be uninsured, the County estimates that approximately 11,351 households may need some assistance to fully recover from Hurricane Ian. The County further estimates, based on the overall LMI population, that 4,742 (41.78 percent) of these households may be income qualified for CDBG-DR programs.

Lee County will implement the following housing recovery projects to address the unmet housing need in Lee County:

- Single Family Housing Repair, Reconstruction, and Elevation
- Multi-Family and Rental Housing Repair, Rehabilitation, and Reconstruction
- New Construction of Affordable Housing Units
- Voluntary Residential Buyouts and Relocation Assistance
- Home Purchase Assistance (i.e., downpayment, closing cost, and mortgage buydown assistance)

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The housing programs together will receive \$660,000,000 of the allocated CDBG-DR funds from HUD. This represents approximately 60 percent of the CDBG-DR unmet needs funds allocated to Lee County. Approximately 2,800 households will be provided assistance through the projects listed above. Housing created or preserved through CDBG-DR funds will be promoted to LMI populations through direct outreach and wide-spread marketing.

Lee County encourages developers to provide the Lee County Homeless Continuum of Care first access to submit rental applications for new housing units. If utilized, this direct referral process facilitates housing opportunity for persons experiencing homelessness through prioritized access to new affordable housing units.

LIMITATIONS OF DATA

A single data source does not provide sufficient accurate information, so multiple sources were used to understand the full extent of needs in Lee County following Hurricane Ian. It is important to note that the data in this assessment reflects the best available data as of July 2023, and it captures the needs at that point in time.

- **FEMA Individual Assistance (IA):** The FEMA IA Program is the primary source of data on impacted households and for calculating unmet housing recovery needs for CDBG-DR grantees. Following a disaster, homeowners and renters voluntarily register for FEMA IA. FEMA Verified Loss¹³ awards only aid with repair/replacement to restore the home to habitable conditions. FEMA IA data only reflects the cost to repair a home to habitable conditions and often underestimates need. However, the data available at the household level, including a range of income and real property damage estimates, allows for an analysis consistent with the unmet needs calculation outlined in the May 18 Notice.
- **Small Business Administration (SBA):** The SBA disaster loan program is a recovery resource available to impacted households. The program provides loans for housing repairs and is primarily accessed by homeowners. SBA loan estimates are based on inspections, and often include the full cost to restore a home.
- **Insurance Claims:** Lee County has requested household level insurance claim information for homeowner's insurance and National Flood Insurance Program (NFIP). Summarized NFIP claim data at the county level was available and has been used to estimate the average claim per household. The County utilized the June 16, 2023, insurance data made available by the Florida Office of Insurance Regulation (FOIR) for Lee County. FOIR didn't

¹³ <https://www.fema.gov/press-release/20230425/understanding-fema-verified-loss-0>

provide the direct incurred losses. Lee County has estimated the Direct Incurred Losses value by taking the total estimated insured losses for the State, then dividing by the open and closed paid claims to get an average paid claim. The average paid claim was then multiplied by the number of open and closed paid claims for Lee County.

- **American Community Survey:** The American Community Survey (ACS) is updated annually and is based on a sample of 3.5 million residents in the 50 states. ACS data was used to capture socioeconomic and demographic data. The ACS asks more comprehensive questions than the ten-year census with the goal of “providing current information to communities every year...for programs, economic development, emergency management, and understanding local issues and conditions.”¹⁴
- **Vulnerability Mapping and Analysis Platform (VMAP):** VMAP is a system designed to streamline complex geospatial and statistical analysis for social, medical, and environmental vulnerability. VMAP implements current and historical methods for determining social vulnerability at various levels of geography for the entire nation. VMAP’s Social Vulnerability Mapping Tool allows registered users to create tract level SoVI maps at the State, County, City, Congressional District, and Watershed level or regions otherwise defined by the user. Future versions of VMAP will allow users to apply a variety of social vulnerability models in addition to the SoVI model (CDC-SVI, Georgetown Model).¹⁵
- **HUD & Homelessness Data Exchange (HDX) Homeless Point-in-Time Count:** The Point-in-Time (PIT) Count is an annual count conducted by every Homeless Continuum of Care (CoC) in the County on one designated night in January. It accounts for the number of individuals housed in emergency shelters, transitional housing, Safe Havens, and those who are unsheltered. As the data only includes individuals sleeping outside and in shelters, it does not capture those experiencing homelessness who are sleeping in motels or staying with friends or relatives temporarily.¹⁶

¹⁴ <https://www.census.gov/programs-surveys/acs/about/acs-and-census.html#:~:text=The%20American%20Community%20Survey,-Conducted%20every%20month&text=Provides%20current%20information%20to%20communities,understanding%20local%20issues%20and%20conditions>

¹⁵ <https://www.vulnerabilitymap.org/>

¹⁶ Agans, Robert P., Jefferson, Malcolm T., Bowling, James M., Zeng, Donglin, Yang, Jenny and Silverbush, Mark. "Enumerating the Hidden Homeless: Strategies to Estimate the Homeless Gone Missing From a Point-in-Time Count" Journal of Official Statistics, vol.30, no.2, 2014, pp.215-229. <https://doi.org/10.2478/jos-2014-0014>

- **HUD Low- and Moderate-Income Data (LMI):** This data is available on the HUD Exchange at the block group, tract, jurisdiction, and county levels. The HUD limits calculate the very low (50 percent of area median income) income limit, extremely low income, and low (80 percent of area median income)¹⁷ income limit for 1 person to 8 person families for every county and state in the United States. The limits are recalculated annually to determine eligibility for public housing, Section 8 vouchers, and disabilities and elderly programs.
- **Public Housing Damage:** Lee County requested damage and unmet needs information from the Housing Authority of the City of Fort Myers and Lee County Housing Authority. Other owners of HUD assisted housing units were contacted via email, but Lee County received limited responses with damage levels or unmet needs information.

1. DISASTER DAMAGE AND IMPACTS

Hurricane Ian destroyed over 9,900 homes in Lee County and at least 13,000 units suffered serious damage. This unprecedented level of damage rendered a significant number of the County's housing uninhabitable post-storm, with an additional 24,000 units having suffered lesser levels of damage. At the same time, Ian made approximately 40 percent of the county's hotel/motel rooms uninhabitable as well. Addressing this extensive loss of housing units and options will be a focus for the County in its use of CDBG-DR funding.

HOUSING SITUATION IN LEE COUNTY

The 2020 Census profile for Lee County indicates an overall population of 760,822 individuals.¹⁸ Current U.S. Census Bureau data¹⁹ estimates an overall population of 822,453 individuals for 2022. The median household income is approximately \$66,256 and approximately 50.6 percent of the population is employed. There are approximately 20,054 businesses in the County and 416,332 housing units. Approximately 18.2 percent of the population speak Spanish at home and 173,161 individuals are of Hispanic or Latino ethnicity.

¹⁷ For purposes of the CDBG program, low- and moderate-income is defined as total household income at or below 80% of Area Median Income (AMI) as defined by HUD. AMI is calculated yearly at the state level with each county and for certain metropolitan areas having defined income limits.

¹⁸ <https://www.census.gov/quickfacts/leecountyflorida>

¹⁹ <https://www.census.gov/quickfacts/fact/table/leecountyflorida,US/PST045222>

As stated in the 2019 to 2023 Consolidated Plan,²⁰ the County was in the midst of a severe affordable housing crisis prior to Hurricane Ian. Cost burden and lack of affordable housing were identified as the most critical housing issues faced by the County. At the time, more than 37,000 households had rent and other expenses exceeding 50 percent of the household income. Of these households, approximately 43 percent fell within the 0-30 percent AMI category.

The Lee County Homeless Continuum of Care identified significant need for affordable units for households with more than five members and for single person households. Modernizing the existing housing stock was also presented as a critical need. The County recognizes that housing cost burden is typically increased for those with lower income; the lower the income, the larger percentage of a household's income is allotted to housing costs.¹⁹

Beginning in March 2020, the COVID-19 pandemic had specific impacts on the County. A public survey found that, in addition to new healthcare, mental health, and public health problems associated with COVID-19, an overwhelming majority of the respondents stated they needed household assistance to pay for rent, utilities, food, and other bills due to reduced work hours or unemployment.

COVID-19 brought significant income losses and massive in-migration population boom to the County. Immediately following the start of the COVID-19 pandemic, the County experienced a slight downturn in tourism. This, however, quickly changed and the County experienced an influx of individuals, not only to visit, but to set up permanent residency. This resulted in a housing market unable to keep up with the demand. The County saw availability and costs of housing increase, leaving individuals struggling to find housing. Census data indicates that more than 14 percent of Lee County's population relocated to the County in the last year. An estimated 6.8 percent of the population moved into Lee County from another county, state, or country. Approximately 31 percent of the housing units in Lee County are occupied by a household that moved into Lee County in 2019 or later. More than 21 percent of these households are living in rental units, as opposed to just 8.7 percent in owner-occupied housing units.

Unprecedented local growth paired with rising inflation across the nation, exacerbated the housing cost burden that many low-income families were already experiencing. As the community emerged from the pandemic and inflation continued to rise nation-wide, the economic impacts of households with incomes at or below 80 percent of the area median income

²⁰ <https://www.leegov.com/dhs/Documents/Planning/Final%20Draft%20for%20Public%20Comment.pdf>

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were significant. In the past two years, Lee County jumped to the ninth fastest growing county in the U.S., creating significant strain on the already limited housing market.²¹

In January 2022, a tornado ripped through the County destroying 74 homes, with an additional 61 sustaining major damage, and 58 sustaining minor damage. One hundred more homes were impacted but were in livable condition. Just as replacement trailers were being installed at the Tropicana Mobile Home Park, Hurricane Ian made landfall in the County and these replacement housing units were destroyed. These catastrophic damages compounded an already fragile housing market in the County.

With the cascading impacts of COVID-19, tornadoes, and Hurricane Ian, housing needs in Lee County will continue to evolve in the coming years. *Figure 7* below shows the median house value in the County by census tract. Areas with the highest median house values are found along the Gulf coast on Sanibel Island, Fort Myers Beach, and Estero. The lowest median house values are found in northeast Cape Coral, northwest Pine Island, Fort Myers, and Lehigh Acres.

²¹ https://www.gulfshorebusiness.com/gb_daily/lee-among-10-fastest-growing-counties-in-the-u-s/

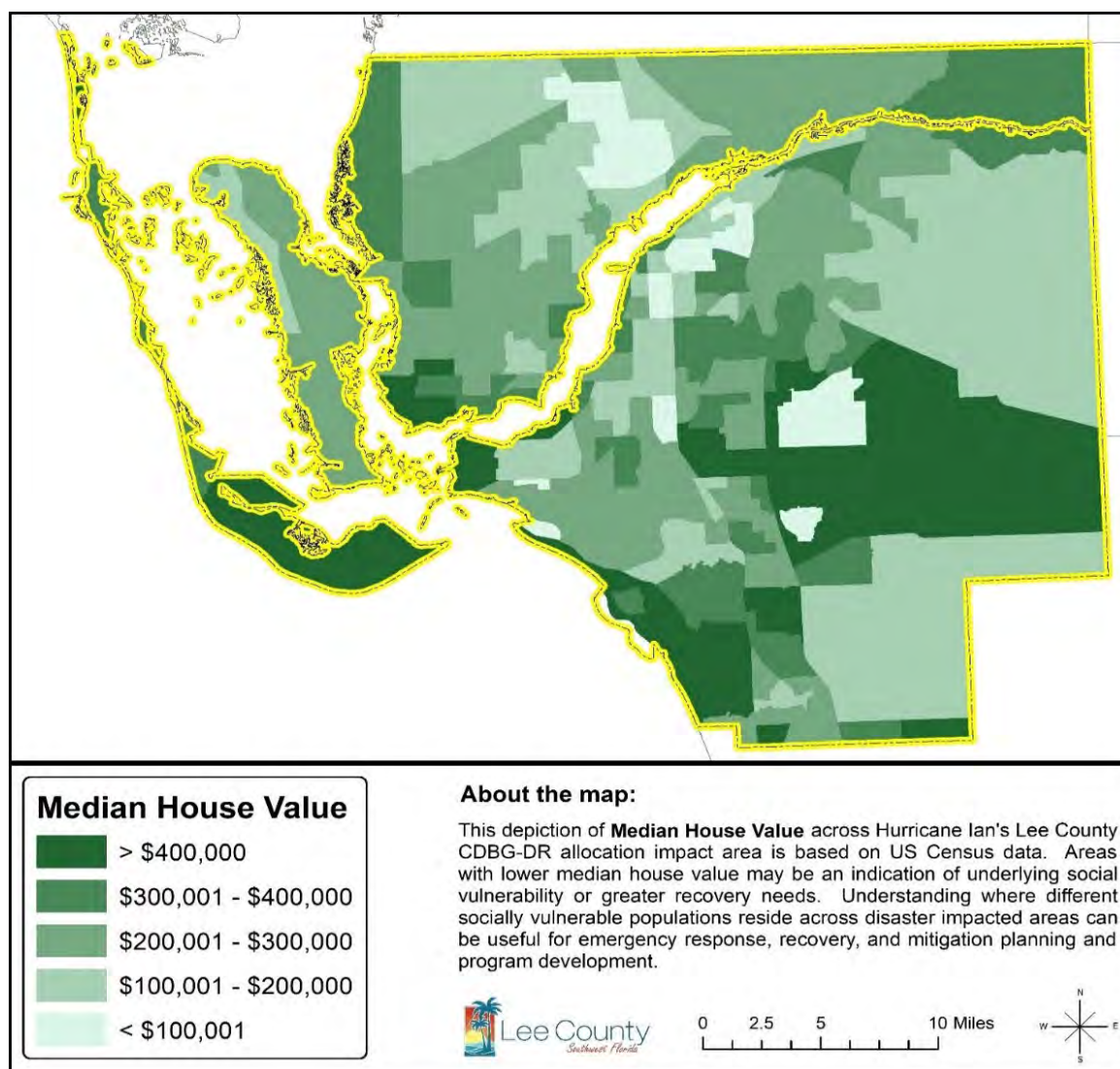


Figure 7 – A map of median house values in Lee County, FL. ²²

²² Map generated from Census ACS 2016-2020 table using tract level data for Lee County: [B25077 - Census Bureau Tables](#)

2. SINGLE FAMILY V. MULTI-FAMILY NEEDS (OWNER-OCCUPIED V. TENANT)

Affordability

High housing costs can impact the amount of money households are able to save or use for essential and nonessential expenses. Recognizing the affordability issues for renters and owners within the County, Comprehensive Housing Affordability Strategy (CHAS) data has been analyzed to determine the extent of local affordability issues based on the best-available data while developing this assessment. Each year, the U.S. Department of Housing and Urban Development (HUD) receives custom tabulations of American Community Survey (ACS) data from the U.S. Census Bureau. CHAS data demonstrates the extent of housing problems and housing needs, particularly for low-income households.

Demonstrating the scale of households with high housing costs, *Table 4* provides an overview of the housing cost burden for owners and renters within Lee County. CHAS data defines cost burden as “the ratio of housing costs to household income. For renters, housing cost is gross rent (contract rent plus utilities). For owners, housing cost is ‘select monthly owner costs,’ which includes mortgage payment, utilities, association fees, insurance, and real estate taxes.”

Lee County renters experience cost burden at higher rates than owners. Approximately 25.01 percent of renters are paying more than 50 percent of their total household income toward rent, compared to only 10.17 percent of owners. Providing more affordable rental units through new construction may help to reduce the percent of renters who are severely cost burdened. Providing home purchase assistance may also assist to transition some renters to owners, which, as demonstrated in *Table 4*, tend to have lower overall housing cost burden.

Table 4 - The housing cost burden overview of owners and renters within Lee County.

Housing Cost Burden Overview	Owner	Renter	Total
Cost Burden ≤ 30%	149,810 (75.06%)	38,015 (49.77%)	187,825
Cost Burden >30% to ≤ 50%	26,220 (13.14%)	17,270 (22.61%)	43,490
Cost Burden > 50%	20,295 (10.17%)	19,100 (25.01%)	39,395
Cost Burden not available	3,270 (1.64%)	1,990 (2.61%)	5,260
Total	199,590	76,375	275,965

Source: Comprehensive Housing Affordability Strategy (CHAS) Data, 2015-2019 ACS 5-year estimates²³

Figure 8 and *Figure 9* provide illustrations of housing cost burdened and rent burdened populations by census tract. HUD and ACS data define housing cost burdened populations as

²³ https://www.huduser.gov/portal/datasets/cp.html#query_2006-2019

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households spending more than 30 percent of their income on housing costs. Similarly, rent burdened populations are defined as renters that spend more than 30 percent of their income on rent costs. Areas with the highest percentage of cost burdened households include Fort Myers, North Fort Myers, Cape Coral, and Lehigh Acres. Areas with the highest percentage of rent burdened populations include Fort Myers, North Fort Myers, Cape Coral, Lehigh Acres, and Bonita Springs.

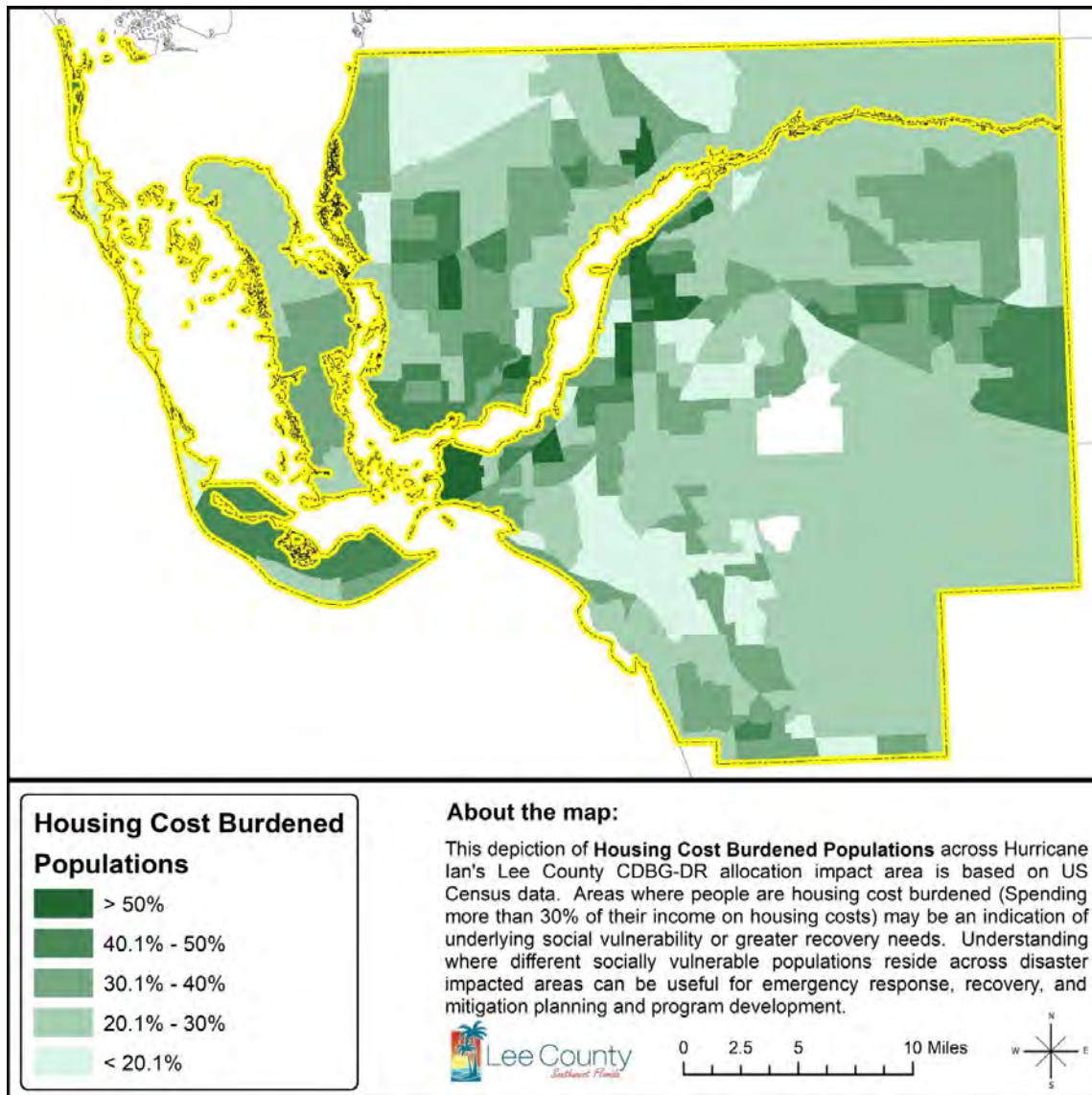


Figure 8 - A map of housing cost burdened populations within Lee County. ²⁴

²⁴ Map generated from Census ACS 2016-2020 table: [B25106: TENURE BY HOUSING COSTS AS ... - Census Bureau Tables](#) tract level data for Lee County

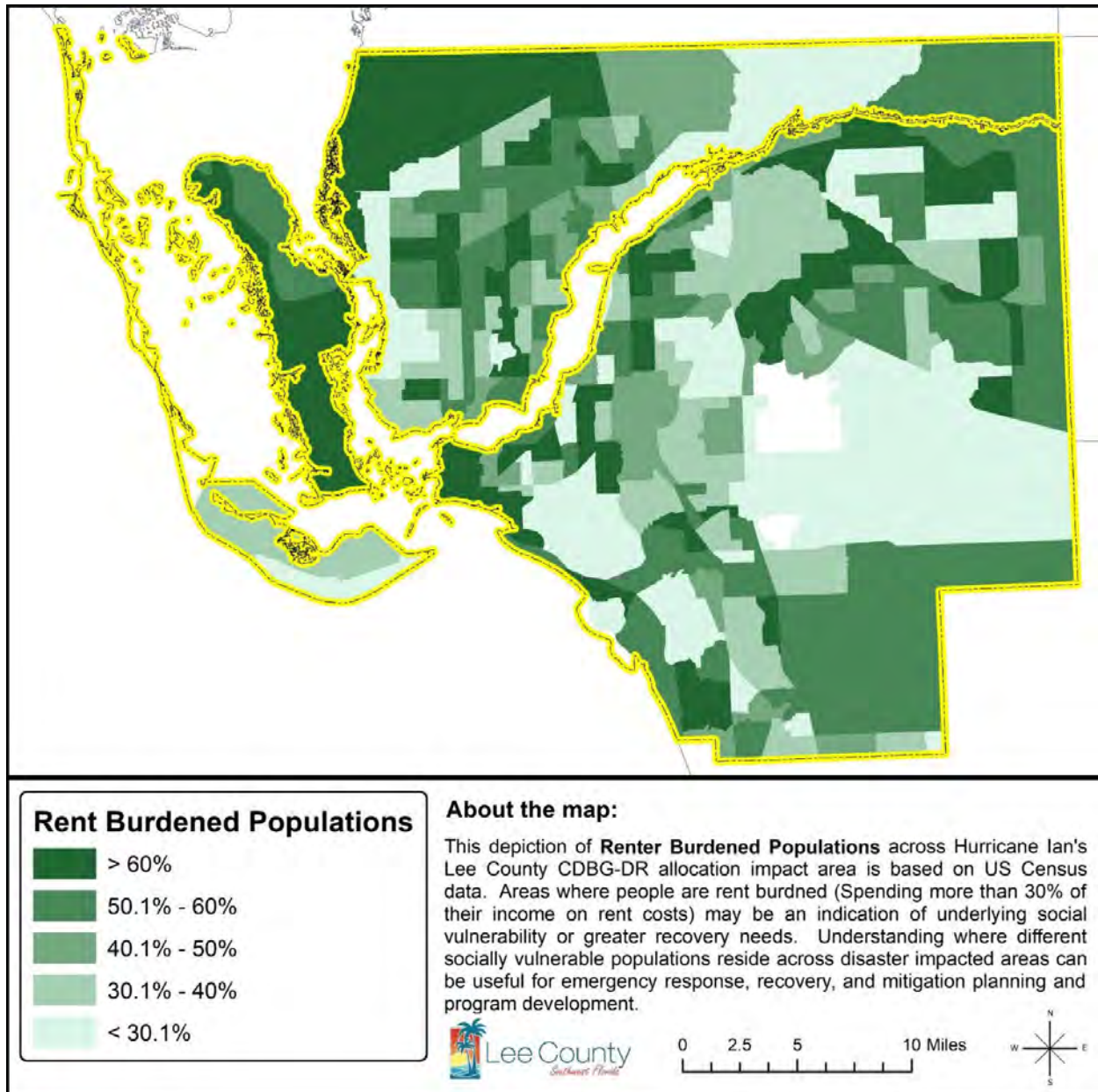


Figure 9 - A map of renter burdened populations within Lee County. ²⁵

Table 5 demonstrates the extent of affordability issues for renters within the County by providing a comparison of the 2023 HUD HOME Program Fair Market Rent values and real median rent calculated by the Regional Economic Research Institute at Florida Gulf Coast University to determine the real median rent as of Q2 2023.

²⁵ Map generated from Census ACS 2016-2020 table: [B25106: TENURE BY HOUSING COSTS AS ... - Census Bureau Tables](#) tract level data for Lee County

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Median rent for a 2-bedroom unit is 57.8 percent, or \$840, more per month than the fair market rent value provided by HUD. A household of four with an income at 80 percent of the area median income would pay just over 40 percent of their income toward rent each month if paying the real median rental rate.

Table 5 – A 2023 HOME Fair Market Rent and Real Median Rent Comparison.

County	2023 HOME Program Fair Market Rent (2-bedroom) ²⁶	2023 Real Median Rent (2-bedroom) ²⁷	% Above HOME Fair Market Rent
Lee County	\$1,451	\$2,291	57.89%

Source: 2023 HOME Program Rents and Regional Economic Research Institute at Florida Gulf Coast University, 2023 Q2 Real Estate Report Southwest Florida.

Table 6 provides a 5-year overview of the per unit cost at the two public housing authorities in Lee County. Dating back to 2017 (*Table 6* only covers a 5-year period), individuals with housing choice vouchers at both public housing authorities have seen these units become less affordable year after year due to annual increases in the per unit cost.²⁸ A cumulative comparison of all of the public housing authorities in Florida shows that the Housing Authority of Lee County has seen the fourth highest per unit cost percentage increase over a 5-year period (2018-2022) in the state. The 2023 per unit cost for the Lee County Housing Authority is currently \$891.36 and the 2023 per unit cost for the Housing Authority of the City of Fort Myers is \$829.46.²⁹

²⁶ 2023 HOME Program Rents: https://www.huduser.gov/portal/datasets/home-datasets/files/HOME_RentLimits_State_FL_2023.pdf

²⁷ Regional Economic Research Institute at Florida Gulf Coast University, 2023 Q2 Real Estate Report Southwest Florida: <https://www.fgcu.edu/cob/reri/files/rer/swfl-real-estate-2023q2.pdf>, page 38

²⁸ https://www.hud.gov/program_offices/public_indian_housing/programs/hcv/dashboard

²⁹ https://www.hud.gov/program_offices/public_indian_housing/programs/hcv/dashboard

Table 6 – The housing choice voucher per unit cost (PUC) by year.

Public Housing Authority	2018	2019	2020	2021	2022	5-Year % Change PUC
Lee County Housing Authority	\$619.84	\$698.84	\$758.13	\$771.23	\$813.77	50.26%
Housing Authority of the City of Fort Myers	\$602.11	\$639.80	\$683.93	\$743.59	\$785.33	42.21%

Source: U.S. HUD Housing Choice Voucher (HCV) Data Dashboard, March 2023³⁰

In accordance with HUD guidance, the County defines affordable rent as the lesser of:

- The fair market rent for existing housing for comparable units in the area, as established by HUD under 24 CFR 888.111; or
- A rental that does not exceed 30 percent of the adjusted income of a family whose annual income equals 65 percent of the Area Median Income (AMI), as determined by HUD, with adjustments for number of bedrooms in the unit. The HUD HOME Investment Partnerships Program rent limits will include average occupancy per unit and adjusted income assumptions.

Fair Market Rents are established by HUD each year for the Section 8 Program. For more information on the annual calculation of Fair Market Rents, visit the [Fair Market Rents](#) page.

Lee County will use the affordability standards outlined in the Resale and Recapture in section *IV.H Resale and Recapture*. Affordability restrictions will be enforced via deed restrictions, covenants, or other similar mechanisms and/or instruments.

Figure 10 shows the percentage of renters in Lee County by census tract. The greatest percentage of renters are concentrated near downtown Fort Myers, northeast Cape Coral, Lehigh Acres, and outside of Fort Myers Beach. The high concentration of renters in the floodplain near downtown Fort Myers and outside of Fort Myers Beach remain at risk for future flood and/or storm surge threats. Producing new, affordable units through the CDBG-DR program outside of the floodplain and ensuring that any newly constructed or rehabilitated housing units are properly elevated will provide lower risk and more affordable housing to both renters and owners. Adding affordability

³⁰ https://www.hud.gov/program_offices/public_indian_housing/programs/hcv/dashboard

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requirements will guarantee that rental and new owner-occupied housing remains affordable to residents of Lee County.

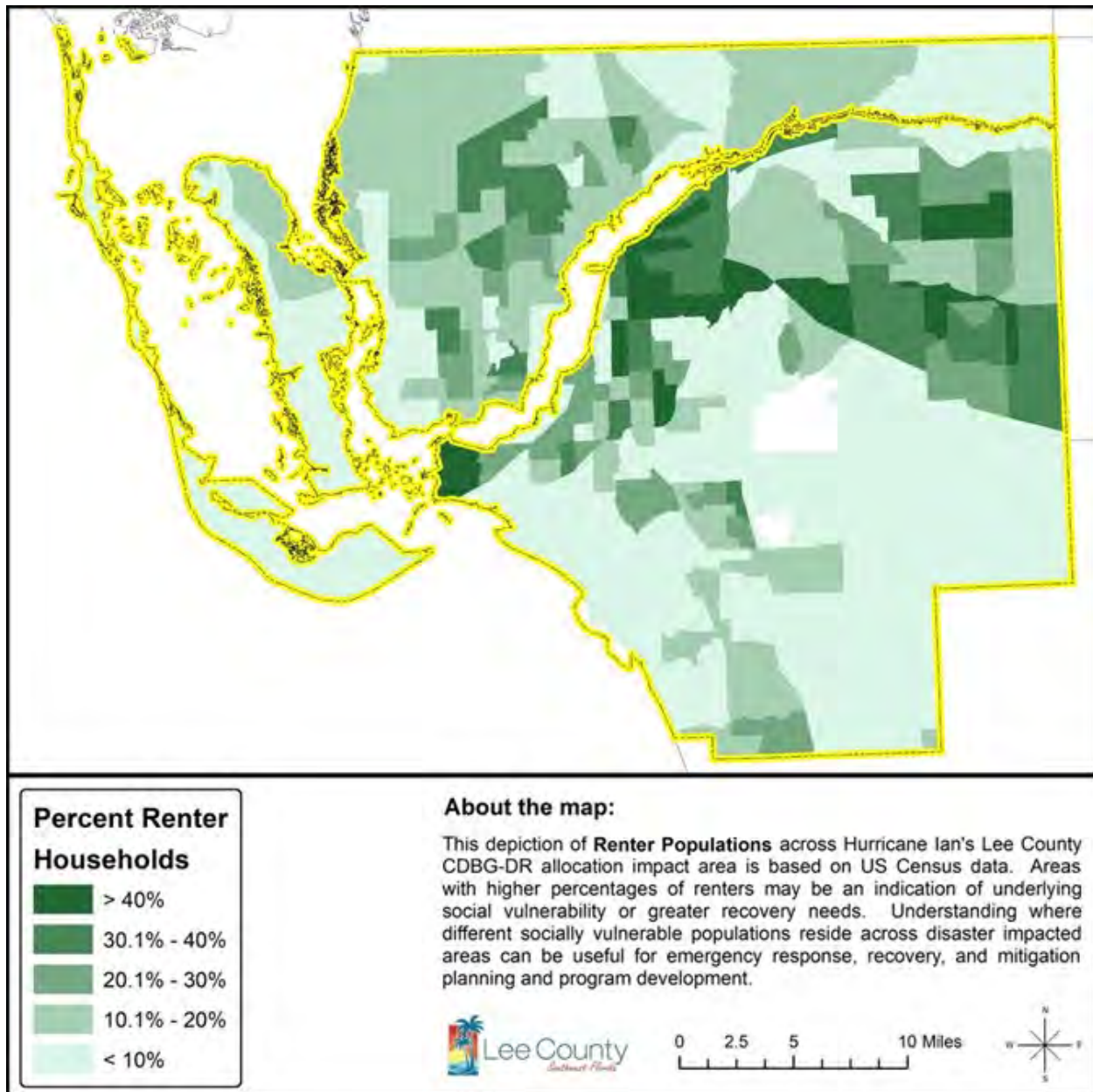


Figure 10 - The percent of renter households. ³¹

³¹ Map generated from Census ACS 2016-2020 table

[https://data.census.gov/table?q=B25003&g=050XX00US12071\\$1400000&y=2020](https://data.census.gov/table?q=B25003&g=050XX00US12071$1400000&y=2020) tract level data for Lee County

a. FEMA Individual Assistance

The FEMA IA Program is the primary basis for establishing housing unmet recovery needs for CDBG-DR grantees. The data limitations noted above are compounded due to the voluntary nature of FEMA applications. Residents must voluntarily register with FEMA for assistance after a disaster, this often leaves a gap between the true disaster impacts and the households that register for assistance. Despite these limitations, FEMA IA remains the best data source for identifying individual and household disaster unmet needs for housing recovery. The following section provides an overview of the County's housing impacts as a result of Hurricane Ian. In Lee County, a total of 193,934 households registered for FEMA IA assistance, including 125,255 owner-occupied households and 68,679 rental households.³²

The May 18 Notice outlines the following damage categories by owner-occupied and rental units:

FEMA Inspected Owner Units

- **Minor-Low:** Less than \$3,000 of FEMA inspected real property damage.
- **Minor-High:** \$3,000 to \$7,999 of FEMA inspected real property damage.
- **Major-Low:** \$8,000 to \$14,999 of FEMA inspected real property damage and/or 1 to 3.9 feet of flooding on the first floor.
- **Major-High:** \$15,000 to \$28,800 of FEMA inspected real property damage and/or 4 to 5.9 feet of flooding on the first floor.
- **Severe:** Greater than \$28,800 of FEMA inspected real property damage or determined destroyed and/or 6 or more feet of flooding on the first floor.

FEMA Inspected Rental Units

- **Minor-Low:** Less than \$1,000 of FEMA inspected personal property damage.
- **Minor-High:** \$1,000 to \$1,999 of FEMA inspected personal property damage or determination of "Moderate" damage by the FEMA inspector.
- **Major-Low:** \$2,000 to \$3,499 of FEMA inspected personal property damage or 1 to 3.9 feet of flooding on the first floor or determination of "Major" damage by the FEMA inspector.
- **Major-High:** \$3,500 to \$7,500 of FEMA inspected personal property damage or 4 to 5.9 feet of flooding on the first floor.

³²<https://www.fema.gov/openfema-data-page/individuals-and-households-program-valid-registrations-v1>

- **Severe:** Greater than \$7,500 of FEMA inspected personal property damage or determined destroyed and/or 6 or more feet of flooding on the first floor or determination of “Destroyed” by the FEMA inspector.

The following tables (*Table 7, Table 8, Table 9, Table 10, and Table 11*) provide a breakdown of FEMA IA applicants by owner-occupied applicants, tenants, applicants by housing type, owner-occupied real property by HUD damage category, and rental units by HUD damage category.

Note: The maximum amount available to a household under the FEMA IA program for Hurricane Ian was \$37,900 and this amount varied based on the degree of damage or loss.

The most impacted populations were owner-occupied (64.59 percent of total applicants) and single-family and duplex housing (66.26 percent of all units damaged).

Owner-occupied units in Lee County were significantly impacted by Hurricane Ian-related storm surge, wind, and localized flooding. While total FEMA IA registrations show the widespread impact of Hurricane Ian in Lee County, FEMA Verified Loss provides a more accurate understanding of households that were inspected by FEMA for a documented loss related to the disaster. For owner-occupied units, 32,889 of the 43,939 inspected properties were verified as damaged. Lee County’s FEMA’s total verified loss for owner-occupied units is \$937,171,307 with the average loss of \$29,110 per unit.

Table 7 - The FEMA IA owner-occupied overview.

County	# of Applicants	# of Inspections	# Inspected with Damage	# Received Assistance	Total FEMA Verified Loss	Average FEMA Verified Loss
Lee County	125,255	43,939	32,194	23,889	\$937,171,307	\$29,110

Source: Open FEMA Individual Assistance Valid Registrant Dataset as of 5/9/2023³³

Table 8 - The FEMA IA tenants overview.

County	# of Applicants	# of Inspections	# Inspected with Damage	# Received Assistance	Total FEMA Verified Loss	Average FEMA Verified Amount
Lee County	68,679	25,807	10,549	3,542	\$38,218,553	\$3,622.96

Source: Open FEMA Individual Assistance Valid Registrant Dataset as of 5/9/2023³⁴

³³ <https://www.fema.gov/openfema-data-page/individuals-and-households-program-valid-registrations-v1>

³⁴ <https://www.fema.gov/openfema-data-page/individuals-and-households-program-valid-registrations-v1>

Table 9 shows FEMA IA applicants by housing type. The highest number of applicants came from housing/duplex units (128,853), apartment units (21,150), condo units (13,596), and mobile home units (20,452).

Table 9 – The FEMA IA applicants by housing type.

Residence Type	# of Applicants	% Owner-Occupied	% Tenants	% Unknown	% Type
Apartment	21,150	0.11%	99.80%	0.09%	10.88%
Assisted Living Facility	142	0.70%	98.59%	0.70%	0.07%
Boat	486	76.54%	22.84%	0.62%	0.25%
College Dorm	33	0.00%	96.97%	3.03%	0.02%
Condo	13,596	78.58%	20.92%	0.50%	6.99%
Correctional Facility	15	0.00%	100.00%	0.00%	0.01%
House/Duplex	128,853	71.04%	28.77%	0.19%	66.26%
Military Housing	13	7.69%	92.31%	0.00%	0.01%
Mobile Home	20,452	84.80%	14.49%	0.71%	10.52%
Other	5,358	47.80%	51.34%	0.86%	2.76%
Townhouse	3,191	59.82%	40.08%	0.09%	1.64%
Travel Trailer	1,177	69.58%	29.91%	0.51%	0.61%
Total	194,466	64.41%	35.32%	0.27%	100.00%

Source: Open FEMA Individual Assistance Valid Registrant Dataset as of 5/9/2023.³⁵

Table 10 – The FEMA Real Property Damage Owner-Occupied Units.

County	Units with Minor-Low	Units with Minor-High	Units with Major-Low	Units with Major-High	Units with Severe
Lee County	7,941	3,165	6,855	9,199	9,284

Source: Value added data created from Open FEMA Individual Assistance Valid Registrants V1 as of 5/9/2023 when combined with HUD Income limit data.³⁶

Rental units by HUD damaged category are shown in Table 11. Through FEMA IA, renters are eligible to apply for monthly rental assistance and to replace damaged or destroyed personal property. FEMA does not inspect rental properties for real property damage, so the damage estimate of the rental units is based on the HUD-defined personal property amount by damage category.

³⁵ <https://www.fema.gov/openfema-data-page/individuals-and-households-program-valid-registrations-v1>

³⁶ <https://www.huduser.gov/portal/datasets/il.html>

Table 11 - FEMA Real Property Damage Rental Units.

County	Units with Minor-Low	Units with Minor-High	Units with Major-Low	Units with Major-High	Units with Severe
Lee County	2,804	28	3,263	3,948	707

Source: Value added data created from Open FEMA Individual Assistance Valid Registrants V1 as of 5/9/2023 when combined with HUD Income limit data.

b. Insurance

Table 12 shows the number of FEMA IA registered households in Lee County without flood insurance. This information is categorized on the basis of annual income. The high number of FEMA IA registrants without flood insurance suggests that Lee County is underinsured for flood events caused by Hurricane Ian, thereby creating a significant demand for financial resources for housing recovery. Households with an income below \$15,000 represent the greatest percentage without flood insurance at 94 percent.

Table 12 – The number of households without flood insurance.

Income Category	County	Number without Flood Insurance	Percentage without Flood Insurance
No Stated Income	Lee County	35,708	82.19%
<\$15,000	Lee County	12,445	94.32%
\$15,000-\$30,000	Lee County	27,371	91.22%
\$30,001-\$60,000	Lee County	43,688	85.56%
\$60,001-\$120,000	Lee County	28,577	73.12%
\$120,001-\$175,000	Lee County	5,598	57.95%
>\$175,000	Lee County	3,777	47.14%
Total	Lee County	157,164	80.82%

Source: Open FEMA Individual Assistance Valid Registrant Dataset as of 5/9/2023.³⁷

The Florida Office of Insurance Regulation (OIR) provided data on the number of claims and claims resulting in loss for Lee County in **Table 13**. Of the 263,285 insurance claims filed for damage in Lee County, a total of 198,162 successful claims have been paid as of June 16, 2023, a success rate of approximately 75 percent.

Of the 263,285 claims filed, 11,743, approximately 4 percent, remain open without payment and 53,380, approximately 20 percent, have been closed without payment. This represents a total of 65,123³⁸, approximately 25 percent, of homeowners with insurance that have remaining unmet needs as their claims remain open without payment or have been closed without payment. Although the total value of losses paid by insurance is significant, the only other disaster-related

³⁷ <https://www.fema.gov/openfema-data-page/individuals-and-households-program-valid-registrations-v1>

³⁸ <https://www.flor.com/home/ian>

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assistance for homeowners with failed insurance claims are FEMA IA and SBA. SBA loans can be a cost burden for low- and moderate-income populations. SBA loan efforts in Lee County have only resulted in 10,026 approved applications.

Table 13 - The insurance claims and losses in disaster impacted areas.

County	# of Claims	# of Claims Resulting in Loss	Direct Incurred Losses (\$)
Lee County	263,285	198,162	\$2,396,970,949*

Source: FOIR Hurricane Ian Information ³⁹

*Note: FOIR didn't provide the direct incurred losses. Lee County has estimated the Direct Incurred Losses(\$) value by taking the total estimated insured losses for the State dividing by the open and closed paid claims to get an average paid claim. Then multiplied the average paid claim by the number of open and closed paid claims for Lee County.

Table 14 shows the number of households that registered for FEMA IA without homeowners insurance by income in the County. Approximately 78 percent of those that have income less than \$15,000 do not have homeowners insurance. The data reflects that almost half of Lee County households that applied for FEMA IA are without homeowners insurance, suggesting that individuals are underinsured, and unmet needs are significant.

Table 14 - The number of units without homeowners insurance.

Income Category	County	Number without Homeowners Insurance	Percentage without Homeowners Insurance
No Stated Income	Lee County	35,708	58.58%
<\$15,000	Lee County	12,445	77.60%
\$15,000-\$30,000	Lee County	27,371	65.87%
\$30,001-\$60,000	Lee County	43,688	50.64%
\$60,001-\$120,000	Lee County	28,577	29.38%
\$120,001-\$175,000	Lee County	5,598	15.84%
>\$175,000	Lee County	3,777	13.93%
Total	Lee County	157,164	49.08%

Source: Open FEMA Individual Assistance Valid Registrant Dataset as of 5/9/2023. ⁴⁰

Those with an income less than \$15,000 have both the highest percentage without flood insurance and without homeowners insurance. This highlights that a significant vulnerable population does not have the financial resources to recover.

³⁹ <https://www.floir.com/home/ian>

⁴⁰ <https://www.fema.gov/openfema-data-page/individuals-and-households-program-valid-registrations-v1>

c. SBA Loans

Small Business Administration (SBA) loans are the basic form of federal disaster assistance for homeowners with good credit and income whose private property sustained damage that is not fully covered by FEMA or insurance. Homeowners whose property was damaged by a presidentially declared disaster are eligible to apply for an SBA low-interest loan. Interest rates on these loans are negotiated between the borrower and the lender but are subject to SBA interest rate maximums⁴¹. As of the most recent SBA data update on June 18, 2023, the SBA has received 26,085 SBA home loan applications from property owners in Lee County and 10,026 have been approved (see [Table 15](#)). The average disbursement amount for SBA loans, as of June 18, 2023, was \$35,229.07 based on applicants that received a disbursement.

Table 15 - The total home loans approved by SBA.

County	# of Approved Loan Applications	Average Disbursement Amount
Lee County	10,026	\$35,229.07

Source: SBA to Lee County (updated on June 18, 2023) ⁴²

d. Summary of Housing Impacts

FEMA IA, Lee County Property Appraiser, and NFIP were the primary data sources that Lee County used to determine housing unmet needs. In [Table 16](#) below, Lee County started by organizing FEMA IA applicants by the HUD-suggested damage categories (“Minor-Low”, “Minor-High”, “Major-High”, and “Severe”). The FEMA IA value of real property loss was used to estimate loss for all home types that were identified as having “Minor-Low”, “Minor-High”, and “Major-Low” damage. These FEMA IA damage estimates provide the best available information for non-substantially damaged properties.

The FEMA-assessed assistance for repairs typically ranges from \$15,000 to \$28,800 for damage classified as “Major-High” and “Severe”. It is commonly accepted that those amounts would be inadequate to cover the full cost of repairing homes in those categories.

To get a more accurate estimate of housing losses in Lee County, parcel data was collected from the Lee County Property Appraiser to determine the average values of buildings (no land included in the value) for a single-family home, condo/apartment, and mobile home units. The following

⁴¹ <https://www.sba.gov/partners/lenders/7a-loan-program/terms-conditions-eligibility#id-interest-rates>

⁴² Data for SBA Home Loans provided by SBA to Lee County (updated on June 18, 2023)

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average building values were calculated for each home type using 2023 Lee County Property Appraiser data⁴³:

- Single Family = \$277,696 (average of 249,256 units)
- Condo/Apartment = \$335,171 (average of 95,590 units)
- Mobile Home (MHUs) = \$71,200 (average of 16,443 units)

For “Major-Low” damaged units, the County is assuming the properties are not substantially damaged and do not need substantial rehabilitation; for owner-occupied units, the FEMA Real Property Damage maxes out at \$14,999 and is well under the average building value of \$277,696. Because the substantial damage threshold requires that damages exceed 50 percent of total building value, the County used that average by unit type to estimate the property loss per unit for “Major-High” damaged units. For “Severe” damaged properties, the County assumes that these properties were substantially damaged and need to be fully rebuilt. The County estimated the full cost of replacement by using 75 percent of the 2023 Lee County Property Appraiser average building value by building type to estimate the property loss per unit for “Severe” damaged properties. For units that were in the “Major-High” and “Severe” categories but not a single family, condo/apartment, or mobile home; the FEMA IA damage number was used to estimate property loss due to the lack of building value data for those units.

Next, the total value of NFIP claims in Lee County (\$2.3 billion) was added to the estimated total loss of FEMA IA applicants (\$3.2 billion) to get a total housing loss of \$5.5 billion. To obtain the true cost of housing replacement, given increased cost of code compliance and resiliency measures to make buildings more resilient to future disasters, an additional 30 percent⁴⁴ was added to the total housing loss for a total housing loss with resilience of \$7.2 billion.

Table 16 - A summary of housing losses.

Data	Households / Units	Average Real Property Loss	Source of Average Real Property Loss	Estimated Total Loss
Minor-Low Damage to FEMA IA Applicants (All Home Types)	10,745	\$527.97	FEMA IA Value of Real Property Damage	\$5,673,044
Minor-High Damage to FEMA IA Applicants (All Home Types)	3,193	\$3,782.48	FEMA IA Value of Real Property Damage	\$12,077,464

⁴³ <https://www.leepa.org/>

⁴⁴ [FR-5696-N-06](#), page 69113

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Data	Households / Units	Average Real Property Loss	Source of Average Real Property Loss	Estimated Total Loss
Major-Low Damage to FEMA IA Applicants (All Home Types)	10,118	\$6,331.06	FEMA IA Value of Real Property Damage	\$64,057,699
Major-High Damage to FEMA IA Applicants (Houses)	7,191	\$138,963.00	Lee County Appraiser 50% of Average Building Value	\$999,282,933
Major-High Damage to FEMA IA Applicants (Condos/Apartments)	2,192	\$167,585.50	Lee County Assessor 50% of Average Building Value	\$367,347,416
Major-High Damage to FEMA IA Applicants (MHUs)	3,545	\$35,600.00	Lee County Assessor 50% of Average Building Value	\$126,202,000
Major-High Damage to FEMA IA Applicants (All Other Types)	219	\$9,098.61	FEMA IA Value of Real Property Damage	\$1,992,595
Severe Damage to FEMA IA Applicants (Houses)	5,836	\$208,444.50	Lee County Assessor 75% of Average Building Value	\$1,216,482,102
Severe Damage to FEMA IA Applicants (Condos/Apartments)	1,013	\$251,378.25	Lee County Assessor 75% of Average Building Value	\$254,646,167
Severe Damage to FEMA IA Applicants (MHUs)	2,899	\$53,400.00	Lee County Assessor 75% of Average Building Value	\$154,806,600
Severe Damage to FEMA IA Applicants (All Other Types)	243	\$78,005.71	FEMA IA Value of Real Property Damage	\$18,955,144
FEMA IA Applicant Damage Subtotal	47,194	-	-	\$3,221,523,164
NFIP Identified Damages/Payments	21,331	\$109,973	NFIP Claims	\$2,345,824,436
Total Housing Loss	-	-	-	\$5,567,347,600
Total Housing Loss (including 30% resilience for rebuilding to higher standards)	-	-	-	\$7,237,551,881

To ensure that housing repair assistance gets factored into the housing unmet needs calculation, FEMA IA payments to repair homes and NFIP building payments were added together to get the total housing assistance received (\$293 million + \$2.3 billion = \$2.6 billion). See [Table 17](#) for the calculation.

Table 17- A summary of housing assistance.

Data	Count	Average Assistance Received	Estimated Total Loss
FEMA IA Payments to Repair Homes	17,622	-	\$293,374,999
NFIP Identified Damages/Payments	21,331	\$109,973	\$2,345,824,436
Total Housing Assistance	-	-	\$2,639,199,435

The Total Housing Assistance (\$2.6 billion) was subtracted from the total housing unmet needs with resilience included (\$7.2 billion) in [Table 18](#) to get \$4.5 billion, which provides the total housing unmet needs for Lee County as a result of the Hurricane Ian disaster.

Table 18 - Total Housing Unmet Need.

Data	Estimated Total Loss
Total Housing Losses	\$7,237,551,880
Total Housing Assistance	\$2,639,199,435
Total Housing Unmet Need	\$4,598,352,445

The data used in this analysis was the best available data at the time of completion.

3. PUBLIC HOUSING AND AFFORDABLE HOUSING

a) MULTIFAMILY ASSISTED HOUSING

Lee County has a total of 67 assisted affordable housing properties, equaling approximately 6,539 units, 6,095 of which are assisted. Twelve properties, 1,121 units, are Public Housing operated⁴⁵ and included in the needs discussed in this section. The remaining units are owned or operated by other affordable housing developers or non-profit organizations. The County sent direct emails to other HUD assisted unit owners and management and received limited response. The local permanent supportive housing provider shared detailed information regarding damages and unmet needs. Approximately 20 buildings (80 units) of scattered site permanent supportive housing (PSH) units in Lee County received roof damage as a result of Hurricane Ian. A 95-unit development, completed in 2021, experienced minimal structural or roof damage, but lack of backup power and access to water created significant health and life-safety risks for the vulnerable and disabled populations that were unable to evacuate. The PSH provider indicated unmet needs of \$2,741,327 to make necessary repairs and complete hardening improvements to make all properties more resilient.

b) PUBLIC HOUSING AUTHORITIES DAMAGED

The County also consulted the Public Housing Authorities (PHAs) via email and an in-person meeting while developing this Action Plan. As defined by HUD, a PHA includes any state, county, municipality, or other governmental entity, public body, agency, or instrumentality of these entities that is authorized to engage or assist in the development or operation of low-income housing under the U.S. Housing Act of 1937. For the purposes of this unmet needs assessment, the County requested the number of units that sustained Hurricane Ian damage and the current status of the damaged units.

There are two housing authorities in Lee County: The Housing Authority of the City of Fort Myers and the Lee County Housing Authority. Both housing authorities reported that their units received damage.

Many of the properties owned and managed by the Housing Authority of the City of Fort Myers (HACFM) developed post-storm water intrusion issues which led to microbial growth in many of the units occupied by the most vulnerable residents in the City of Fort Myers. HACFM immediately installed temporary tarps on the roofs of properties to mitigate further damage to the units, but the temporary roofs exceeded their life expectancy and contributed to new

⁴⁵ http://flhousingdata.shimberg.ufl.edu/assisted-housing-inventory/results?name=&funder=from_hud&funder=from_fhfc&funder=from_rhs&funder=from_lhfa&overall_expiration_date_of_governing_program=5000&nid=3500

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instances of water intrusion. This resulted in unplanned and ongoing repairs to address the microbial growth precipitated by the water intrusion. HACFM had not received funding from insurance or reimbursement from FEMA as of June 21, 2023, and indicates total unmet needs of approximately \$14 million to make necessary repairs and to harden all properties.

The number of units and affected households is provided in *Table 19*.

Table 19 - Housing Authority of the City of Fort Myers Number of Units and Affected Households.

Property Name	Type of Housing	Affected Buildings	Units Impact	Number of Individuals
Horizon Apartments	Family	15	170	375
Renaissance Preserve I	Senior	1	13	15
Renaissance Preserve II	Family	15	50	204
Renaissance Preserve III	Family	7	19	60
Renaissance Preserve IV	Family	11	35	149
Royal Palm Towers	Senior	1	99	104
Landings at East Point	Family	4	7	31
East Point Place	Family	4	15	46
TOTAL		58	408	984

Lee County Housing Authority (LCHA) also had roof damage to 143 public housing units. As of June 21, 2023, LCHA had not received assistance for the roof repairs from FEMA. As of June 21, 2023, no families have been displaced from their units, and all unit interiors were in good condition with no mold present. Debris has also been completely removed from all sites. LCHA indicated approximate unmet needs of \$2 million to make necessary repairs and harden all properties. *Table 20* has the best data available for public housing authority units.

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Table 20 - The public housing authorities damaged.

County/Municipality	Total # PHAs	Total PHAs Damaged	# of Units Damaged	Remaining Unmet Needs
Lee County	2	2	551	\$16,000,000

Source: County staff data collection via the Housing Authority of the City of Fort Myers and the Lee County Housing Authority

In addition to the impacts of damage to PHAs, there are currently waitlists for public housing units, housing choice vouchers, and project-based vouchers within the County demonstrating a significant need for additional affordable housing units. The County requested waitlist information from the Housing Authority of the City of Fort Myers and the Lee County Housing Authority for this assessment. *Table 21* identifies the number of households on the waitlist at the Housing Authority of the City of Fort Myers and the Lee County Housing Authority as of March 22, 2023.

Table 21 - Local Public Housing Authorities waitlists.

Housing Authority	Households on Waitlist for Public Housing Units	Households on Waitlist for Housing Choice Vouchers (HCV)	Households on Waitlist for Project-Based Vouchers
Housing Authority of the City of Fort Myers	8,993	2,183	1,664
Lee County Housing Authority	1,478	76	N/A
TOTAL	10,471	2,259	1,664

Source: Data collection via the Housing Authority of the City of Fort Myers and the Lee County Housing Authority.

Waitlist information indicates a significant need for rent subsidy and affordable housing options in the County, but this need is further exacerbated by the lack of housing units available for households that have received a voucher for housing assistance. Lee County Housing Authority indicated that their Housing Choice Voucher program had a total of 46 households searching for a housing unit that was available and would accept their voucher. As of July 10, 2023, some voucher holders have been searching since March 21, 2023, and some since May 16, 2023. The Housing Authority has granted the maximum number of extensions that their policy allows, but the move-in success rate is only about 20 percent of all vouchers issued.

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The Lee County Homeless Continuum of Care provided further evidence supporting lack of available units for households with housing vouchers. Among households placed into housing through Rapid Re-Housing programs in the six months preceding Hurricane Ian, the average length of time between program entry and housing move in was 40.2 days. Among households placed in the six months following the Hurricane, the average was 80.9 days. The amount of time required for a household to locate a safe and affordable housing unit has more than doubled since Hurricane Ian.

To address the remaining unmet needs for public housing authorities, permanent supportive housing providers, affordable housing developers, and LMI renters, Lee County has allocated \$350,000,000 in CDBG-DR funds to support the new construction, acquisition, rehabilitation, and preservation of affordable housing units. Lee County anticipates that PHAs and developers will utilize State Housing Initiatives Program (SHIP) funding, as well as other federal and state funding sources in coordination with CDBG-DR to make necessary improvements and to expand affordable housing opportunities for low- and moderate-income households.

4. FAIR HOUSING, CIVIL RIGHTS DATA, AND ADVANCING EQUITY

“Disasters impact people differently based on the communities where they live, and recovery efforts should take those differences into account. Housing is more than the roof over one’s head, and research has shown that community is a powerful predictor of social mobility. Where a person lives determines whether they have access to healthy, safe living environments, high-quality education, employment opportunities, and responsive municipal and commercial services.”⁴⁶

Lee County compiled and analyzed data regarding protected classes and vulnerable populations to determine the most effective way to use CDBG-DR funding to avoid perpetuating disparities and reduce inequities as communities recover. Lee County ensures that all programs and activities in this Action Plan that include sale, rental, financing, or other housing related transactions as well as the repair, enhancement, or construction of dwellings will be conducted without bias or discrimination on the basis of race, color, religion, sex (including gender identity and sexual orientation), familial status, national origin, and disability.

⁴⁶ HUD’s Office of Fair Housing and Equal Opportunity, Grantee Guide for CDBG-DR Recipients
[https://www.hud.gov/sites/dfiles/FHEO/documents/23CDBG-DR%20Consolidated%20Notice%20Fair%20Housing%20Guidance%20\(2022\).pdf](https://www.hud.gov/sites/dfiles/FHEO/documents/23CDBG-DR%20Consolidated%20Notice%20Fair%20Housing%20Guidance%20(2022).pdf)

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Projects and activities planned with CDBG-DR funds will not have an unjustified discriminatory effect on or failure to benefit racial and ethnic minorities in proportion to their communities' needs, particularly in racially and ethnically concentrated areas of poverty. Programs are designed to provide necessary ADA accommodations to support the recovery needs of impacted individuals with disabilities.

Lee County demonstrates this assurance by:

- Posting notices of policy to the Civil Rights Act of 1964 Title VI (Nondiscrimination in Federally Assisted Programs)⁴⁷ and Title VII (Equal Employment Opportunity)⁴⁸, the Civil Rights Act of 1968 Title VIII (Fair Housing),⁴⁹ and Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act⁵⁰ as amended;
- Performing annual monitoring as required by law, rulemaking, and federal grantor funding agreements;
- Developing action plans and other documentation required by federal and state authorities.
- Observing Executive Order 13166 to ensure that eligible persons with Limited English Proficiency (LEP) are provided meaningful access to all federally assisted and federally conducted programs and activities⁵¹;
- Anticipating emerging requirements of the February 2023 HUD Notice of Proposed Rulemaking for Affirmatively Furthering Fair Housing,⁵² by agreeing to affirmatively further fair housing by taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity; and

⁴⁷ Lee County, Notice of Policy, Civil Rights Act Title VI, *Lee County, Southwest Florida*, Fort Myers, Fla., 2023

<https://www.leegov.com/civilrights>

⁴⁸ Lee County, Notice of Policy, Equal Opportunity Plan (EEO), *Lee County, Southwest Florida*, Fort Myers, Fla., 2023,

<https://www.leegov.com/hr/jobsearch/employmentreports>

⁴⁹ Lee County, Notice of Policy, Fair Housing, *Lee County, Southwest Florida*, Fort Myers, Fla., 2023

<https://www.leegov.com/dhs/fairhousing>

⁵⁰ Lee County, Notice of Policy, ADA Notice, *Lee County, Southwest Florida*, Fort Myers, Fla., 2023 <https://www.leegov.com/ada>

⁵¹ Lee County, FY 23/24 Policy, Plan and Monitoring Report for Serving Persons with Limited English Proficiency (LEP), *Lee County, Southwest Florida*, Fort Myers, Fla., 2023 [https://www.leegov.com/civilrights/Documents/FY23-](https://www.leegov.com/civilrights/Documents/FY23-24_Lee_TitleVI_Nondiscrimination%20%20LEP%20Plan%20061223.pdf)

[24_Lee_TitleVI_Nondiscrimination%20%20LEP%20Plan%20061223.pdf](https://www.leegov.com/civilrights/Documents/FY23-24_Lee_TitleVI_Nondiscrimination%20%20LEP%20Plan%20061223.pdf)

⁵² Housing and Urban Development Department, Affirmatively Furthering Fair Housing: A Proposed Rule by the Housing and Urban Development Department on 02/09/2023, *Federal Register, The Daily Journal of the United States Government*, Washington D.C., 2023 <https://www.federalregister.gov/documents/2023/02/09/2023-00625/affirmatively-furthering-fair-housing>

- Adhering to state oversight of these issues through the Florida Civil Rights Act of 1992 and Fair Housing Act of 1983 (State Statute 760), which prohibit housing discrimination based on race, color, religion, sex, national origin, age, handicap, or marital status. In addition to the seven federally protected classes, age is also a protected class in the State of Florida, giving Florida residents greater protection under the State fair housing laws. The Florida Human Rights Act of 1969, formally created the Florida Commission of Human Relations (FCHR), which is responsible for the enforcement of State Statute 760.
- Submitting quarterly reports about the County's fair housing activities to the Florida Department of Commerce (formerly Department of Economic Opportunity) as proof of compliance for the federal grants it administers. These reports include a log of activities related to fair housing and copies of posters and other handouts.

Equal access to residential housing (housing choice) is fundamental to each person in meeting essential needs such as pursuing personal, educational, or employment goals. Because housing choice is so critical to economic development, fair housing is a goal that government, public officials, and the public must embrace for equality of opportunity to become a reality. In recognition of equal housing access as a fundamental right, the County, in support of its Analysis of Impediments to Fair Housing Choice 2019-2023 report, has committed to:

- Analyze and evaluate fair housing data in each jurisdiction.
- Assess regional segregation, racially and ethnically concentrated areas of poverty, disparities in access to opportunity, and disproportionate housing needs based on the protected classes.
- Examine and address fair housing issues.
- Identify fair housing priorities and goals.
- Implement actions to address regional and local impediments.⁴⁰

Efforts to address fair housing objectives specifically outlined in the 2019-2023 report and under proposed rulemaking are summarized in *Table 22*.

Table 22 - Impediments and Actions for Fair Housing

Regional / Local Impediments	2019-2023 Report	Actions
Regional	Housing discrimination in the private market	Prominently display fair housing information on public counters and other points of contact, such as libraries and community centers.
		Include fair housing logo on all housing related documents for public review, brochures, and legal advertisements. Ensure all non-profit agencies that receive housing funds use the logos in advertising.
		Entitlement jurisdictions' scopes of work for fair housing services should include expansion of outreach to small property owners.
		Coordinate countywide regular, random testing to identify issues, trends, and problem properties.
Regional	Disparity in private mortgage lending for racial and ethnic minorities	Increase outreach efforts and homeownership opportunity awareness to minority and ethnic communities.
		Maintain lender guidelines, state and federal assistance, and Fair Housing Laws.
		Fund credit and financial management courses with CDBG or other funds to improve credit issues of racial and ethnic minority applicants.
		Promote the availability of general budgeting classes conducted by the University of Florida Extension

Regional / Local Impediments	2019-2023 Report	Actions
		Services to the targeted communities.
Regional	Public transit options and rising cost of transportation in general limit location options for many lower-income households	Support a regional transportation system that provides services to low- and moderate-income households throughout the County.
		Continue funding bus pass programs and support the creation of alternative modes of transportation to low/mod and disabled households.
Regional	Adequacy of Fair Housing education, training, and outreach programs	Coordinate fair housing programs among three entitlement jurisdictions to collaborate and consolidate efforts to affirmatively further fair housing in Lee County.
		Support non-profit capacity building programs that encourage local non-profits to apply for Fair Housing Initiatives Program (FHIP) and/or Fair Housing Assistance Program (FHAP) funds through HUD.
		Offer fair housing workshops throughout the year.
		Maintain a fair housing log to record activities undertaken throughout the year to affirmatively further fair housing.

Regional / Local Impediments	2019-2023 Report	Actions
Regional	Sufficiency of housing units for persons who require accommodations to access housing in the County	Implement fair housing workshop topics to include “reasonable accommodation” requirements and requirements of Section 504, the Fair Housing Act, the Americans with Disabilities Act, the Architectural Barriers Act, and the State’s Accessibility Building Codes.
		Maintain the Universal Design requirements in new construction funded by federal and state grants.
		Continue to prioritize and fund rehabilitation of housing units for those who require accommodations to access special need housing units.
City of Cape Coral - Local	Fair Housing Ordinance does not include protected class based on familial status and does not define handicapped persons	The City of Cape Coral is considering changes to its ordinance.
City of Fort Myers - Local	The city does not have a Fair Housing Ordinance	The City of Fort Myers is considering adoption of a new Fair Housing Ordinance.
New Considerations		
Regional	Neighborhood Opposition to Diversity in Housing Type	Provide information to local government officials and to the public regarding the need for a variety of housing types and tenure (rights to occupy, rent and own) for all persons regardless of income levels.
		Provide training specifically to elected officials and appointees regarding fair housing laws and local land use decisions.

Regional / Local Impediments	2019-2023 Report	Actions
		<p>Regular review of land use decisions by local governments.</p> <p>Continually encourage minority and low-income households to seek housing counseling from HUD-certified housing counseling agencies. Provide information to housing counseling agencies to assist them in educating minority and low-income households regarding the range of housing options in the City of Fort Myers, including those outside of minority and low-income concentration areas. Encourage attendance at budget management and credit counseling classes offered by housing counseling agencies.</p>
<p>City of Fort Myers - Local</p>	<p>Racially and Ethnically Concentrated Areas of Poverty (R/ECAP)</p>	<p>Promote and conduct outreach to the R/ECAP that highlights job training and business development opportunities offered by the Southwest Florida Enterprise Center and other agencies in the area.</p> <p>Continue to follow the City's Language Access Plan for Spanish-speaking residents and develop additional outreach activities for the Haitian population.</p> <p>Annually sponsor fair housing training for City of Fort Myers residents; network with nonprofit, neighborhood-based and faith organizations; and educate institutions to reach out to minority</p>

Regional / Local Impediments	2019-2023 Report	Actions
		<p>populations and areas of minority concentration.</p> <hr/> <p>Continue to promote and provide mortgage assistance to low-moderate income residents.</p>

AFFIRMATIVELY FURTHERING FAIR HOUSING

As noted above, the County integrates efforts to affirmatively further fair housing in its ongoing operations. In addition, the County also provides the following resources and education to landlords, managers, agents, and the general public:

- Production of Resources: Posters, training programs, an internet-based app, surveys and quizzes, pencils and activity books, and FAQs are available to support local analysis and outreach.
- Information Outreach: Landlords, managers, real estate agents, and local service agencies post or provide Fair Housing Notices in multiple languages.
- Information for the General Public: Providing the general public with an overview of Fair Housing laws and information regarding individual rights and responsibilities when buying and selling homes at <https://www.leegov.com/dhs/fairhousing>.
- Training: Four audiences have access to training specifically designed for them, including children, consumers, housing providers and professionals, and real estate agents.
- One-on-One Technical Assistance: When requested for specific areas of concern, consultations and technical assistance may be given to target audiences.

The County will ensure that CDBG-DR funds to rehabilitate/reconstruct property damaged by Hurricane Ian and to provide new housing stock are allocated to serve LMI persons, vulnerable populations, and historically underserved communities.

Among these target households, the County will further prioritize households with one or more of the below characteristics:

- Households with seniors aged 62 or older; and
- Households including persons with special needs who require accommodation to access structures, receive services, and participate in programs.

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In the interest of advancing equity and reducing barriers when enrolling in and accessing disaster recovery assistance, the County will ensure that all citizens have equal access to information about the programs. The County will offer reasonable accommodation at no charge to the requestor and provide outreach, project documents, and all other communication in alternate formats for persons with disabilities or limited English proficiency. For the County's Hurricane Ian recovery effort, all program documents will be translated into Spanish.

Lee County's Civil Rights Title VI Coordinator monitors Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000(d) et seq.; Executive Order 13166; and the U.S. Department of Labor Revised Guidance Regarding the Title VI Prohibition against National Origin Discrimination Affecting LEP Persons.

To ensure timely, meaningful access and an equal opportunity for individuals with disabilities or LEP to participate in service and benefits provided, the County and its vendors and subrecipients will follow its FY 23/24 Civil Rights Act, Title VI

Nondiscrimination Policy, Plan, and Monitoring Report with Policy, Plan, and Monitoring Report for Serving Persons with Limited English Proficiency ("LEP Plan"). Through its LEP Plan, which is available online at <https://www.leegov.com/civilrights> and on the Lee County CDBG-DR website at www.leegov.com/recovery/cdbg-dr, the County will:

- Annually assess target audiences for LEP services;
- Ensure meaningful verbal communication with LEP persons and their authorized representatives;
- Communicate information contained in vital documents;
- Provide ADA compliant interpretation services at no cost to the person being served;
- Inform LEP persons of these services and their right to access them free of charge;
- Accommodate public input from the LEP community;
- Comply with HUD's published Safe Harbor provisions; and
- Manage this plan routinely to ensure continuing compliance.

In accordance with HUD's long-standing guidance on LEP issues, issued January 2007,⁵³ the LEP Plan was developed through an analysis of four factors:

⁵³ <https://www.federalregister.gov/documents/2007/01/22/07-217/final-guidance-to-federal-financial-assistance-recipients-regarding-title-vi-prohibition-against>

1. The number or proportion of eligible LEP persons in the Lee County service area;
2. The frequency with which LEP individuals come in contact with County service providers;
3. The nature and importance of the program, activity or service provided to the LEP population; and
4. Available resources and overall costs to provide LEP assistance.

Lee County is committed to on-going outreach to potential beneficiaries throughout the program. Targeted efforts will reach those who are elderly, disabled, LMI, and of varied racial and ethnic groups. This outreach includes establishing and preparing a network of stakeholders, including elected officials, non-profits, faith-based organizations, civic associations, and media outlets, to ensure well-coordinated and effective outreach. Lee County is requiring vendors implementing CDBG-DR programs to coordinate with the County and municipalities to ensure physical access to program applications throughout the geographic area, and provide for diversity in application entry points, including onsite and mobile application sites. Vendors are also required to ensure meaningful access and equal opportunity to programs for individuals with disabilities and persons with limited English proficiency, including appropriate ADA accommodations and translation of vital documents.

The County will ensure ongoing coordination with public service providers that work with vulnerable populations to ensure that any remaining or ongoing storm-related impact, including preventing households from becoming homeless, is brought to the County's attention for a coordinated approach. In addition, any vulnerable population brought to the County's attention who are not served under current programs may be referred to specialized public service providers for assistance. Supportive services for persons who are elderly, disabled, victims of domestic violence or have other vulnerabilities will be coordinated through local service providers and the Unmet Needs Long-Term Recovery Group.

a) DEMOGRAPHICS AND DISASTER IMPACTED POPULATIONS

Table 23 represents demographic profiles for the State of Florida. The American Community Survey (ACS) data includes estimates of populations by race for the declared counties and MID areas. The counties depicted in *Figure 11*, which were designated as eligible for individual assistance are included in *Table 23*, as the "Disaster Declaration" data elements. Lee County was designated as a most impacted and distressed (MID) area. The data points included in *Table 23*, for the "MID" headings are exclusively referencing Lee County, both incorporated and unincorporated areas.

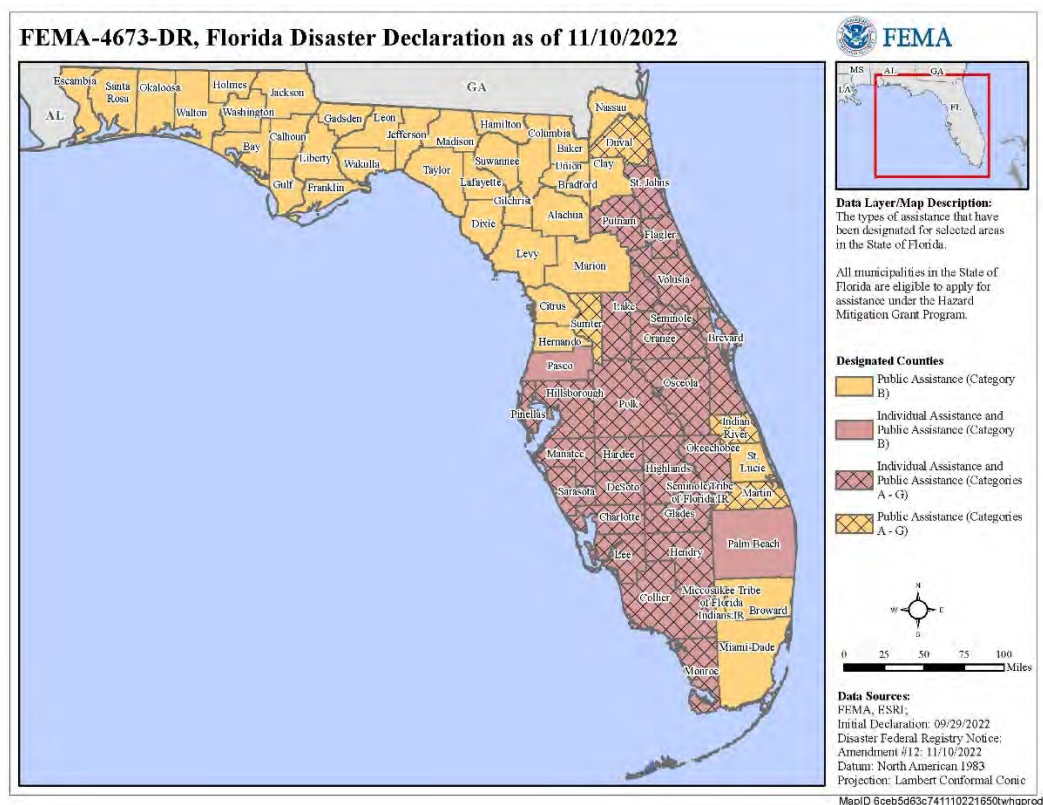


Figure 11- Florida Disaster Declaration for Hurricane Ian⁵⁴

Social Vulnerability Index (SoVI)

The County is using the social vulnerability index to highlight communities that may experience disproportionate challenges to recovery. The index uses the most recent census data (2016-2020) to measure the social vulnerability of all census tracts with population in Lee County. The index is a comparative metric facilitating examination of differences in social vulnerability across census tracts, the building blocks of counties. It graphically illustrates the variation in social vulnerability across the Ian impact area, shows where there is uneven capacity for preparedness and response, and helps pinpoint where resources might be used most effectively to reduce the pre-existing vulnerability and encourage recovery. Utilizing social vulnerability is also useful as an indicator in determining the differential recovery from disasters.

The social vulnerability index synthesizes socioeconomic variables, which the research literature suggests contributes to reduction in a community's ability to prepare for, respond to, and recover from hazards. Here, 29 different variables (*Table 36*) are combined to create a unique view of

⁵⁴ https://gis.fema.gov/maps/dec_4673.pdf

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social vulnerability for any area of interest. The County utilized the social vulnerability index here for several reasons:

- Its past success at providing actionable and useful information to decision makers. Social vulnerability data was instrumental in targeting resources to those who were in most need during recovery and rebuilding operations in South Carolina following the catastrophic flooding of 2015 and has been a key aspect of impact and unmet needs assessment since that time. The October 2015 flooding in South Carolina was the first implementation of a methodology to understand pre-event social conditions across the impact area in a post-event recovery context. Social vulnerability was utilized by the state disaster recovery office to identify target areas across the states that would require outside assistance to rebound from this disaster. CDBG-DR supported recoveries in South Carolina⁵⁵, Puerto Rico⁵⁶, and West Virginia⁵⁷ (among others) coupled social vulnerability data with FEMA, NFIP, and SBA support to rapidly highlight areas with greatest need for additional recovery resources and, more importantly, to determine unmet needs.
- Utilizing empirically based measures of community social vulnerability provides an “apolitical” approach for distributing scarce disaster recovery dollars and rebuilding resources for the most benefit to the places that were most impacted and least able to bounce back on their own from this disaster.
- Social vulnerability information also provides an empirically driven approach to graphically illustrate and assist Voluntary Organizations Active in Disasters (VOADs) in prioritizing their recovery efforts. Understanding where socially vulnerable populations are located in relation to disaster damages can expedite recovery, implementing data-driven assessment tools to guide actionable and expedited impact to the most vulnerable populations.

⁵⁵[https://scor.sc.gov/sites/scor/files/Documents/Mitigation/South%20Carolina%20Mitigation%20Action%20Plan%20\(March%2026%2C%202020\).pdf](https://scor.sc.gov/sites/scor/files/Documents/Mitigation/South%20Carolina%20Mitigation%20Action%20Plan%20(March%2026%2C%202020).pdf)

⁵⁶ <https://cdbg-dr.pr.gov/en/download/action-plan-amendment-8-nonsubstantial-amendment-effective-on-february-25-2022/>

⁵⁷ https://wvfloodrecovery.com/wp-content/uploads/resources/WV-Action-Plan-hyperlinked_final_submission-to-HUD-042117.pdf

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Table 23 - The social vulnerability index inputs.

Name	Minimum	Maximum	Mean
Median Age (MEDAGE)	22.60	82.20	51.26
Percent Black (QBLACK)	0.00	0.84	0.07
Percent Native American (QNATAM)	0.00	0.05	0.00
Percent Asian (QASIAN)	0.00	0.17	0.02
Percent Hispanic (QHISP)	0.00	0.69	0.18
Percent Population under 5 years or 65 and over (QAGEDEP)	0.09	0.91	0.38
Nursing Home Residents per Capita (QNRRES)	0.00	0.25	0.00
Percent Female (QFEMALE)	0.27	0.63	0.51
Percent Female Headed Households (QFHH)	0.00	0.49	0.09
Percent Unoccupied Housing Units (QUNOCCHU)	0.02	0.98	0.26
Percent Renters (QRENTER)	0.00	0.83	0.21
People per Unit (PPUNIT)	1.41	4.37	2.57
Percent Speaking English as a Second Language with Limited English Proficiency (QESL)	0.00	0.37	0.08
Percent with Less than 12 th Grade Education (QED12LES)	0.00	0.50	0.10
Percent Employment in Extractive Industries (QEXTRCT)	0.00	0.31	0.01
Percent Employment in Service Industry (QSERV)	0.00	0.48	0.18
Percent of Housing Units with No Car (QNOAUTO)	0.00	0.35	0.05
Percent Civilian Unemployment (QCVLUN)	0.03	0.67	0.27
Percent Poverty (QPOVITY)	0.00	0.52	0.11
Percent Mobile Homes (QMOHO)	0.00	0.93	0.10
Percent Female Participation in Labor Force (QFEMLBR)	0.22	0.74	0.48
Percent Households Receiving Social Security Benefits (QSSBEN)	0.10	0.94	0.48
Percent of Children Living in 2-parent families (QFAM)	0.00	1.00	0.65
Percent Households Earning over \$200,000 annually (QRICH200K)	0.00	0.38	0.07
Median Gross Rent (MDGRENT)	\$0.00	\$3,501.00	\$1,355.85
Median Housing Value (MDHSEVAL)	\$17,500.00	\$2,000,001.00	\$260,843.64
Percent of population without health insurance (QUNINSURED)	0.00	0.46	0.12
Percent of households spending more than 40% of their income on housing costs (QHSEBURDEN)	.04	0.61	0.32

Source: Social vulnerability index data⁵⁸

The social vulnerability index metric turns historical disaster impact measures into actionable information for emergency managers, recovery planners, and decision makers. It empirically measures and visually depicts a population's (in)ability to adequately prepare for, respond to, and rebound from disaster events. Operationally, social vulnerability assessments are now part of FEMA's Geospatial Framework, the set of spatial products delivered automatically by FEMA upon Presidential Disaster Declaration. An overview of variables influential in how social vulnerability is manifest across Lee County for Hurricane Ian are shown in *Table 24* below.

⁵⁸ <https://www.vulnerabilitymap.org/>

Table 24 - Social Vulnerability for Hurricane Lee County Census Tracts.

Factor	Vulnerability Influence	Description	% Variance Explained	Dominant Variables	Component Loading
1	↑	Age and Dependence	26.9249	Low Median Age (MEDAGE)	-0.9417
				Low % beneficiaries (QSSBEN)	-0.9155
				Low % Age Dependent Populations (QAGEDEP)	-0.9120
				High Occupancy Housing (PPUNIT)	0.8744
				Lower % Vacant Homes (QUNICCHU)	-0.7316
				Ethnicity (Hispanic) (QHISP)	0.7263
				Female Headed Households (QFHH)	0.7024
2	↓	Wealth	10.6272	House Value (MDHSWVAL)	0.8024
				Wealth (QRICH200K)	0.7107
				Wealth (PERCAP)	0.6743
3	↑	Access Barrier and Housing Cost Burden	9.5257	No Auto Access (QNOAUTO)	0.7985
				High Housing Cost Burden (QHSEBURDEN)	0.7476
				Renters (QRENTERR)	0.6188
4	↑	Employment Type and Poverty	7.4032	Employment (Primary Sector) (QEXTRCT)	0.8665
				Poverty (QPOCTY)	0.5710
				Low rent (QRENTERR)	-0.5700
5	↑	Gendered Employment and Gender	6.9444	Gendered (Female) Employment (QFEMLBR)	0.8585
				Gender (Female) QFEMALE)	0.7147
				Populations with Health Insurance (QUNINSURED)	-0.3991
6	↑	Household Structure and Race	6.0450	Low % Children in 2 parent families (QFAM)	-0.6202
				Low % Asian Populations (QASIAN)	-0.5611
				Race (Black) (QBLACK)	0.5380
7	↑	Race and Dependence	3.8228	Race (Native American) (QNATAM)	0.7065
				Low nursing home residents per capita (QNRRES)	-0.3076
				Gender (Female) (QFEMALE)	0.2843
		Total Variance Explained	71.293		

Source: Social vulnerability index data⁵⁹

In Lee County, social vulnerability is mainly driven by seven specific combinations of input variables that increase vulnerability in certain places. SoVI can be manifest by:

- Age and Dependence (aging populations, high occupancy households, higher Hispanic populations, and female-headed households);
- Lack of wealth;
- Access Barriers (no automobiles, high cost of home ownership, housing burden related to the percentage of income spent on housing costs, and higher renter populations);
- Extractive Industry (employment and poverty in areas with lower rent costs);
- Lack of health insurance or higher rates of female headed households;
- Higher black populations; and
- Native American populations.

⁵⁹ <https://www.vulnerabilitymap.org/>

Social vulnerability across Lee County using a 3-Class SoVI (*Figure 12* and *Figure 13*) depict several areas where populations have a lower ability to prepare for, respond to, and ultimately rebound from disasters, including: Matlacha, Pine Island, North Cape Coral, North Fort Myers, and the Lehigh Acres areas, as well as smaller areas of social vulnerability in Harlem Heights, Calusa Palms, and Cypress Lake in Fort Myers and the Caloosahatchee area of Cape Coral.

Although the 5-class SoVI representation provides more detail about how social vulnerability manifests across Lee County, utilizing the 3-class SoVI streamlines the process of unifying it with land impact and recovery support data in meaningful ways.

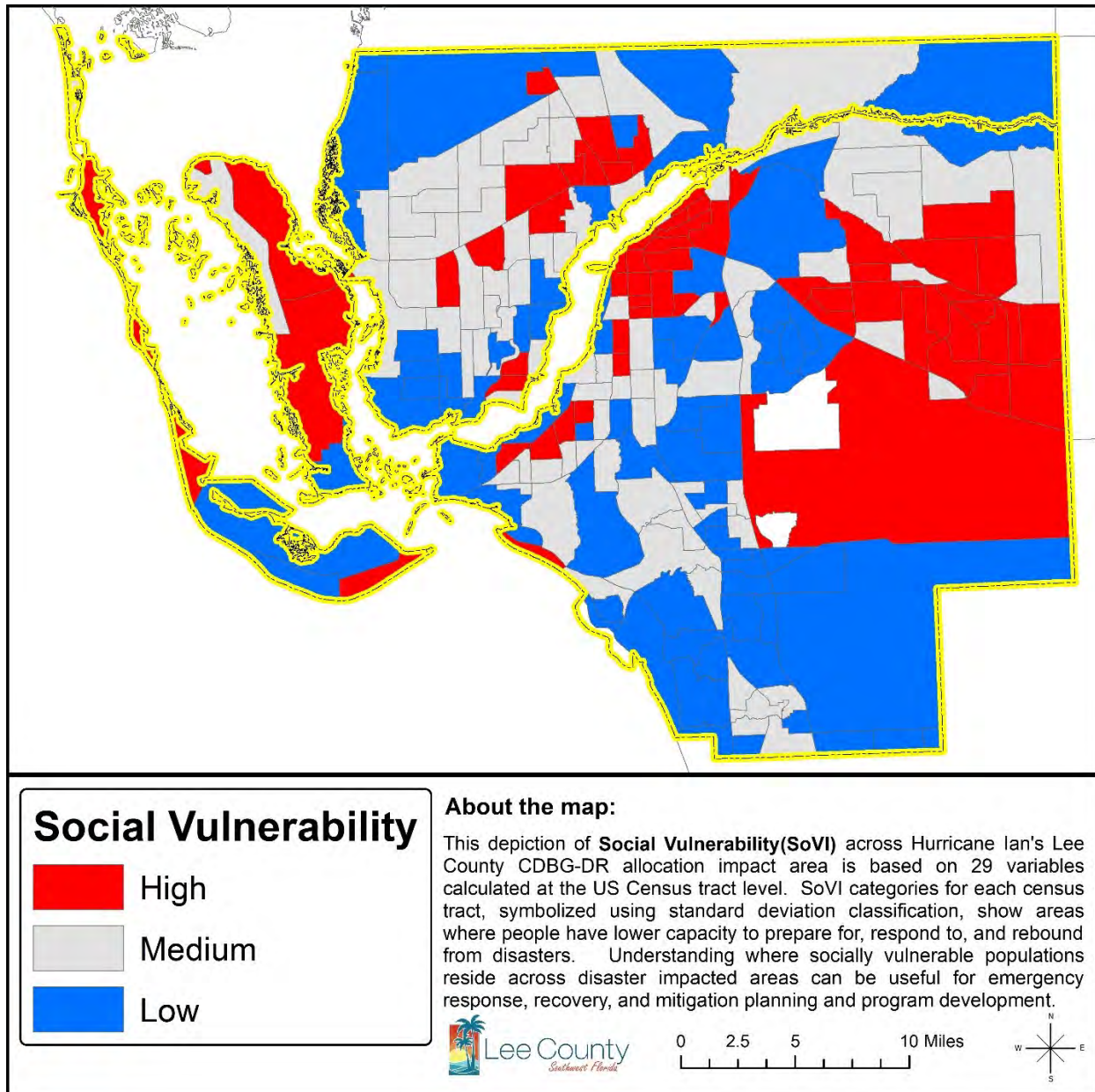


Figure 12 - The 3-Class Level Social Vulnerability Index (SoVI) by Census Tract for Lee County. ⁶⁰

⁶⁰ Map generated from data using UCF's Vulnerability Mapping and Analysis platform: www.vulnerabilitymap.org

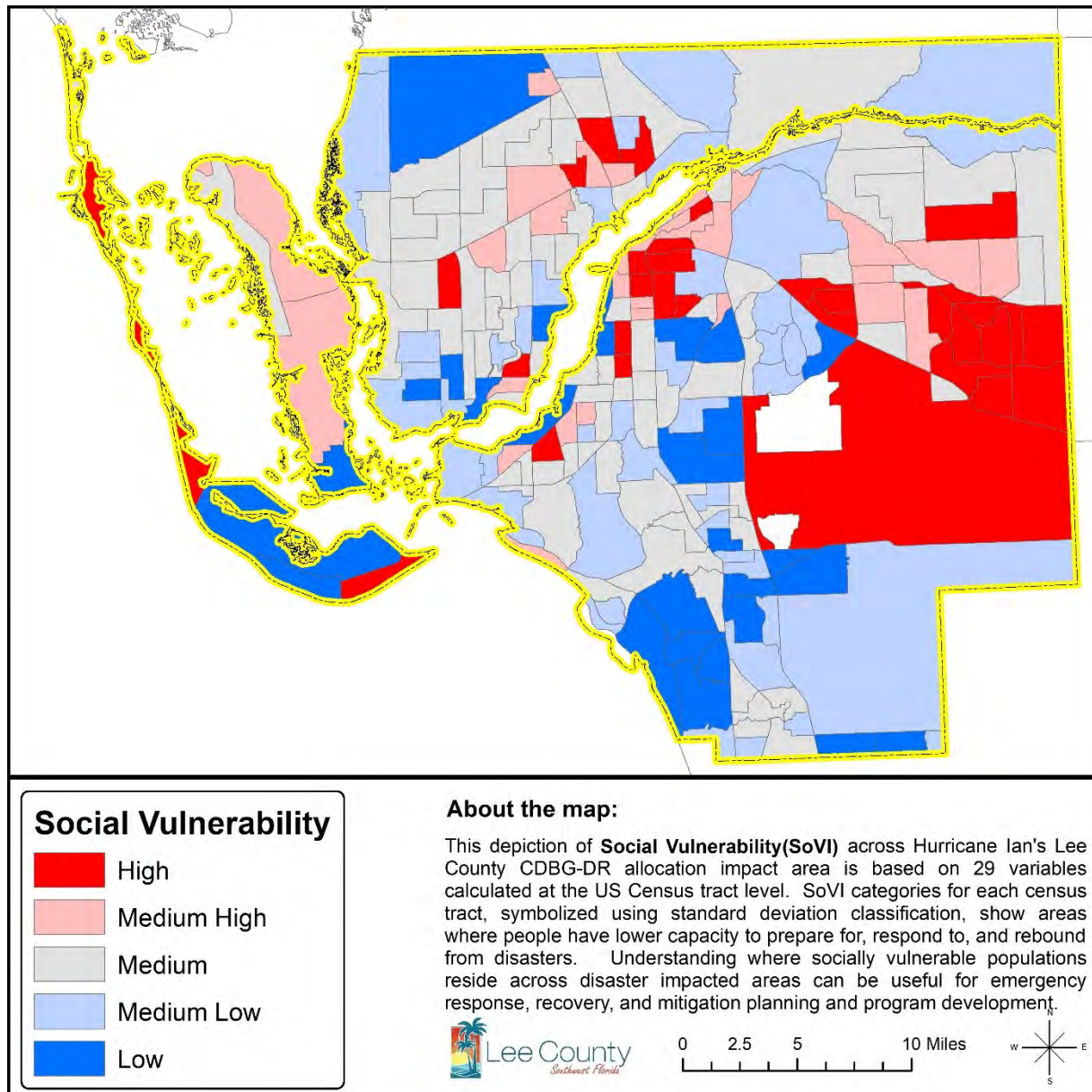


Figure 13 - The 5-Class Social Vulnerability Index (SoVI) by Census Tract for Lee County. ⁶¹

⁶¹ Map generated from data using UCF's Vulnerability Mapping and Analysis platform: www.vulnerabilitymap.org

1) Damage Assessment and Real Property Verified Loss (RPFVL)

FEMA data⁶² provides a broad summary of disaster survivors, damage, and funding at the zip code level across Lee County's Hurricane Ian impacted areas. Aggregating individual applicant information to the zip code level enables a visual depiction of damage from various perspectives, including total Real Property FEMA Verified Loss (RPFVL), average loss, and counts of FEMA applicants with a Lee County RPFVL. These three distinct perspectives on the same dataset can help identify not only where disaster survivors were impacted, but also provide a measure of intensity and magnitude of Ian's impacts across the Area of Impact (AOI).

An assessment of total damage indicates that Sanibel Island, much of Fort Myers Beach, as well as North Fort Myers absorbed the brunt of Hurricane Ian's impact. Four zip codes in Lee County each sustained greater than \$50,000,000 in Real Property FEMA Verified Losses and an additional four zip codes had between \$25,000,000 - \$50,000,000 in losses. (*Figure 14*)

⁶² <https://www.fema.gov/openfema-data-page/individuals-and-households-program-valid-registrations-v1>

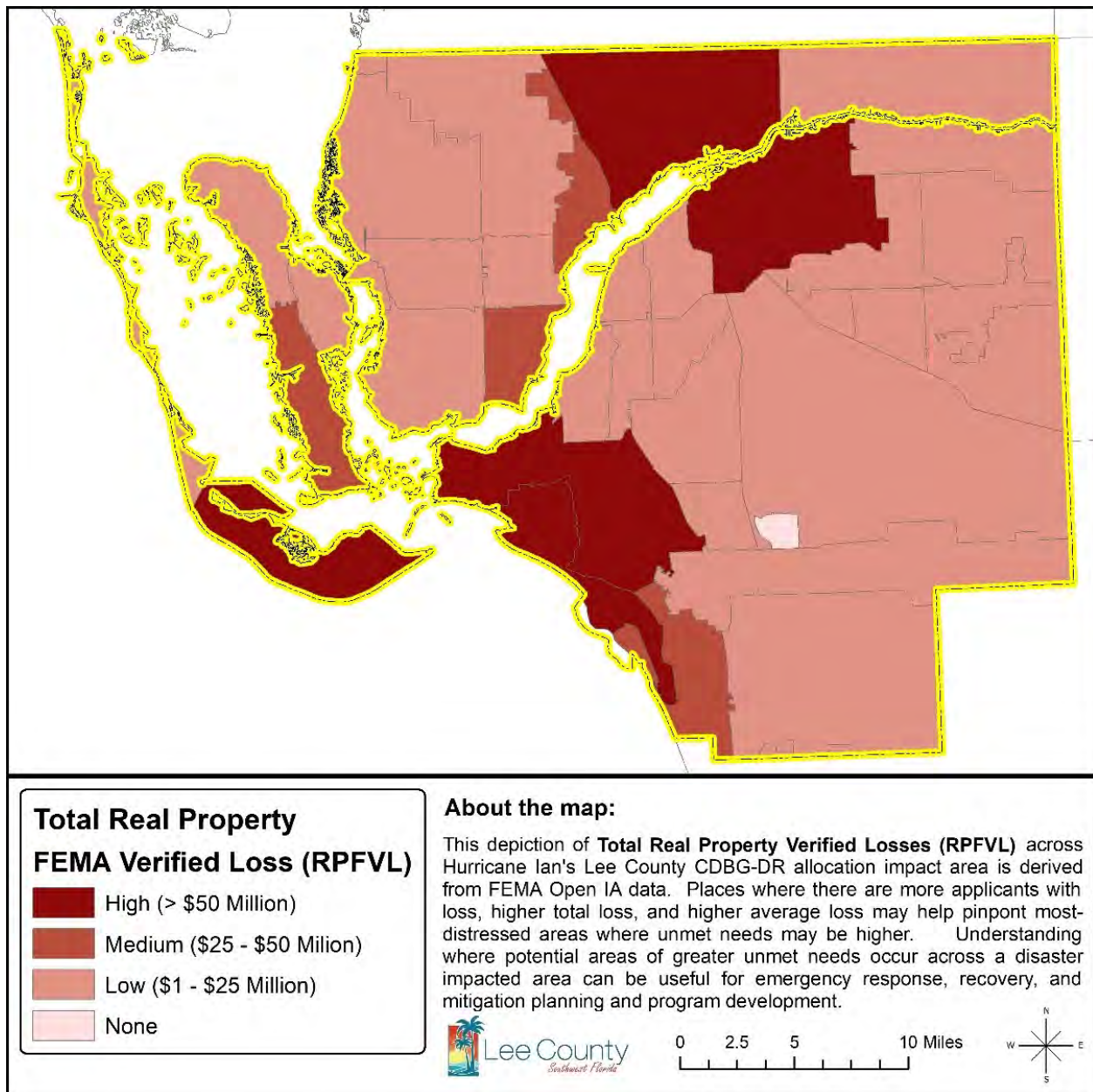


Figure 14 - The total Real Property FEMA Verified Loss (RPFVL).⁶³

Total losses clearly depict where the greatest amount of damage occurred across the County from Hurricane Ian, but summarizing losses alone may not provide a complete picture of the impacts in terms of the number of damaged structures and the relative intensity of damage. To pinpoint where higher relative damage occurred and identify those areas with more damaged housing requires an assessment of the Real Property FEMA Verified Loss (RPFVL) data in two

⁶³ Map generated by summarizing FEMA Open Valid Registrant data: <https://www.fema.gov/openfema-data-page/individuals-and-households-program-valid-registrations-v1>

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additional ways, namely: damage assessed through averages and damage assessed through counts of applicants impacted. Mapping places by average RPFVL (*Figure 15*) highlights several additional areas, including southern Pine Island, and the entire coastal area south of Fort Myers Beach. In total, six zip codes had higher than \$8,000 in average real property losses and another four zip codes had between \$4,000 - \$8,000 in average real property losses.

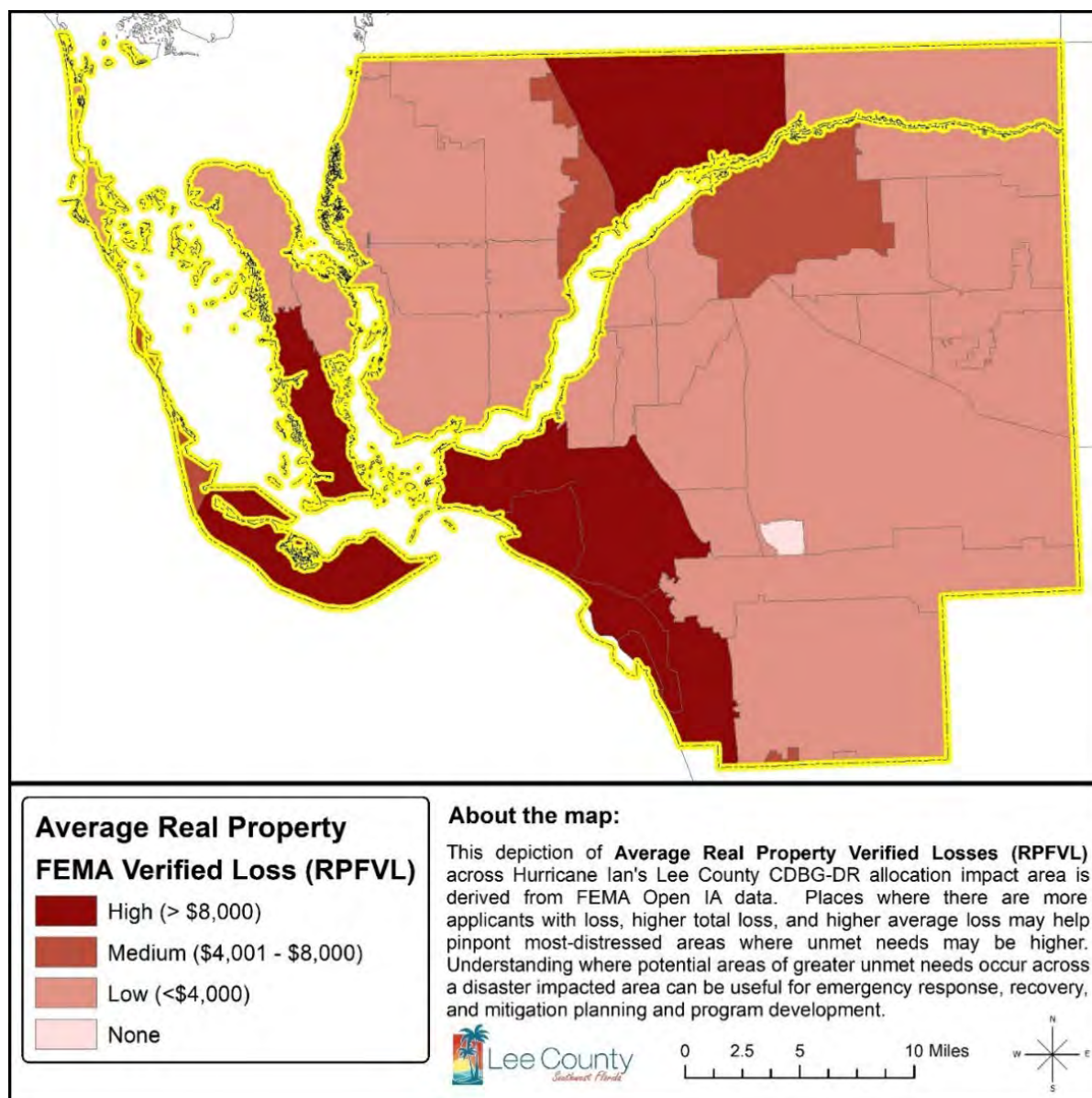


Figure 15 - Average Real Property FEMA Verified Loss (RPFVL).⁶⁴

⁶⁴ Map generated by summarizing FEMA Open Valid Registrant data: <https://www.fema.gov/openfema-data-page/individuals-and-households-program-valid-registrations-v1>

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Like total losses, average real property losses do not provide a complete picture of the most-impacted survivors. Zip codes with higher average damage can be categorized into either places with fewer high dollar losses, or places where many Lee County residences suffered moderate losses. Forming a more comprehensive understanding of Ian's impacts and pinpointing the most-impacted areas require the addition of a third perspective of the same FEMA dataset – namely the count of applicants with RPFVL (*Figure 16*). Mapping counts of applicants with any level of RPFVL provides a slightly different pattern of impacts across the Ian AOI. In addition to the areas highlighted by total and average losses, most of Cape Coral and an additional zip code in Pine Island/Matlacha appear to be the most impacted.

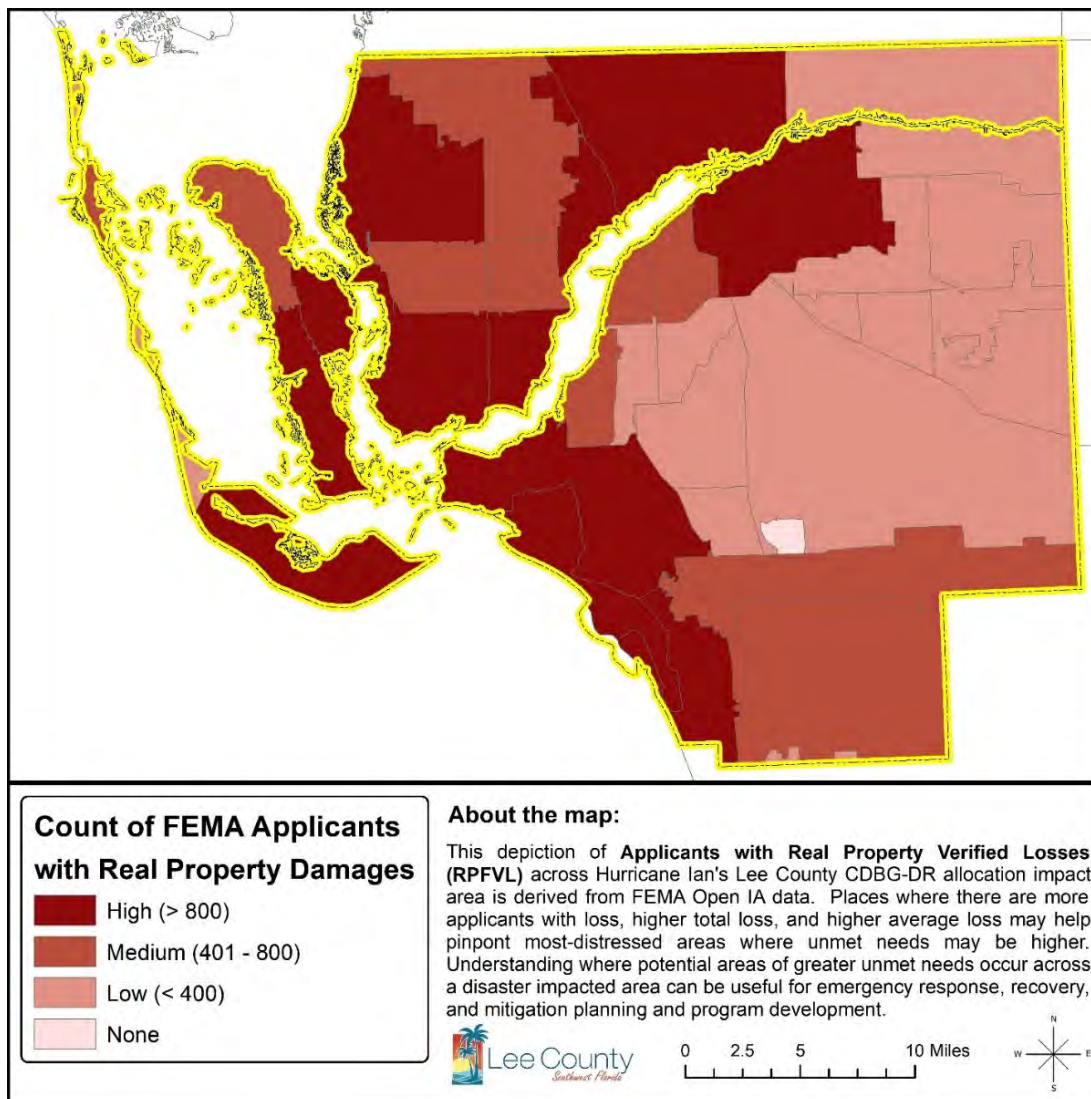


Figure 16 - The count of applicants with real property damages. ⁶⁵

⁶⁵ Map generated by summarizing FEMA Open Valid Registrant data: <https://www.fema.gov/openfema-data-page/individuals-and-households-program-valid-registrations-v1>

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Combining these three perspectives on Ian's impact provides perhaps the clearest representation of where more people experienced damage, where that average damage was higher, and where there were more damaged housing units. Creating a composite RPFVL score ranging from 0 – 9 clearly indicates the impacts to coastal Lee County, North Fort Myers, Sanibel, Pine Island, and North Fort Myers (*Figure 28*). These places contain disaster survivors who had higher damages in greater numbers than the remainder of the AOI.

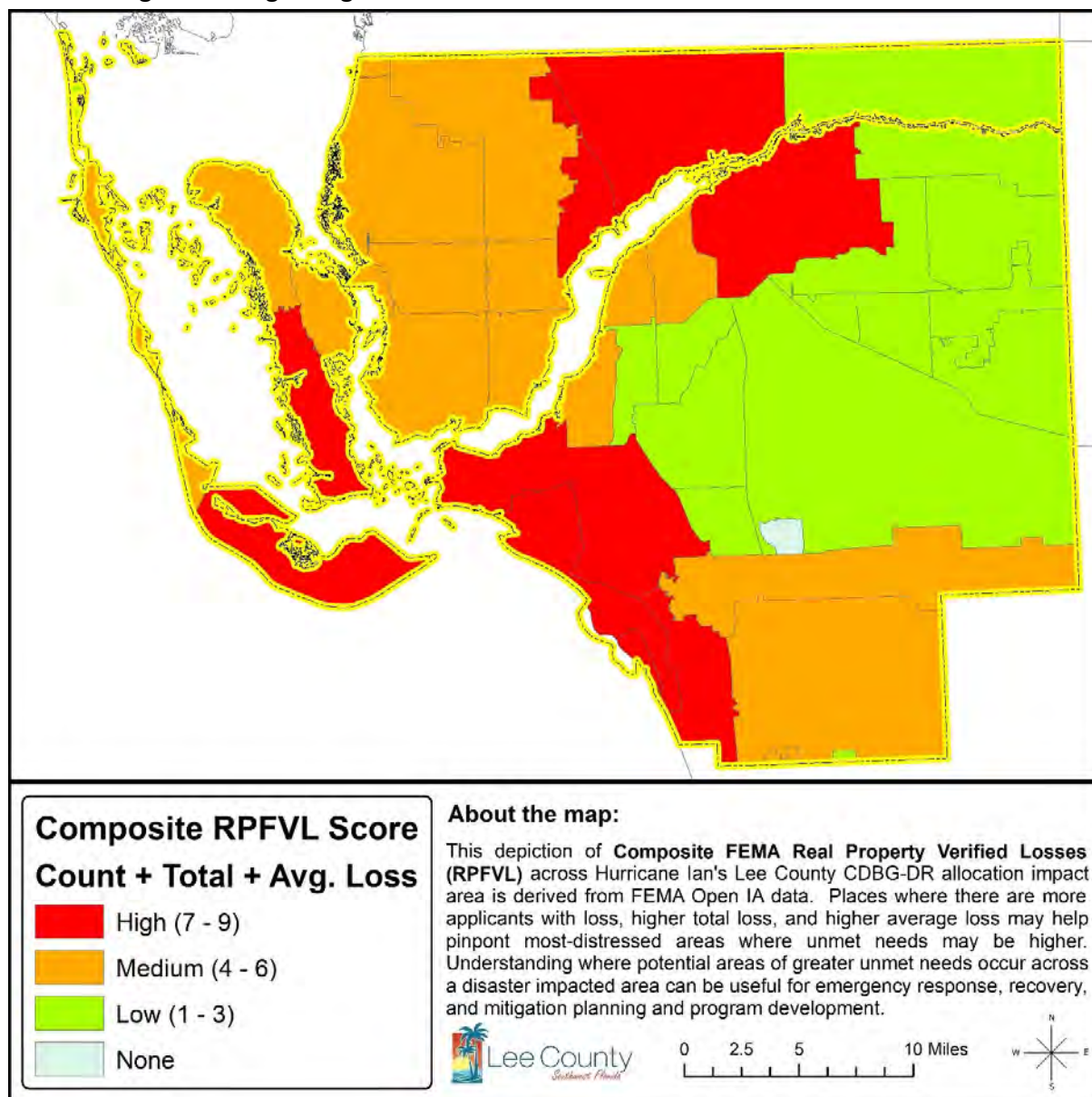


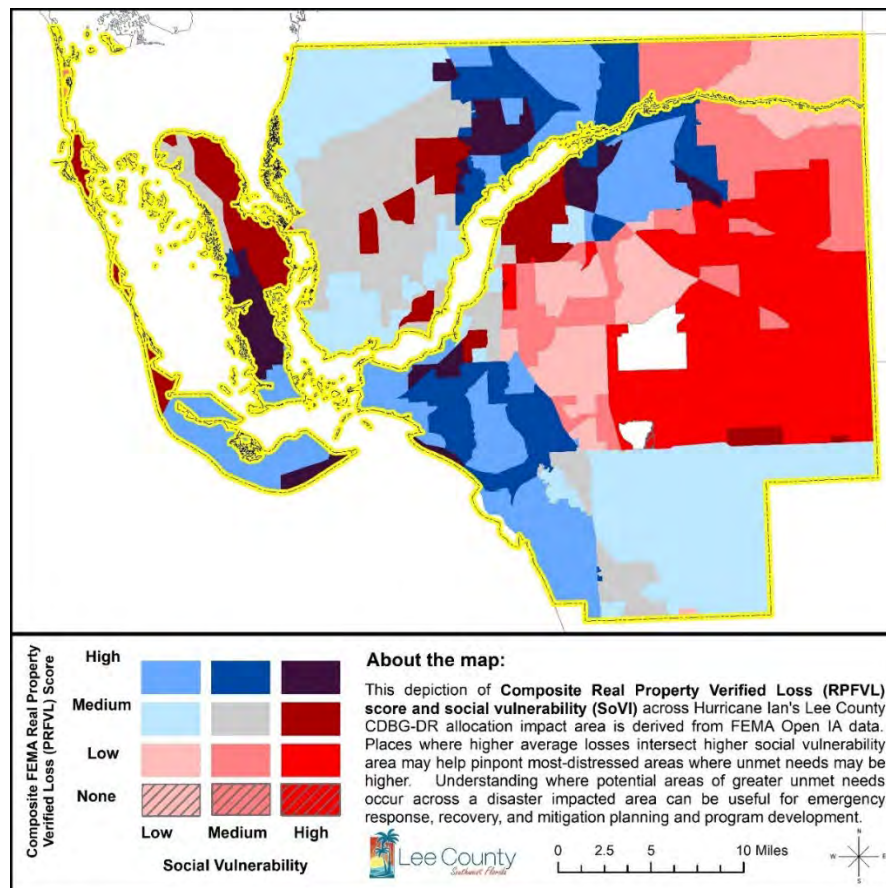
Figure 17 - The composite RPFVL score displaying the combination of the Count of applicants with real property loss, total RPFVL, and average real property loss. ⁶⁶

⁶⁶ Map generated by summarizing FEMA Open Valid Registrant data: <https://www.fema.gov/openfema-data-page/individuals-and-households-program-valid-registrations-v1>

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Recognizing that impoverished and otherwise marginalized populations (those with higher social vulnerability) will have a harder time recovering from disaster, it is important to assess the impact data through the lens of equity. The social vulnerability index provides a replicable, science-based approach to understanding where the populations least able to prepare for, respond to, and rebound from disasters live. *Figure 18* provides a visual of social vulnerability (2020) based on Cutter et al. (2003)⁶⁷ across the impacted area.

Combining social vulnerability with the composite RPFVL score to create bivariate representations creates a depiction of the most impacted areas. The burgundy areas in *Figure 18* show where high social vulnerability and high numbers of disaster survivors are located. There are several large areas where losses (most impacted) and social vulnerability (distress) intersect, including several census tracts in North Fort Myers, Pine Island, Sanibel, coastal Fort Myers, and north central Fort Myers.



*Figure 18 - The bivariate map displaying average real property loss and social vulnerability.*⁶⁸

⁶⁷ <https://doi.org/10.1111/1540-6237.8402002>

⁶⁸ Map generated by summarizing FEMA Open Valid Registrant data: <https://www.fema.gov/openfema-data-page/individuals-and-households-program-valid-registrations-v1>

The social vulnerability index provides a composite look at variables that affect equity, mobility, and well-being within a community, but to identify vulnerabilities for specific protected classes, the County conducted a distinct analysis to identify “where protected classes and vulnerable populations live, how the disaster affected them, and how they will benefit from CDBG-DR funds.”⁶⁹ The analysis considers factors such as poverty, educational attainment, and housing tenure. These factors tend to indicate the vulnerability of specific populations and their ability to respond to and recover from natural disasters. “Research findings reflect a world in which people of low socio-economic status are more vulnerable in the face of disasters and are more likely to suffer more serious consequences during impact, from property damage to homelessness to physical and financial impacts.”⁷⁰

1) Households With Children and Elderly Households

Households with children under the age of five and populations over the age of 65 are more vulnerable to the impacts of natural disasters. As noted in *Table 25*, an estimated 3,426,171 of age dependent populations are concentrated in Disaster Declared counties, including 275,522 located within Lee County.

There are approximately 132,579 children under 18 years old, and approximately 213,650 individuals over the 65 years old in households in Lee County. Among the children, 14 percent identify as multiple races, and 13 percent identify as Black or African American. Among elderly persons, only 2.7 percent identified as multiple races, and 3 percent identify as Black or African American. Slightly more than 36 percent identify as Hispanic or Latino. Approximately 6.7 percent of households with children are headed by a grandparent and an additional 1.3 percent of Lee County's children reside in foster care or with an unrelated adult.⁷¹

Households with children or elderly persons living in poverty may experience additional barriers to recovery after a natural disaster due to limited financial means to pay for necessary repairs, recuperate from lost wages, and replace lost household supplies. In Lee County, 18.7 percent of children and 9.8 percent of individuals aged 65 years and over reside in households where the income in the last 12 months was below the poverty level.⁷²

⁶⁹ [https://www.hud.gov/sites/dfiles/FHEO/documents/23CDBG-DR%20Consolidated%20Notice%20Fair%20Housing%20Guidance%20\(2022\).pdf](https://www.hud.gov/sites/dfiles/FHEO/documents/23CDBG-DR%20Consolidated%20Notice%20Fair%20Housing%20Guidance%20(2022).pdf)

⁷⁰ https://www.samhsa.gov/sites/default/files/dtac/srb-low-ses_2.pdf

⁷¹ American Community Survey 2021 5-Year Estimates, Table S0901 Children Characteristics and S0103 Population 65 Years and Over, Lee County, FL <https://data.census.gov/table?g=050XX00US12071&tid=ACSST1Y2021.S0103>

⁷² American Community Survey 2021 5-Year Estimates, Table S0901 Children Characteristics, Lee County, FL <https://data.census.gov/table?g=050XX00US12071&tid=ACSST1Y2021.S0103>

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The U.S. Bureau of Labor Statistics indicates that educational attainment typically contributes to lower unemployment rates and increased economic mobility⁷³. Households that have a high school diploma or less than a high school education may have less economic resources to recover from a natural disaster. In Lee County, approximately 38.4 percent of individuals aged 65 years or older have a high school diploma or less than a high school education.⁷⁴

Housing tenure can also play an important role in a household's ability to recover. Homeowners may have insurance, FEMA assistance, SBA loans, and other means by which to make necessary repairs and recover from disasters. Renters in Lee County's strained rental housing market are faced with unique challenges to recovery. Some property owners have elected to sell rental properties or not renew leases with tenants that were residing in rentals at the time of the disaster. More than 59 percent of children in households in Lee County reside in owner-occupied housing units and 40 percent reside in rental units.⁷⁵ More than 85 percent of individuals aged 65 and over live in owner-occupied housing units and only 14.2 percent in rental units.⁷⁶ Households with children would greatly benefit from increased access to homeownership opportunities that reduce housing cost burden and increase housing stability.

Figure 19 shows the relative concentration of population under the age of 5 and over the age of 65 by census tract within the County. The areas above 50 percent concentration of these dependent populations are strong indicators of vulnerable populations that may have greater needs for post-disaster assistance. As indicated in *Figure 19*, several areas on the barrier islands and in southern Lee County have high concentrations of age dependent households. These areas were significantly impacted by flooding, storm surge, and wind damage from Hurricane Ian.

⁷³ https://www.bls.gov/emp/images/ep_chart_001.png

⁷⁴ American Community Survey 2021 5-Year Estimates, Table S0103 Population 65 Years and Over, Lee County, FL
<https://data.census.gov/table?g=050XX00US12071>

⁷⁵ American Community Survey 2021 5-Year Estimates, Table S0901 Children Characteristics, Lee County, FL
<https://data.census.gov/table?g=050XX00US12071>

⁷⁶ American Community Survey, Table S0901 Children Characteristics and S0103 Population 65 Years and Over, for Lee County, FL
<https://data.census.gov/table?g=050XX00US12071>

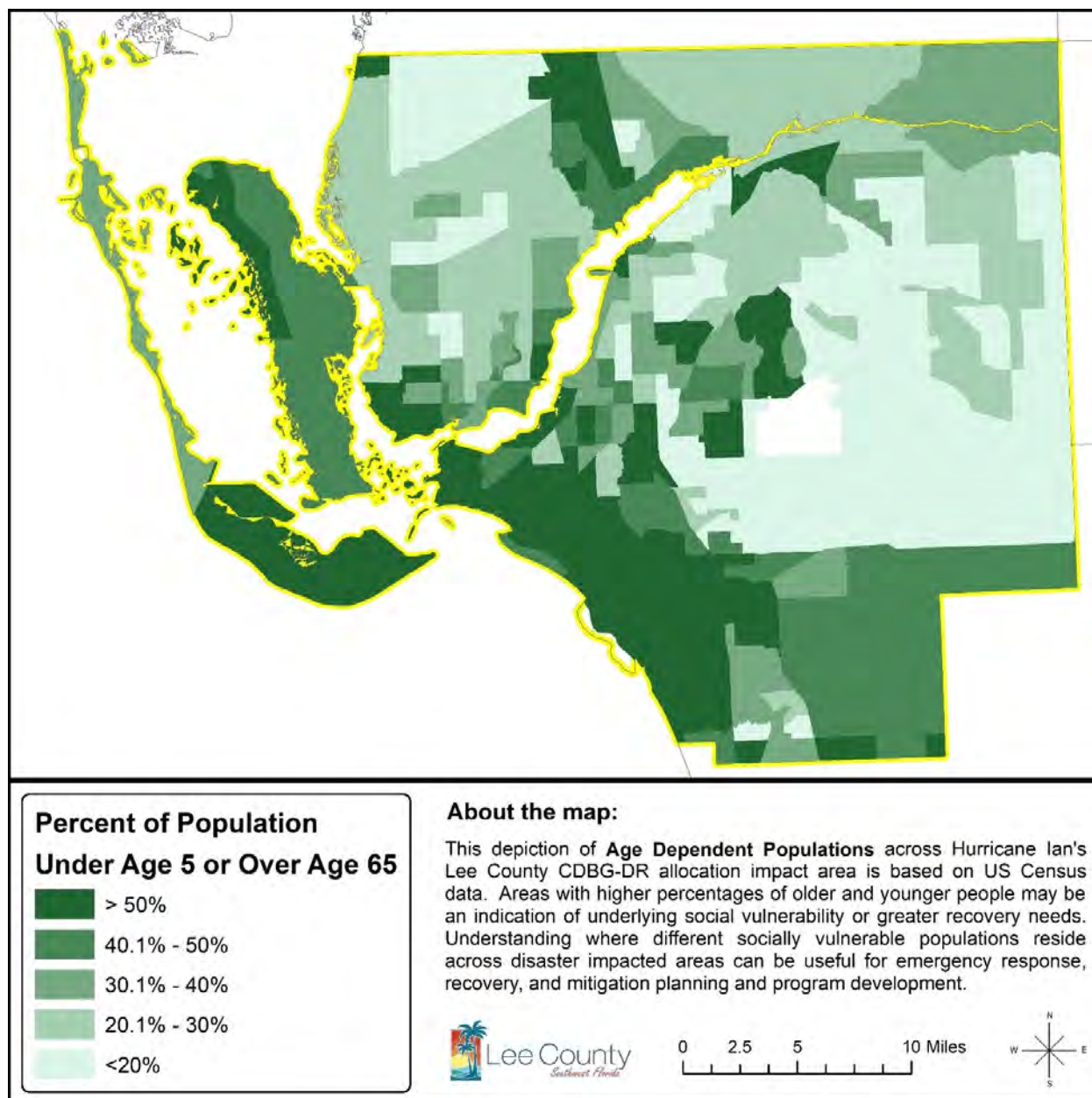


Figure 19 - A map of age dependent populations.⁷⁷

⁷⁷ Map generated from Census ACS 2016-2020

[https://data.census.gov/table?q=B06001:+PLACE+OF+BIRTH+BY+AGE+IN+THE+UNITED+STATES&g=050XX00US12071\\$1400000](https://data.census.gov/table?q=B06001:+PLACE+OF+BIRTH+BY+AGE+IN+THE+UNITED+STATES&g=050XX00US12071$1400000) and table

[https://data.census.gov/table?q=B09020:+RELATIONSHIP+BY+HOUSEHOLD+TYPE+\(INCLUDING+LIVING+ALONE\)+FOR+THE+POPULATION+65+YEARS+AND+OVER&g=050XX00US12071\\$1400000](https://data.census.gov/table?q=B09020:+RELATIONSHIP+BY+HOUSEHOLD+TYPE+(INCLUDING+LIVING+ALONE)+FOR+THE+POPULATION+65+YEARS+AND+OVER&g=050XX00US12071$1400000) tract level data for Lee County

2) Race

White or Caucasian populations account for the majority of people in Lee County with 711,422 individuals, or 7.14 percent, of the total population in the disaster declared areas, but Lee County reflects more diverse populations. About 75,666 individuals are classified as Black or African American in Lee County, roughly 4.28 percent of the total population. American Indian and Alaska Native populations located in Lee County make up about 4,112, or .5 percent of the population. American Indian and Alaska Natives in Lee County represent about 5.91 percent of the total population in disaster declared counties⁷⁸ (*Figure 20* and *Figure 21*).

According to 2021 American Community Survey 5-year estimates there were 580,320 White individuals in Lee County, 61,597, or 10.6 percent, had an income below the poverty level in the last 12 months.⁷⁹ Black or African American individuals experienced poverty at higher rates with 21.5 percent, or 12,866 individuals having an income below the poverty level in the last 12 months.⁸⁰ Approximately 8.8 percent of American Indian and Alaska Native populations in Lee County had an income below the poverty level in the last 12 months.⁸¹

Approximately 35.4 percent of White non-Hispanic populations in Lee County have a bachelor's degree or higher. Black or African American populations make up about 16.7 percent of the college graduate population in Lee County.⁸²

The 2021 American Community Survey 5-year estimates indicate there are approximately 17,878 households that identify as Black or African American in Lee County. Of these, 8,212, or 45.9 percent, reside in owner-occupied housing units, and 9,666, or 54 percent, in rental units.⁸³ Of the 250,358 White households, 191,054, or 76.3 percent, reside in owner-occupied units, and 59,304, or 23.7 percent, in rental units.⁸⁴ The percentage of Black or African American households that reside in owner occupied housing units is more than 30 percent less that percentage of White residents. Black or African American populations would benefit from increased access to homeownership opportunities that reduce housing cost burden and increase housing stability.

⁷⁸ <https://www.census.gov/quickfacts/fact/table/leecountyflorida,FL,US>

⁷⁹ American Community Survey, Table B17001A Poverty Status in the Past 12 Months (White alone population for whom poverty status is determined), for Lee County, FL <https://data.census.gov/table?g=050XX00US12071>

⁸⁰ American Community Survey, Table B17001B Poverty Status in the Past 12 Months (Black or African American alone population for whom poverty status is determined), for Lee County, FL <https://data.census.gov/table?g=050XX00US12071>

⁸¹ American Community Survey, Table B17001C Poverty Status in the Past 12 Months (American Indian and Alaska Native alone population for whom poverty status is determined), for Lee County, FL <https://data.census.gov/table?g=050XX00US12071>

⁸² <https://data.census.gov/table?q=educational+attainment+race&g=050XX00US12071&tid=ACSS1Y2021.S1501>

⁸³ American Community Survey 2021 5-Year Estimates, Table B25003B (Black or African American Alone Householder), Lee County, FL <https://data.census.gov/table?g=050XX00US12071>

⁸⁴ American Community Survey 2021 5-Year Estimates, Table B25003A Tenure (White Alone Householder), Lee County, FL <https://data.census.gov/table?g=050XX00US12071>

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Figure 20 indicates the areas of minority concentration within the County. Areas within the City of Fort Myers and Lehigh Acres have the highest concentration of minority households. Flood and wind damaged occurred within the City of Fort Myers, whereas Lehigh Acres had less severe impacts, mostly wind related.

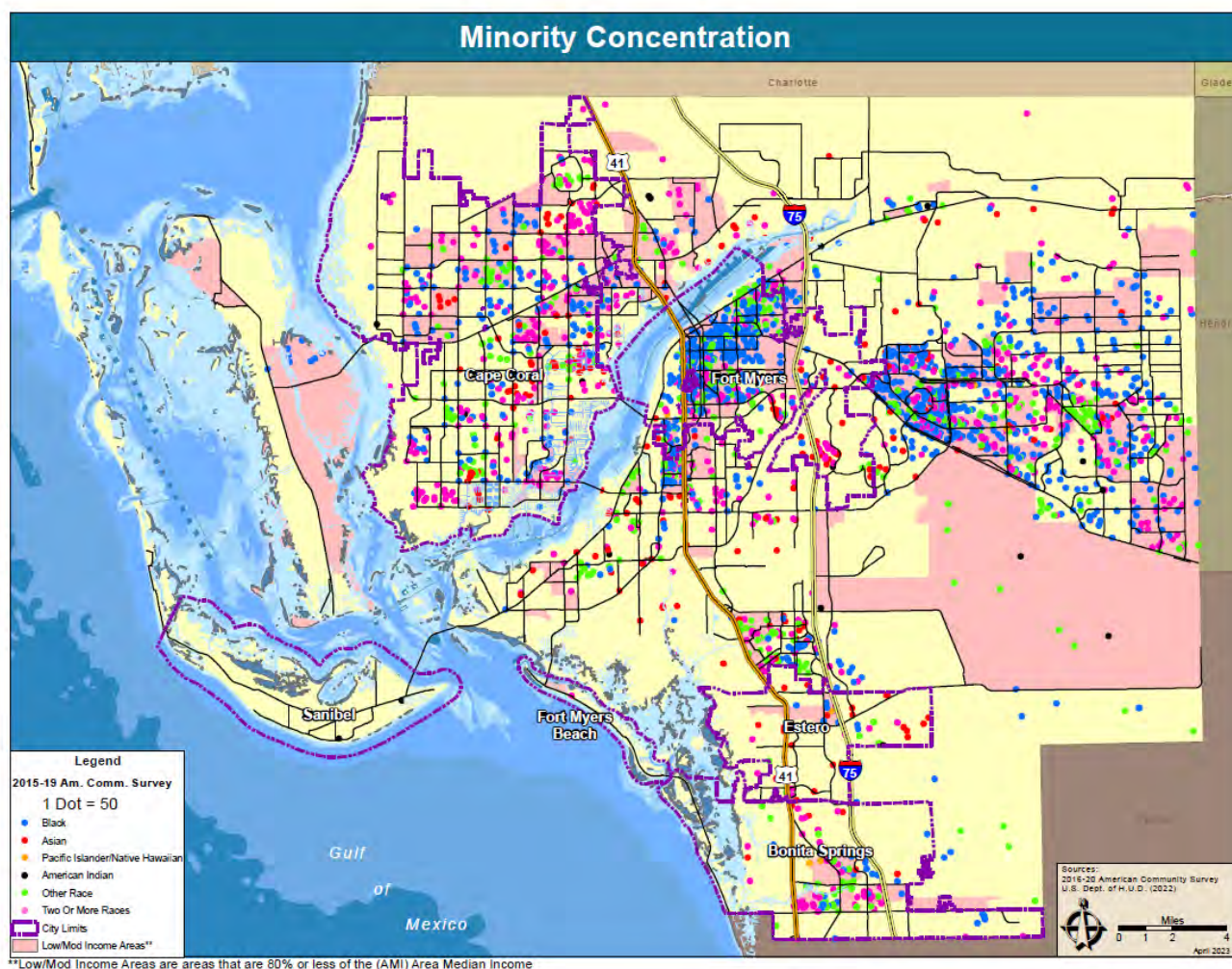


Figure 20 – Map of Minority Concentration Areas in Lee County, FL. ⁸⁵

3) Ethnicity

Lee County's diversity is also reflected in its significant Hispanic and Latino population. Persons of all races, who are Hispanic and Latino, account for 24.3 percent⁸⁶ of Lee County's total population, about 199,856 individuals. 2021 American Community Survey 5-Year Estimates indicate that income was below the poverty level, in the last 12 months, for approximately 18.6

⁸⁵ Map generated from 2015-20219 American Community Survey Data

⁸⁶ <https://www.census.gov/quickfacts/fact/table/FL,leecountyflorida,US/PST045222>

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percent of Lee County's Hispanic population.⁸⁷ Hispanic or Latino populations make up about 17.3 percent of the individuals residing in Lee County with a bachelor's degree or higher.⁸⁸ About 46.3 percent of Hispanic or Latino populations reside in rental units, with the remaining 53.7 percent in owner-occupied units.⁸⁹

Figure 21 indicates the areas of Hispanic concentration within the County. Areas within the City of Fort Myers, Cape Coral, and Lehigh Acres have the highest concentration of minority households. Flood and wind damaged occurred within the City of Fort Myers and Cape Coral, whereas Lehigh Acres had less severe impacts, mostly wind related.

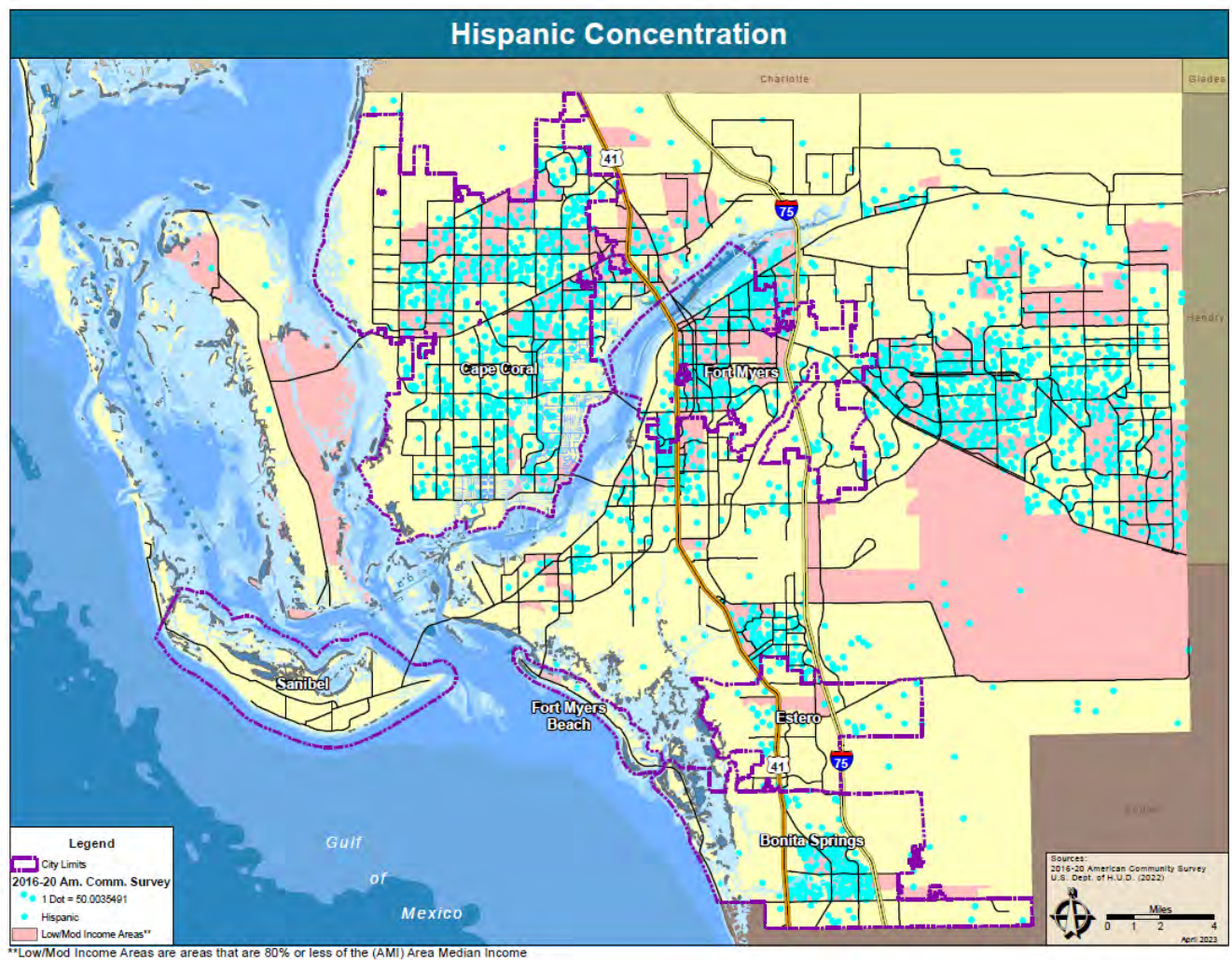


Figure 21 – Map of Hispanic Concentration Areas in Lee County, FL⁹⁰

⁸⁷ <https://data.census.gov/table?q=HISPANIC+POVERTY&g=050XX00US12071&tid=ACSST5Y2021.S1701>

⁸⁸ <https://data.census.gov/table?q=educational+attainment+race&g=050XX00US12071&tid=ACSST1Y2021.S1501>

⁸⁹ <https://data.census.gov/table?q=HISPANIC+housing+tenure&g=050XX00US12071&tid=ACSST5Y2021.B25003I>

⁹⁰ Map generated from 2016-2020 American Community Survey Data

4) Populations with Disabilities

The Fair Housing Act prohibits discrimination based on physical, mental, or emotional handicap, provided “reasonable accommodation” can be made. Reasonable accommodation may include physical changes to address the needs of disabled persons, including adaptive structural (e.g., constructing an entrance ramp) or administrative changes (e.g., permitting the use of a service animal).

In 2014, the U.S. Census Bureau introduced a new set of disability questions in the American Community Survey:

- Hearing Disability
- Vision Disability
- Cognitive Disability
- Ambulatory Disability
- Self-care Disability
- Independent Living Disability⁴⁴

Respondents who report any one of the six disability types are considered to have a disability.⁴⁵ *Table 25* below indicates that 158,733 individuals in the County were identified as being disabled, which is 8 percent of the County.

2021 American Community Survey 5-Year Estimates calculate income in the past 12 months by disability status for individuals who are 20 to 64 years old. The data indicates that 7,598 individuals had a disability and an income below the poverty level. This population is specifically vulnerable to the impacts of disasters and may be unable to recover without assistance. This population may benefit from access to additional affordable housing resources, and, in many cases, permanent supportive housing may be a viable solution.

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Table 25 - Florida demographics and disaster impacted populations.

Demographic	State Estimates	State Percent	Disaster Declaration Estimate	Disaster Declaration (Percent of State Estimates)	County Estimates	County Percent (Percent of Disaster Declaration Estimates)
Total Population	22,244,823	100.00%	12,529,066	56.32%	822,453	6.56%
Under 5 years	1,134,486	100.00%	609,795	53.75%	36,188	5.93%
65 years and over	4,693,658	100.00%	2,816,376	60.00%	239,334	8.50%
Population with a Disability	3,358,968	100.00%	1,919,404	57.14%	158,733	8.27%
White or Caucasian	17,106,269	100.00%	9,960,881	58.23%	711,422	7.14%
Black or African American	3,781,620	100.00%	1,769,705	46.80%	75,666	4.28%
American Indian and Alaska Native	111,224	100.00%	69,600	62.58%	4,112	5.91%
Asian	667,345	100.00%	40,061	61.15%	14,804	3.63%
Native Hawaiian and Other Pacific Islander	22,245	100.00%	15,038	67.60%	822	5.47%
Other	556,120	100.00%	305,781	54.98%	15,627	5.11%

Source: United States Census Bureau Quick Facts, 2022 Population Estimates ⁹¹

* MID estimates and MID percents are reflective of Lee County data. Lee County is identified as a MID.

⁹¹ <https://www.census.gov/quickfacts/fact/table/FL,US/PST045222>

5) Racially and Ethnically Concentrated Areas of Poverty (RECAPS)

A Racially or Ethnically Concentrated Area of Poverty (RECAP) is a geographic area with a significant concentration of poverty and minorities. Areas designated as RECAPs must have a non-white population of 50 percent or more and a poverty rate that exceeds 40 percent or is three or more times the average tract poverty rate for the metropolitan/micropolitan area, whichever threshold is lower.

The Florida Housing Finance Corporation (FHFC) provides an annual report detailing the census tracts deemed as RECAPs within the state of Florida. There is one census tract within the Hurricane Ian MID area of Lee County that is designated as a RECAP. Census Tract 19.17, which is located in census designated place (CDP) Harlem Heights, contains a poverty rate of 40.2 percent and a minority rate (total population identifying as other than non-Hispanic White) of 72.6 percent, per 2021 ACS 5-year estimates.⁹²

The County and its subrecipients are aware of this RECAP and other areas of minority concentration and poverty when implementing projects to avoid undue discriminatory effects on historically disadvantaged and underserved populations. By prioritizing benefit to LMI households and areas, the County anticipates that program areas outlined in this Action Plan will have a positive impact on protected class populations.

⁹² Florida Housing Finance Corporation. 2023 Racially and Ethnically Concentrated Areas of Poverty (RECAP) Information. Available at: [https://www.floridahousing.org/docs/default-source/programs/developers-multifamily-programs/competitive/racially-and-ethnically-concentrated-areas-of-poverty-\(recap\)/2023-racially-and-ethnically-concentrated-areas-of-poverty-\(recap\)-information/racially-and-ethnically-concentrated-areas-of-poverty-list-effective-02-01-23.pdf?sfvrsn=ffeaf47b_2](https://www.floridahousing.org/docs/default-source/programs/developers-multifamily-programs/competitive/racially-and-ethnically-concentrated-areas-of-poverty-(recap)/2023-racially-and-ethnically-concentrated-areas-of-poverty-(recap)-information/racially-and-ethnically-concentrated-areas-of-poverty-list-effective-02-01-23.pdf?sfvrsn=ffeaf47b_2)

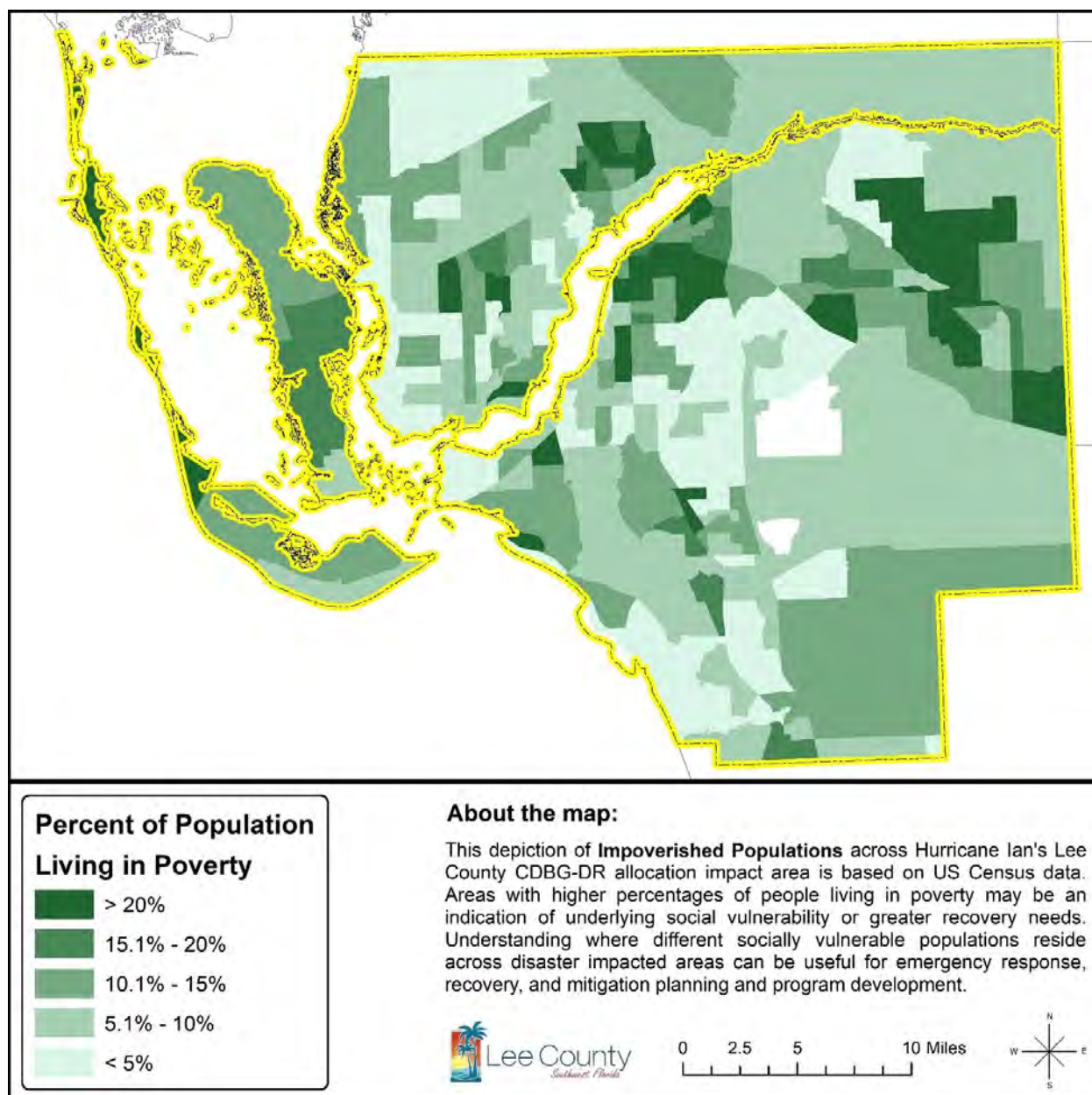


Figure 22 - The percent of population living in poverty in Lee County. ⁹³

⁹³ Map generated from Census ACS 2016-2020

[https://data.census.gov/table?q=B17021&g=050XX00US12071\\$1400000](https://data.census.gov/table?q=B17021&g=050XX00US12071$1400000) tract level data for Lee County

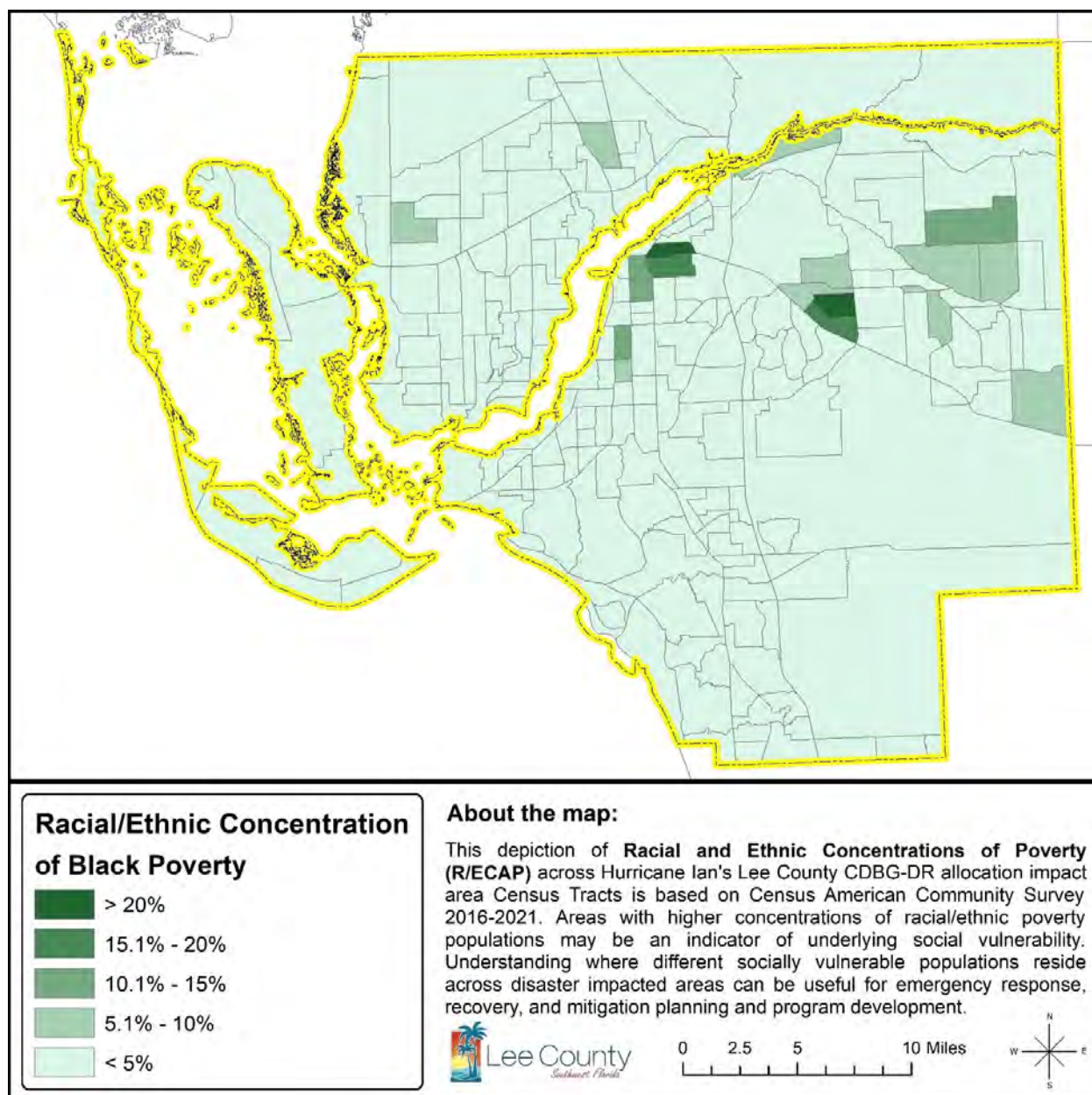


Figure 23 - A map of racial/ethnic concentration of black poverty. ⁹⁴

⁹⁴ Map generated from Census ACS 2016-2020

[https://data.census.gov/table?q=B17021&g=050XX00US12071\\$1400000](https://data.census.gov/table?q=B17021&g=050XX00US12071$1400000) tract level data for Lee County

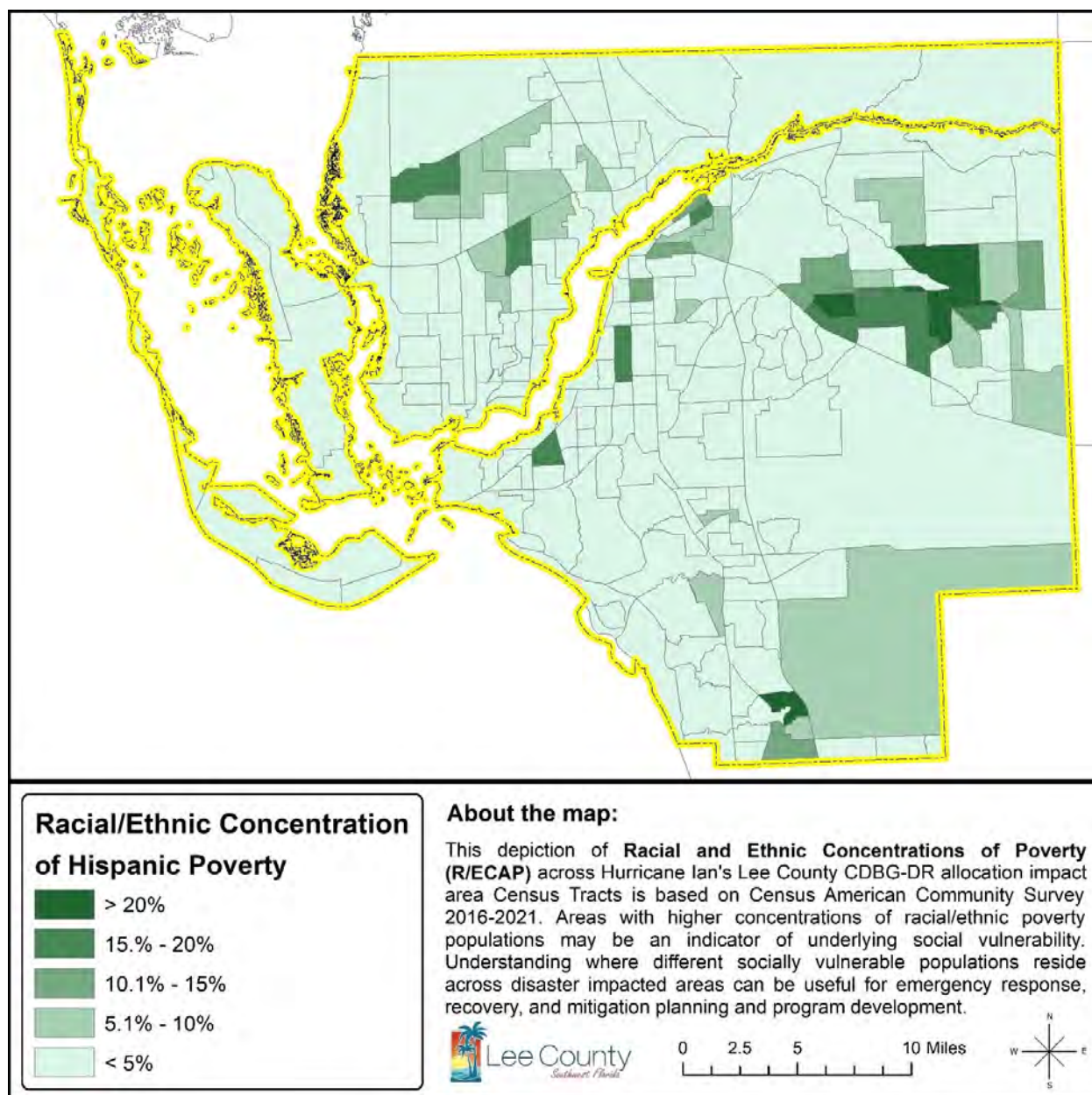


Figure 24 - A map of racial/ethnic concentration of Hispanic poverty.⁹⁵

⁹⁵ Map generated from Census ACS 2016-2020

[https://data.census.gov/table?q=B17021&g=050XX00US12071\\$1400000](https://data.census.gov/table?q=B17021&g=050XX00US12071$1400000) tract level data for Lee County

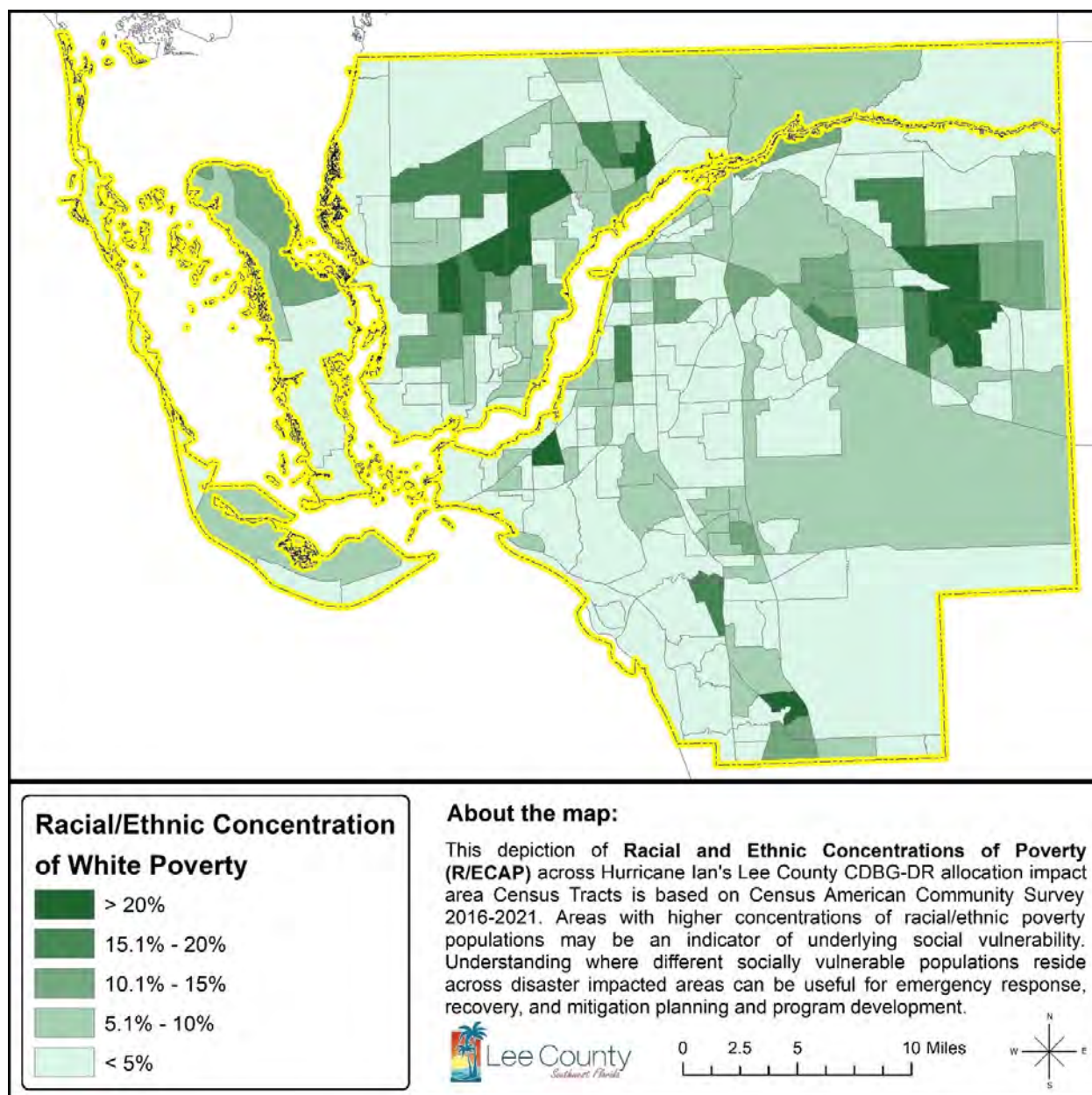


Figure 25 - A map of racial/ethnic concentration of White poverty.⁹⁶

⁹⁶ Map generated from Census ACS 2016-2020

[https://data.census.gov/table?q=B17021&g=050XX00US12071\\$1400000](https://data.census.gov/table?q=B17021&g=050XX00US12071$1400000) tract level data for Lee County

a. Population with Limited English Proficiency

LEP persons are defined by the federal government as those with a limited ability to read, write, speak, or understand English. American Community Survey data reports on households in which English is not the primary language spoken at home for the population five years and older.⁹⁷ As noted in *Table 34*, 69,811 individuals within the County speak English less than very well. This further reflects the need for the County to adhere to their LEP Plan (as noted above) by coordinating with community organizations and providing resources in multiple forms.

b. Housing Impact Cost Burdened Households

HUD defines housing affordability in terms of the proportion of household income that is used to pay housing costs. Housing is “affordable” if no more than 30 percent of a household’s income is needed for rent, mortgage payments, and utilities. When the proportion of household income needed to pay housing costs exceeds 30 percent, a household is considered “cost burdened.” Severe cost burden is defined as gross housing costs, including utilities, exceeding 50 percent of the households gross income.⁹⁸

According to the Shimberg Center for Housing Studies at the University of Florida⁹⁹, cost burdened households for the County are categorized by the 0-50 percent, 50.01-80 percent, and over 80 percent area median income (AMI) categories. The analysis of the U.S. Census Bureau, 2019 American Community Survey 1-Year Public Use Microdata Sample (PUMS) noted that 5,981 cost burdened households fall into the 0-50 percent AMI category. Roughly 1,747 cost burdened households fall into the 50.01-80 percent group while 2,099 cost burdened households fall into the over 80 percent category. Based on this data, roughly 3,846 cost burdened households are considered severe.

c. Persons Experiencing Homelessness

The Lee County Homeless Continuum of Care (CoC), a collaborative of local municipalities, social service providers and other stakeholders, is tasked with addressing the needs of persons experiencing homelessness. The CoC receives funding from HUD for several homeless assistance programs and is responsible for planning, coordinating, and monitoring the delivery of services

⁹⁷ Lee County Analysis of Impediments to Fair Housing Choice, 2019-2023, page 20, <https://www.leegov.com/dhs/Documents/Fair%20Housing/Final%20PY%202019%20Analysis%20of%20Impediments%20to%20Fair%20Housing%20Choice.pdf>

⁹⁸ *ibid.* page 61

⁹⁹ [Cost Burdened Households by Income as a Percentage of Area Median income \(AMI\)](#)

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to the homeless. The Lee County Homeless Coalition provides information on the needs, characteristics, number, and location of homeless persons in Lee County.¹⁰⁰

The County saw an increase in persons experiencing homelessness from 560 persons in 2022 to 857 persons in 2023 as noted in [Table 35](#) below. In coordination with the County's Human and Veterans Service Department, the Lee County Homeless Coalition estimates that about 857 individuals were homeless in January 2023 (both sheltered and unsheltered). Out of the 857 homeless, 197 were considered chronically homeless, with 109 under the age of 18, a drastic increase from the prior year. The Coalition attributes soaring rents and Hurricane Ian to this increase.¹⁰¹ Approximately 560 households, reporting as a family with children experiencing homelessness, have contacted Lee County's Coordinated Entry system. Of those, 152 or 27.1 percent cited Hurricane Ian as a reason for the current status of homelessness during their initial contact with Coordinated Entry.¹⁰²

d. Impacts on Low- and Moderate-Income (LMI) Populations

Disasters can have life-altering impacts especially on low-and moderate (LMI) persons. They are more likely to experience significant and lengthier impacts emphasizing the need for recovery projects to prioritize the protection of and benefit to LMI persons within the County. As per the May 18 Notice, 70 percent of CDBG-DR funds must be spent to benefit LMI persons. As defined by HUD, a household is considered LMI if their annual income is 80 percent of the area median income (AMI). Although there are portions of the County that have significant LMI populations, certain areas have higher concentrations of populations with income below 50 percent AMI. As noted in Figure 26, Fort Myers, North Fort Myers, Cape Coral, and Lehigh Acres contain significant areas of LMI populations with incomes at or below 50 percent of AMI.

As depicted in Figure 26, there are several areas with high concentrations of low- and moderate-income households that experienced FEMA verified loss of greater than \$45,000 per household. The average verified loss exceeds \$70,000 per household in areas on Pine Island, Fort Myers Beach, and along the Caloosahatchee River, where 51 percent or more of the population has a household income of 80% or less of the AMI.

¹⁰⁰ Lee County Analysis of Impediments to Fair Housing Choice, 2019-2023, page 64, <https://www.leegov.com/dhs/Documents/Fair%20Housing/Final%20PY%202019%20Analysis%20of%20Impediments%20to%20Fair%20Housing%20Choice.pdf>

¹⁰¹ Lee County Homeless Coalition, <https://www.leehomeless.org/2023-census/>

¹⁰² Lee County Human and Veteran Services

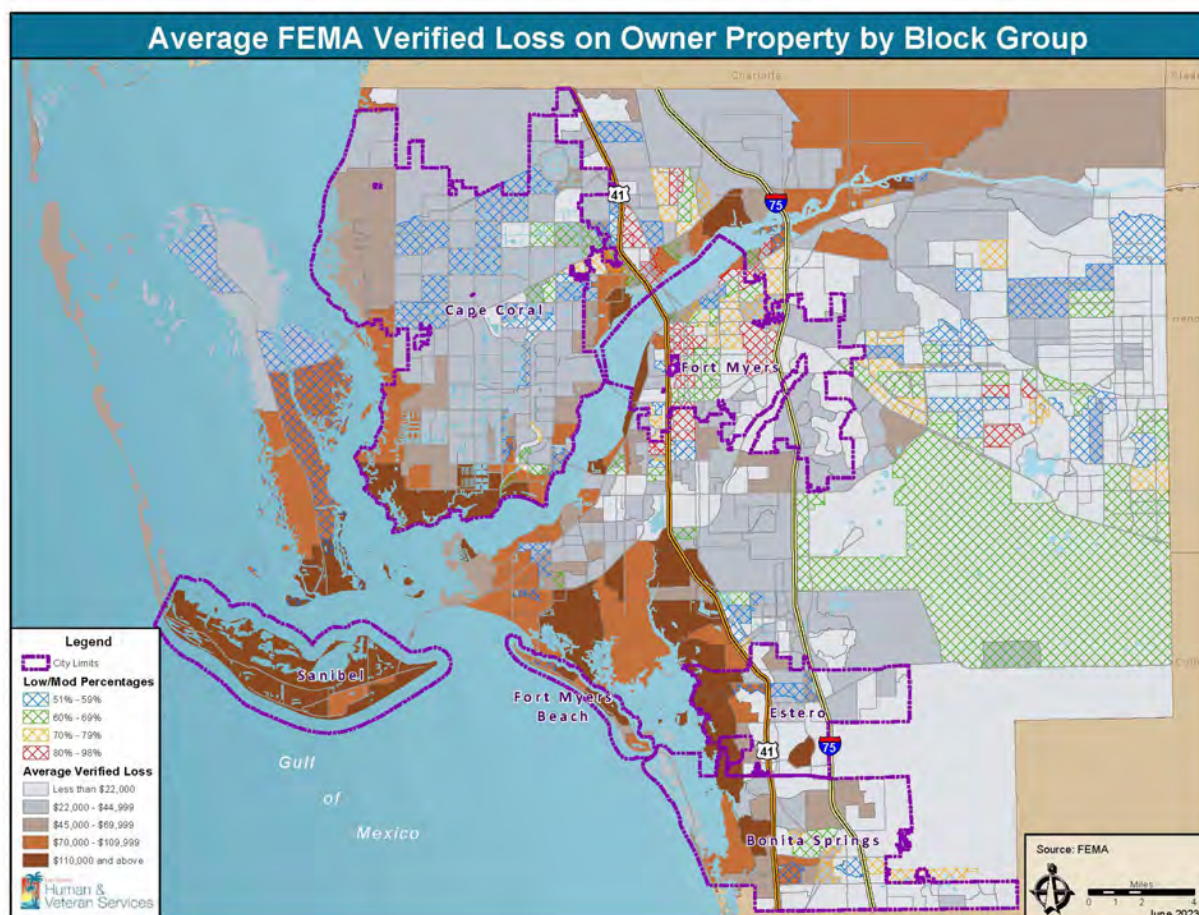


Figure 26- Average FEMA Verified Loss for owner-occupied housing units by block group. FEMA Individual Assistance Data, as of June 20, 2023.

b) INCOME DEMOGRAPHICS

Table 26 -Median Household and Per Capita Income for the State-wide, Disaster Area, and MID levels.

Income/Economic Demographics	Statewide	Areas Impacted by the Disaster	HUD MIDs
Median Household Income	\$63,062	\$58,921	\$63,235
Per Capita Income	\$36,196	\$33,848	\$32,642

Source: 2021 American Community Survey 5-year Estimates Subject Tables¹⁰³

¹⁰³ https://www.huduser.gov/portal/datasets/il.html#2020_data

1) EDUCATION DEMOGRAPHICS

Table 27 - Education by State, Disaster Area, and MID Area.

Education	State Estimates	State Percent	Disaster Declaration Estimate	Disaster Declaration Percent	MID Estimates	MID Percent
Population 25 and over	15,762,122	100.00%	8,809,658	100.00%	598,375	100.00%
Less than high school graduate	1,608,543	10.21%	801,300	9.10%	58,255	9.74%
High school graduate or equivalency	4,363,466	27.68%	2,398,309	27.22%	181,266	30.29%
Some college, associate degree	4,563,267	28.95%	2,590,647	29.41%	173,950	29.07%
Bachelor's degree or higher	5,226,846	33.16%	3,019,402	34.27%	184,904	30.90%

Source: 2021 ACS 1-Year Estimates Subject Tables - S1501 EDUCATIONAL ATTAINMENT¹⁰⁴

2) HUD INCOME LIMITS

Proposed CDBG-DR programs and projects must prioritize the protection of low- and moderate-income (LMI) persons and meet HUD's overall LMI benefit requirement. Seventy percent of CDBG-DR funds must be spent to benefit LMI persons. As defined by HUD, LMI households are classified per a gross household income of under 80 percent of Area Median Income (AMI), adjusted for family size.¹⁰⁵

- Statewide median income as of 2023 in Florida is \$85,500 and a household of four is considered LMI if earning a gross income of \$66,350 or less.¹⁰⁶
- In Lee County, the median income as of 2023 is \$85,900 and a household of four is considered LMI if earning a gross income of \$68,100 or less.¹⁰⁷

¹⁰⁴ <https://data.census.gov/table?q=S1501+Florida&g=040XX00US12>

¹⁰⁵ U.S. Department of Housing and Urban Development Office of Planning and Community Development. Laws and Regulations: Low- and Moderate-Income Definitions under the CDBG Program. Available at: <https://www.huduser.gov/portal/datasets/cdbg-income-limits.html>

¹⁰⁶ U.S. Department of Housing and Urban Development, Program Parameters and Research Division. Available at: https://www.huduser.gov/portal/datasets/il/il2023/2023summary.odn?inputname=STTLT*1299999999%2BFlorida&selection_type=county&stname=Florida&statefp=12.0&year=2023

¹⁰⁷ U.S. Department of Housing and Urban Development, Program Parameters and Research Division. Available at: [https://www.huduser.gov/portal/datasets/il/il2023/2023summary.odn?inputname=METRO15980M15980%2aCape+Coral-Fort+Myers%2c+FL+MSA&wherefrom=\\$wherefrom\\$&selection_type=hmfa&year=2023](https://www.huduser.gov/portal/datasets/il/il2023/2023summary.odn?inputname=METRO15980M15980%2aCape+Coral-Fort+Myers%2c+FL+MSA&wherefrom=$wherefrom$&selection_type=hmfa&year=2023)

c) INCOME DEMOGRAPHICS – LOW INCOME

Table 28 - Population with Income Below Poverty Rate at the State-wide, Disaster Area, and MID levels.

Income/Economic Demographics	Statewide	Areas Impacted by the Disaster	HUD MID
Income in the past 12 months below poverty level	1,042,235	1,435,547	89,578
Total for whom poverty is determined	8,157,420	11,671,552	743,628

Source: *Income in the Past 12 Months (in 2021 inflation-adjusted dollars) – 2021: ACS 5-year Estimates Subject Tables; Poverty Status in the Past 12 Months by Household Type by Age of Householder - 2021: ACS 1-Year Estimates Detailed Tables; Per Capita Income In The Past 12 Months (In 2021 Inflation-Adjusted Dollars) - 2021: ACS 5-Year Estimates Detailed Table*¹⁰⁸

¹⁰⁸ https://www.huduser.gov/portal/datasets/il.html#2020_data

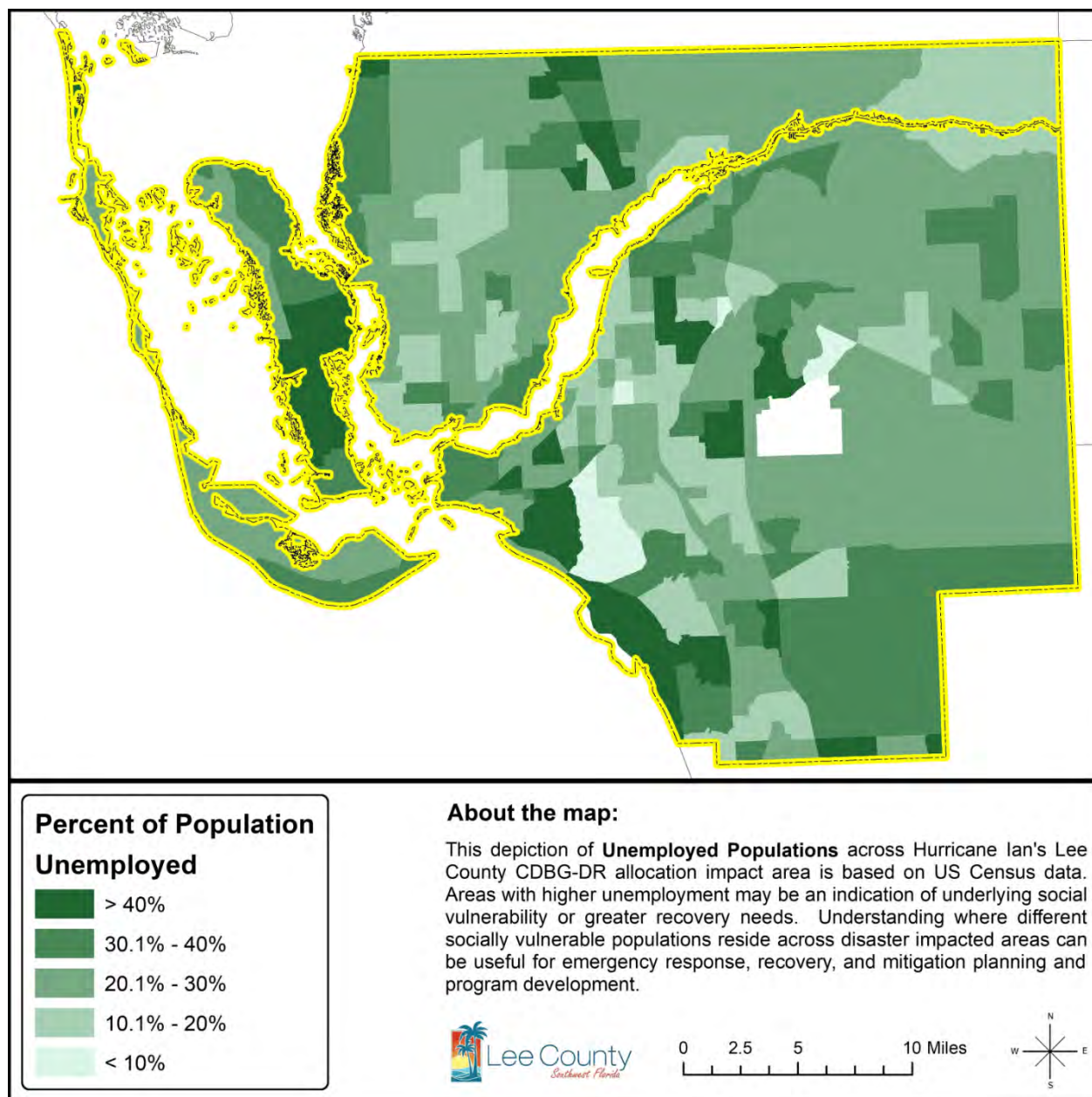


Figure 27 - The percent of population unemployed in Lee County. ¹⁰⁹

¹⁰⁹ Map generated from Census ACS 2016-2020 [https://data.census.gov/table?q=B23022&g=050XX00US12071\\$1400000](https://data.census.gov/table?q=B23022&g=050XX00US12071$1400000) tract level data for Lee County

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• **SNAP AND D-SNAP APPLICANTS IMPACTED BY DISASTER**

Table 29 - The SNAP and D-SNAP for Lee County.

County	# of SNAP Households Impacts	# of SNAP Individuals Impacted	# of Households Issued D-SNAP Benefits	# of Individuals Issued D-SNAP Benefits
Lee County	22,442	22,442	11,112	37,785

Source: United States Department of Agriculture 2018 19th Congressional District⁶⁶ & Florida Department of Children and Families¹¹⁰

d) LMI ANALYSIS – AREA WIDE

Table 30 - The LMI populations for Lee County.

County	Total LMI Population	Total Population	Percent LMI
Lee County	273,093	653,665	41.78%

Source: HUD LMI Data¹¹¹

e) LMI ANALYSIS – FEDERALLY DECLARED DISASTER AREA

Table 31 - LMI population in the Non-MID and MID Area.

County	Non-MID-Total LMI Persons	Non-MID-Total Population	Non-MID-Percentage LMI	MID-Total LMI Persons	MID-Total Population	MID-Percentage LMI
Lee County	0	0	0%	273,093	653,665	41.78%

Source: HUD LMI Data

All of Lee County is in the HUD-defined Most Impacted and Distressed area, so the non-MID population is zero for *Table 30*.

Table 32 - Total LMI Population for Lee County.

County	Total LMI Disaster Applicants	Total Universe of Disaster Applicants	Percentage LMI	Possible Additional LMI Persons	Possible Additional Percentage LMI
Lee County	113,649	405,711	28.01%	191,767	47.27%

Source: HUD LMI Data

¹¹⁰ <https://www.fns.usda.gov/pd/supplemental-nutrition-assistance-program-snap>

¹¹¹ <https://www.hudexchange.info/programs/acs-low-mod-summary-data/>

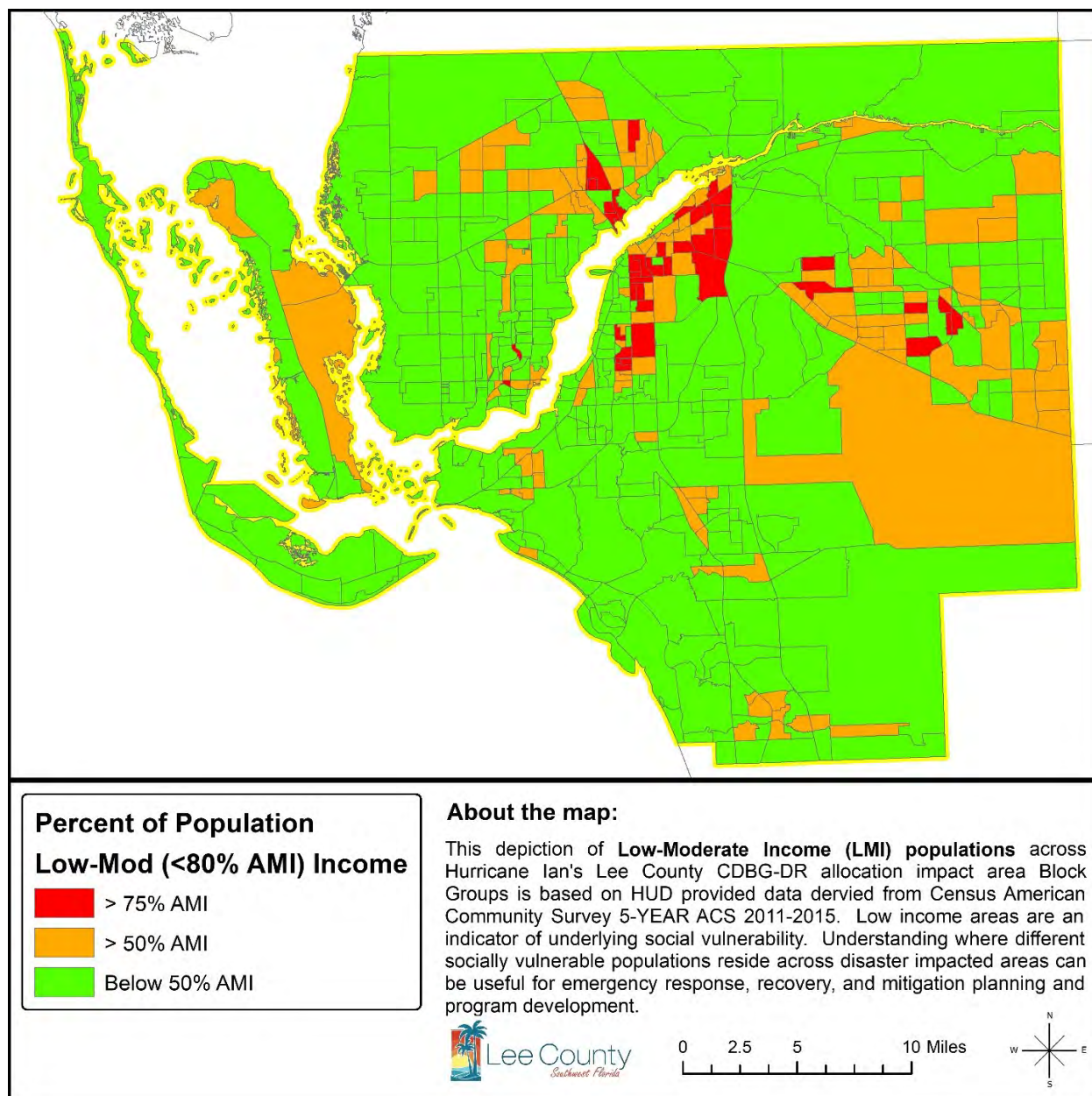


Figure 28 - The percent of LMI populations by census block group for Lee County.¹¹²

¹¹² Map generated from data provided by HUD <https://hudgis-hud.opendata.arcgis.com/datasets/low-to-moderate-income-population-by-block-group>

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f) MANUFACTURED HOUSING UNITS IMPACTED BY DISASTER

Table 33 - The percentage of manufactured housing units in Lee County.

County	Number of Units	% of Total Units in County Impacted	Remaining Unmet Need
Lee County	20,452	52.91%	\$73,215,791

Source: Open FEMA Individual Assistance Valid Registrant Dataset as of 5/9/2023¹¹³ and 2021 ACS 5-Year Estimates Subject Tables - DP04 SELECTED HOUSING UNITS¹¹⁴

¹¹³ <https://www.fema.gov/openfema-data-page/individuals-and-households-program-valid-registrations-v1>

¹¹⁴ <https://data.census.gov/table?q=DP04&g=050XX00US12071&tid=ACSDP5Y2021.DP04>

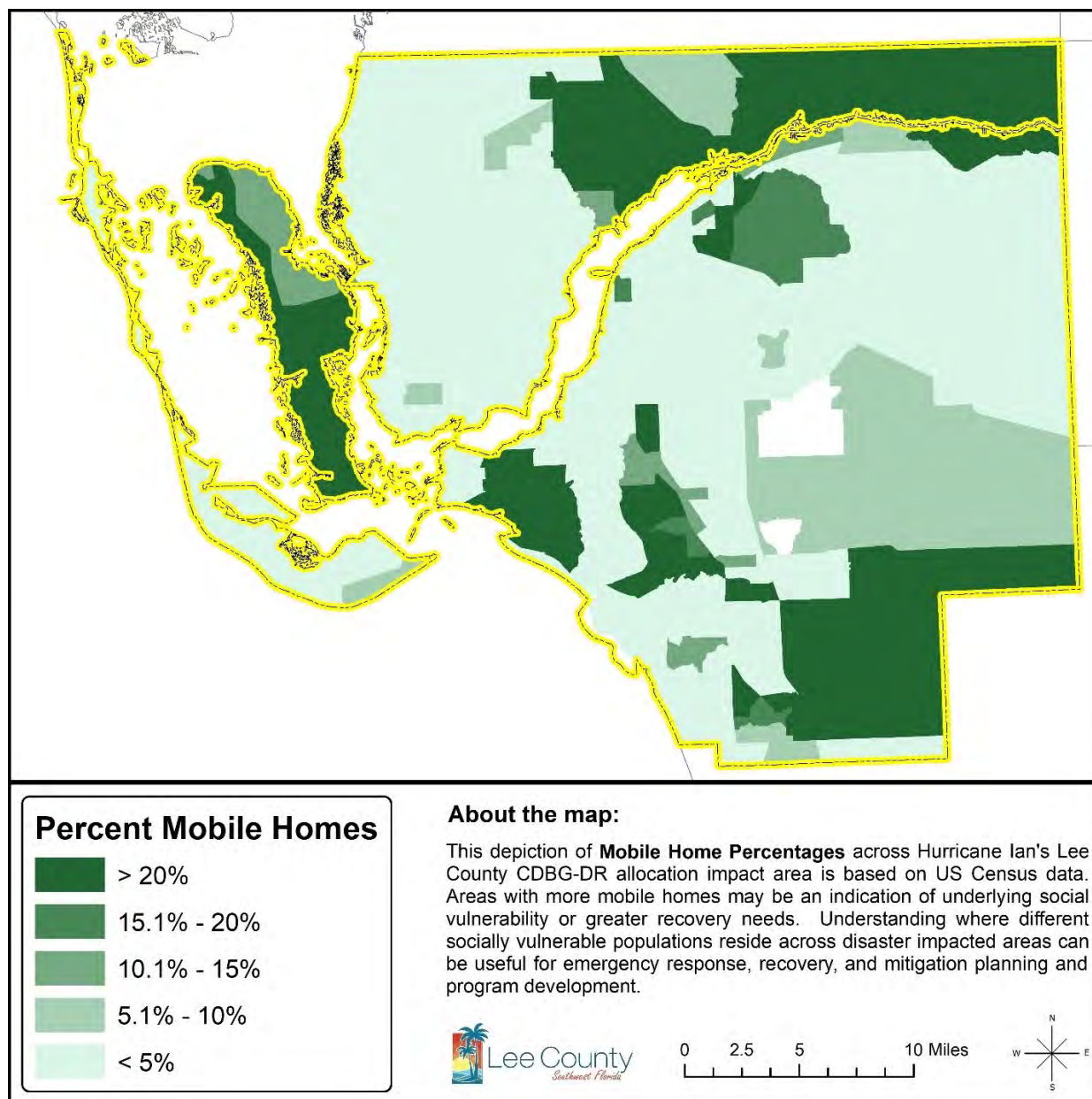


Figure 29 - The percentage of mobile homes by census tract. ¹¹⁵

Figure 30 further reflects the mobile home counts in the County. Areas with mobile home counts greater than 400 are concentrated on Pine Island, Fort Myers, North Fort Myers, and Bonita Springs.

¹¹⁵ Map generated from Census ACS 2017-2021

[https://data.census.gov/table?q=B25024&g=050XX00US12071\\$1400000&y=2021](https://data.census.gov/table?q=B25024&g=050XX00US12071$1400000&y=2021) tract level data for Lee County

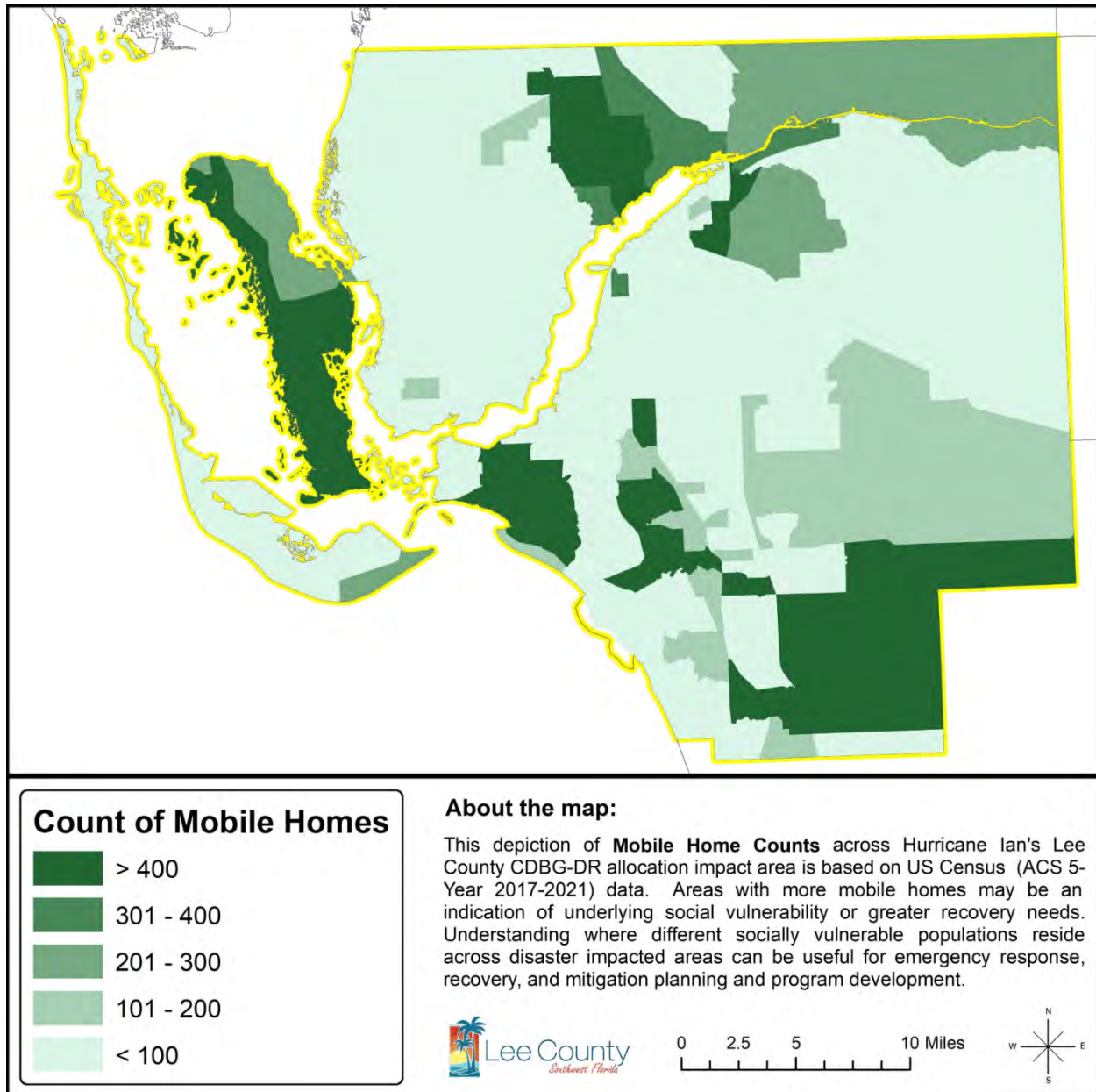


Figure 30 - The Mobile Home Counts in Lee County. ¹¹⁶

¹¹⁶ Map generated from Census ACS 2017-2021

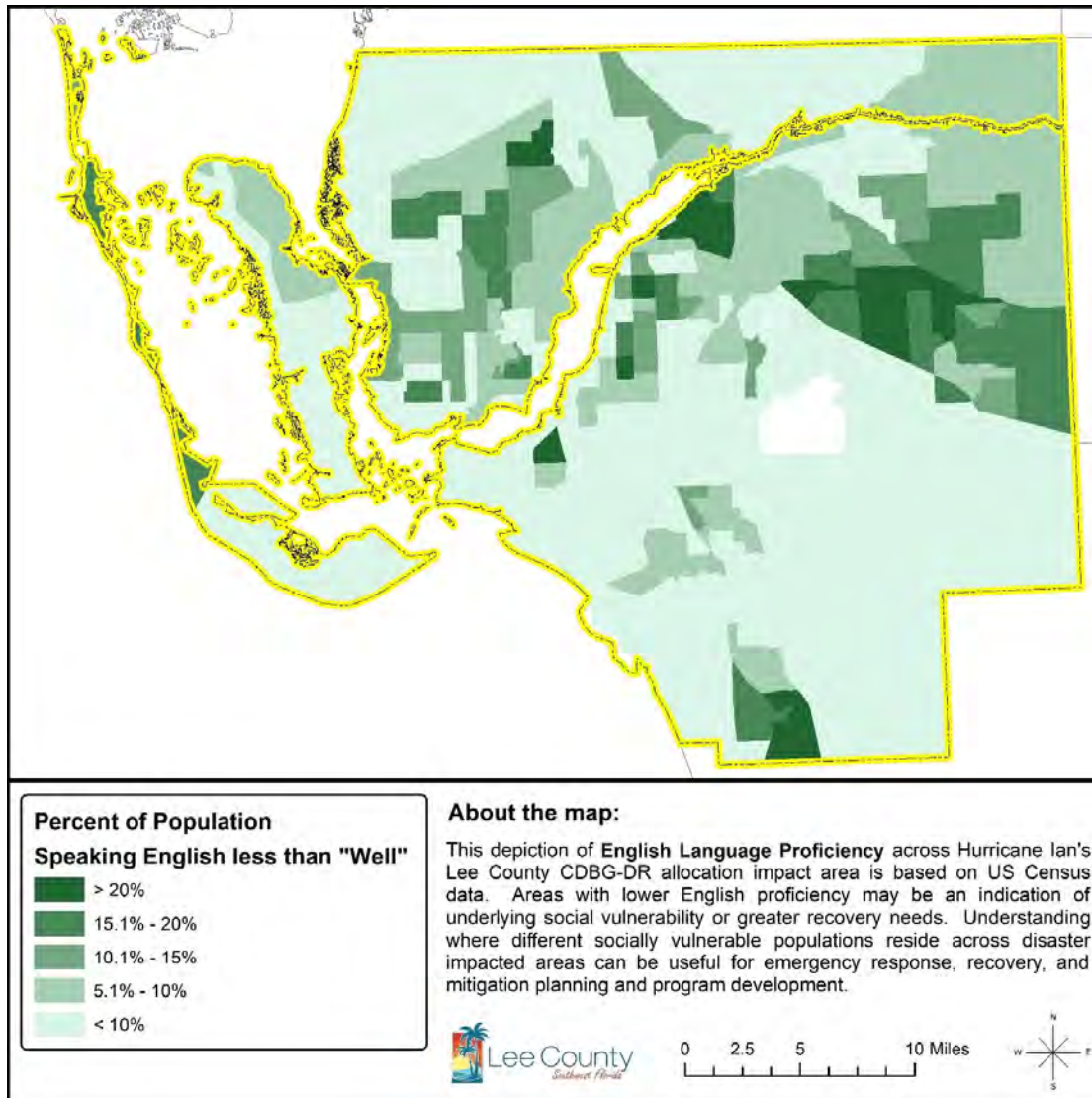
[https://data.census.gov/table?q=B25024&g=050XX00US12071\\$1400000&y=2021](https://data.census.gov/table?q=B25024&g=050XX00US12071$1400000&y=2021) tract level data for Lee County

g) LIMITED ENGLISH PROFICIENCY BREAKDOWN OF DISASTER-RELATED AREAS

Table 34 - Individuals that Speak English Less than Very Well in Lee County.

County	Estimate Speak English Less Than Very Well	Percent Speak English Less Than Very Well
Lee County	69,811	9.72%

Source: 2021 ACS 1-Year Estimates Subject Tables - S1601 LANGUAGE SPOKEN AT HOME¹¹⁷



*Figure 31 - The percent population speaking less than "Well" by Census Tract in Lee County.*¹¹⁸

¹¹⁷ <https://data.census.gov/table?q=s1601&g=050XX00US12071&tid=ACSST5Y2021.S1601>

¹¹⁸ Map generated from Census ACS 2016-2020

[https://data.census.gov/table?q=B06007&g=050XX00US12071\\$1400000&y=2020](https://data.census.gov/table?q=B06007&g=050XX00US12071$1400000&y=2020) tract level data for Lee County

h) POINT-IN-TIME COUNT – TYPE OF SHELTER

Table 35 - Point-in-Time Count - Type of Shelter.

Geography	Emergency Shelter	Transitional Housing	Unsheltered Homeless	Total Known Homeless
Statewide	10,040	4,041	11,746	25,959
FEMA Declared*	5,340	1,985	5,227	12,618
Lee County (MID)	264	0	593	857

Source: 2022 Point In Time Count, HUD Exchange, PIT and HIC Data Since 2007 ¹¹⁹

*FEMA Declared Counties do not overlap completely with CoC jurisdictions. The following CoC's were used for the above figures: FL-500, FL-501, FL-502, FL-503, FL-504, FL-506, FL-507, FL-508, FL-512, FL-517, FL-520, FL-602, FL-603, FL-606

i) POINT-IN-TIME COUNT – IMPACTED BY DISASTER

Table 36 - The point-in-time count – impacted by disaster.

County	Emergency Shelter	Transitional Housing	Unsheltered Homeless	Total Known Homeless
Statewide	10,040	4,041	11,746	25,959
FEMA Declared*	5,340	1,985	5,227	12,618
Lee County (MID)	264	0	593	857

Source: 2022 Point In Time Count, HUD Exchange, PIT and HIC Data Since 2007 ¹²⁰

*FEMA Declared Counties do not overlap completely with CoC jurisdictions. The following CoC's were used for the above figures: FL-500, FL-501, FL-502, FL-503, FL-504, FL-506, FL-507, FL-508, FL-512, FL-517, FL-520, FL-602, FL-603, FL-606

j) ASSISTED HOUSING IMPACTED BY THE DISASTER

Table 37 - The housing Choice Vouchers, Low Income Housing Tax Credit (LIHTC), and Public Housing Units for Lee County.

County	Total Housing Choice Vouchers	Total Impacted Housing Choice Voucher Units	Total LIHTC Units	Total Impacted LIHTC Units	Total Public Housing Dwelling Units	Total Impacted Public Housing Dwelling Units	Remaining Unmet Need
Lee County	2,231	2,231	3,688	3,688	1,069	1,069	\$16,000,000

Source: [Housing Choice Vouchers by Tract](#) | [Housing Choice Vouchers by Tract](#) | [HUD Open Data Site \(arcgis.com\)](#); [Low-Income Housing Tax Credit Properties](#) | [Low-Income Housing Tax Credit Properties](#) | [HUD Open Data Site \(arcgis.com\)](#); [Public Housing Developments](#) | [Public Housing Developments](#) | [HUD Open Data Site \(arcgis.com\)](#)
Accessed May 25, 2023

¹¹⁹ 2022 <https://www.hudexchange.info/resource/3031/pit-and-hic-data-since-2007/>

¹²⁰ 2022 <https://www.hudexchange.info/resource/3031/pit-and-hic-data-since-2007/>

k) NATURAL AND ENVIRONMENTAL HAZARDS

Lee County consulted the U.S. Environmental Protection Agency’s EJScreen: Environmental Justice Screening and Mapping Tool to determine the natural and environmental hazards that were potentially impactful to protected classes and vulnerable populations.

The EJ Screen Report for Lee County indicated that there are no superfund sites in Lee County. There are 21 Brownfields, most of which are located within the City of Fort Myers, along Dr. Martin Luther King Jr. Boulevard and Ortiz Avenue.

Table 38 – EJ Screen Community Report for Lee County, FL

Sites reporting to EPA within defined area	
Superfund	0
Hazardous Waste, Treatment, Storage, and Disposal Facilities	3
Water Dischargers	3884
Air Pollution	207
Brownfields	21
Toxic Release Inventory	51

Source: Environmental Protection Agency, Environmental Justice Tool, EJ Screen, Accessed July 20, 2023 ¹²¹

EJScreen Environmental and Socioeconomic Indicators Data in *Figure 32* indicates an Air Toxics Cancer Risk slightly higher than the state average, but all other pollution and sources are lower than the state average. Health indicators for Lee County are near the state average, but climate indicators exceed the state average, especially for flood risk. Critical service gaps are identified as housing cost burden, access to transportation, and food deserts.

¹²¹ <https://www.epa.gov/ejscreen>

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SELECTED VARIABLES	VALUE	STATE AVERAGE	PERCENTILE IN STATE	USA AVERAGE	PERCENTILE IN USA
POLLUTION AND SOURCES					
Particulate Matter ($\mu\text{g}/\text{m}^3$)	7.4	7.52	40	8.08	29
Ozone (ppb)	59.4	59.4	50	61.6	34
Diesel Particulate Matter ($\mu\text{g}/\text{m}^3$)	0.186	0.293	25	0.261	41
Air Toxics Cancer Risk* (lifetime risk per million)	31	27	32	28	35
Air Toxics Respiratory HI*	0.29	0.32	1	0.31	4
Toxic Releases to Air	33	1,900	25	4,600	14
Traffic Proximity (daily traffic count/distance to road)	81	160	47	210	51
Lead Paint (% Pre-1960 Housing)	0.032	0.14	48	0.3	22
Superfund Proximity (site count/km distance)	0.0076	0.13	4	0.13	2
RMP Facility Proximity (facility count/km distance)	0.15	0.31	52	0.43	45
Hazardous Waste Proximity (facility count/km distance)	0.17	0.52	46	1.9	31
Underground Storage Tanks (count/km ²)	3.3	7	53	3.9	68
Wastewater Discharge (toxicity-weighted concentration/m distance)	0.3	0.52	87	22	87
SOCIOECONOMIC INDICATORS					
Demographic Index	32%	39%	45	35%	54
Supplemental Demographic Index	14%	15%	51	14%	56
People of Color	35%	45%	45	39%	54
Low Income	30%	33%	50	31%	55
Unemployment Rate	5%	5%	57	6%	55
Limited English Speaking Households	5%	7%	64	5%	75
Less Than High School Education	10%	11%	58	12%	58
Under Age 5	5%	5%	55	6%	47
Over Age 64	28%	23%	74	17%	87
Low Life Expectancy	17%	19%	25	20%	24

*Diesel particulate matter, air toxics cancer risk, and air toxics respiratory hazard index are from the EPA's Air Toxics Data Update, which is the Agency's ongoing, comprehensive evaluation of air toxics in the United States. This effort aims to prioritize air toxics emission sources, and locations of interest for further study. It is important to remember that the air toxics data presented here provide broad estimates of health risks over geographic areas of the country, not definitive risks to specific individuals or locations. Cancer risks and hazard indices from the Air Toxics Data Update are reported to one significant figure and any additional significant figures here are due to rounding. More information on the Air Toxics Data Update can be found at: <https://www.epa.gov/haaps/air-toxics-data-update>.

HEALTH INDICATORS					
INDICATOR	HEALTH VALUE	STATE AVERAGE	STATE PERCENTILE	US AVERAGE	US PERCENTILE
Low Life Expectancy	17%	19%	25	20%	24
Heart Disease	7.9	7.2	66	6.1	81
Asthma	8.5	8.7	42	10	11
Cancer	7.9	6.9	72	6.1	86
Persons with Disabilities	13.6%	13.9%	53	13.4%	57

CLIMATE INDICATORS					
INDICATOR	HEALTH VALUE	STATE AVERAGE	STATE PERCENTILE	US AVERAGE	US PERCENTILE
Flood Risk	52%	26%	82	12%	96
Wildfire Risk	40%	32%	65	14%	85

CRITICAL SERVICE GAPS					
INDICATOR	HEALTH VALUE	STATE AVERAGE	STATE PERCENTILE	US AVERAGE	US PERCENTILE
Broadband Internet	11%	13%	52	14%	49
Lack of Health Insurance	13%	13%	59	9%	79
Housing Burden	Yes	N/A	N/A	N/A	N/A
Transportation Access	Yes	N/A	N/A	N/A	N/A
Food Desert	Yes	N/A	N/A	N/A	N/A

 Figure 32 – EJScreen Environmental and Socioeconomic Indicators Data, Lee County, FL¹²²
¹²² <https://www.epa.gov/ejscreen>

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To evaluate environmental factors for CDBG-DR funded projects and activities, including those evaluated by the Environmental Justice tool, Lee County complies with the environmental requirements for 24 CFR 58. This environmental review process provides a mechanism to identify potential environmental conditions that may impact affected populations, including members of protected classes, vulnerable populations, and underserved communities. The reviews also consider means to mitigate adverse impacts or provide alternate assistance in the recovery process. At a minimum, every project site is inspected and evaluated for potential hazardous materials and contamination, giving specific attention to any proposed site on, or in the general proximity of, industrial corridors, waterways, EPA superfund sites, brownfields, leaking underground storage tanks, etc. In addition, the review will consider proximity to hazardous facilities which store, handle, or process hazardous substances as part of the decision-making and mitigation processes.

Tier 1 Environmental Reviews will be conducted in accordance with 24 CFR 58 for Lee County. Site-specific reviews will be conducted to further evaluate certain factors during the Tier 2 reviews as outlined in the Tier 1 reviews. For all projects that do not meet the scope of the tiered reviews, separate environmental reviews in accordance with 24 CFR 58 will be conducted. Lee County will prioritize safe, decent, and affordable housing for vulnerable populations, protected classes, and underserved communities.

Lee County will execute resiliency planning methods that incorporate data analyzed via social vulnerability as well as public involvement. Resiliency planning will incorporate measures to strategically align resources to drive resilience, especially those that provide protection for the most vulnerable, consistent with HUD's direction to Affirmatively Further Fair Housing.

Storm and flood-related risk often corresponds with a high level of social vulnerability, compounding the impact of flood events with the challenges of poverty, educational disparities, and housing insecurity for many minority and vulnerable populations. This Action Plan shows the social vulnerability across the county, as well as exposure to flood, storm, and coastal hazards. Recovery can have long-term negative impacts on household wealth, mental health, and community cohesion. Moreover, as illustrated by the Social Vulnerability Index (SoVI®) and vulnerability analysis, many of Lee County's most disaster-prone and historically impacted geographies are co-located with pockets of vulnerable populations, including concentrations of poverty and populations of various racial and ethnic disparity.

C. INFRASTRUCTURE UNMET NEED

1. DISASTER DAMAGE AND IMPACTS – INFRASTRUCTURE

As Hurricane Ian made landfall on Sept. 28, 2022, it became clear that the Category 4 storm would drastically change the landscape of critical and public infrastructure in the County. The infrastructure systems affected by Hurricane Ian's widespread damage included damage to energy systems, roadways, bridges, traffic controls, water and wastewater treatment systems, septic systems, cell towers, and voice and data services. Transportation was hazardous as water and debris, including many boats, blocked roads; there were downed trees and power lines, and traffic lights were out. Both the Sanibel Causeway (see [Figure 33](#)) and the Matlacha Pass Bridge were severely damaged during the storm; until repairs were made, those barrier island areas were inaccessible by car. Public facilities such as hospitals and schools experienced damage. Some local hospitals evacuated patients because the building had no running water. Lee County schools were impacted; 119 suffered minor damages, 14 suffered significant damage.¹²³ Community resources were closed, some for many months, due to damage including homeless shelters, domestic violence shelters, the local behavioral health crisis stabilization unit, and libraries. Both navigable waterways and drainage canals required debris removal efforts. Beaches, parks, and preserves received significant damage during Hurricane Ian, including damage to natural features, park structures, and amenities. Post-storm emergency management response teams documented the status and monitored the systems as clean-up or temporary repairs were completed.

The widespread and significant damages described above, assisted in identifying the County's unmet infrastructure needs as \$3 billion. [Table 39](#) represents the estimated total unmet needs broken out by each Infrastructure program and is further explained in the following sections.

¹²³ [Southwest Florida school district targeting mid-October for reopening after Hurricane Ian](#)

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Table 39 - A summary of infrastructure unmet need by program.

Infrastructure Unmet Need by Program	Estimated Number of Projects	Estimated Unmet Need
PA (Cat C-G) Non-Federal Cost Share*	942	\$288,647,344
HMGP Non-Federal Cost Share	167	\$377,069,006
FHWA Non-Federal Match	7	\$85,860,842
Lee County Non-Match Projects	47	\$491,667,060
Municipality Project Submissions**	75	\$1,797,381,358
Total	1238	\$3,040,625,610

*PA Non-Federal Cost Share (25%) + Resiliency (+30%) + Building/Materials (+38%)

**An estimated portion of the Lee County Recovery Task Force infrastructure project submissions were included based on a preliminary CDBG-DR eligibility review.

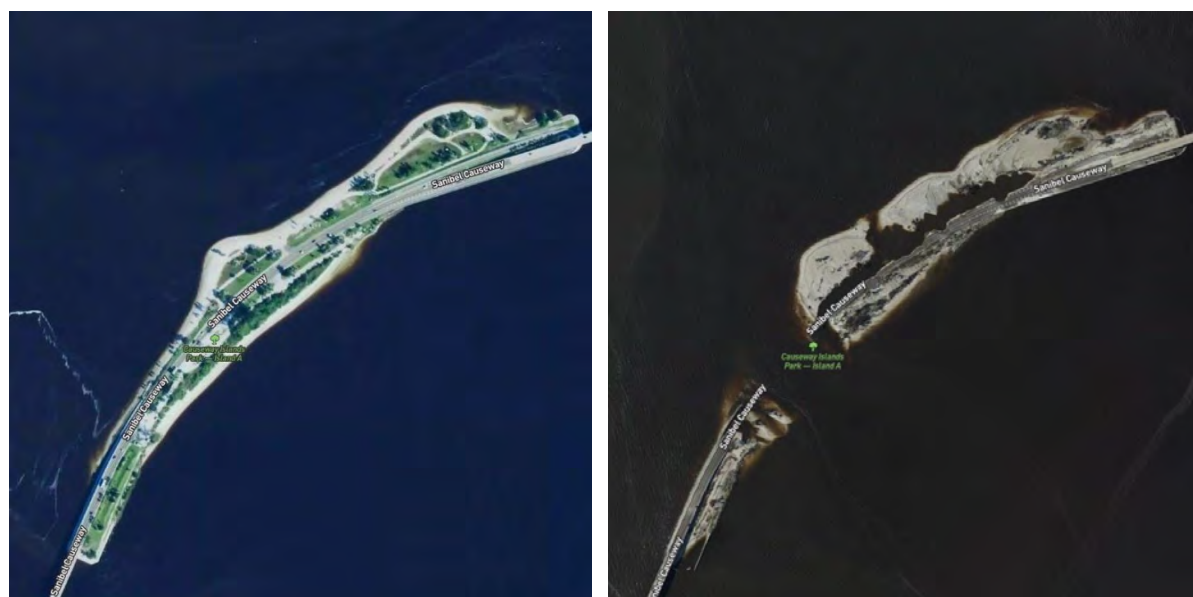


Figure 33 - Before and after imagery of a portion of the Sanibel Causeway, showing the damage of Hurricane Ian¹²⁴

The following paragraphs describe the impact and unmet needs related to Hurricane Ian's impacts to infrastructure in the County. Specific references are made to infrastructure damage and challenges to recovery, with an emphasis on FEMA Public Assistance (PA) non-Federal cost share, FEMA Hazard Mitigation Grant Program (HMGP) non-Federal cost share, the Federal Highway Administration (FHWA) non-Federal Match, and non-match projects not covered by other grant sources.

¹²⁴ NOAA Remote Sensing Division and <https://storms.ngs.noaa.gov/storms/ian/index.html#17/26.4797/-82.02219>

For Hurricane Ian, cost share percentages are as follows:

- **FEMA PA Non-Federal Cost Share:** The Federal share of assistance is 75 percent of the eligible project cost, requiring the local government to contribute the remaining 25 percent in cost share.
- **FEMA HMGP Non-Federal Cost Share:** The Federal share of assistance is 75 percent of the eligible project cost, requiring the local government to contribute the remaining 25 percent in cost share.
- **FHWA Non-Federal Match:** The Federal share of assistance is 80 percent of the eligible project cost, requiring the local government to contribute the remaining 20 percent in cost share.

The County has identified significant unmet needs for non-match projects. The County intends to implement a range of eligible CDBG-DR projects, such as utility repair, road repair, sewer extensions, and stormwater drainage improvements. Additional non-match projects were identified by Lee County's Recovery Task Force, which engaged local partners in identifying unmet needs throughout the County.

2. TOTAL COST AND NEED BY FEMA PA CATEGORY

FEMA's Public Assistance (PA) Program provides supplemental grants to state, tribal, territorial, and local governments, and certain types of private non-profits so that communities can quickly respond to and recover from major disasters or emergencies. Due to the catastrophic impact of Hurricane Ian across the County, data supports the need for a FEMA PA non-Federal cost share program. The County is in the process of documenting Hurricane Ian's severe damage to public facilities and infrastructure across the local municipalities. *Table 40* breaks down the FEMA PA sites and costs distributed by PA Category within the County. Category E – Building and Equipment, has the highest cost at an estimated \$338,078,327 with a total of 537 sites followed by Other under Category G. As per the data, the unmet needs for the non-federal cost share, Categories A through G, are estimated at \$236,782,757. Due to the nature of this program, Lee County anticipates that some of the specific needs included in the public assistance will have had a particular urgency, including existing conditions posing a serious and immediate threat to the health and welfare of the community. A further breakdown of PA projects is in *Appendix A*.

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Table 40 - The estimated cost per FEMA PA Category A-G.

PA Category	Estimated Number of Damaged Sites (#)	Estimated Total Cost (\$)	Estimated Federal Cost Share (75%)	Estimated Non-Federal Cost Share (25%)
A – Debris*	93	\$245,404,160	\$198,466,146	\$46,938,014
B – Emergency Measures*	166	\$204,720,421	\$175,771,633	\$28,948,789
C – Roads and Bridges	23	\$13,190,530	\$9,892,897	\$3,297,632
D – Water Control Facilities	30	\$16,149,821	\$12,112,366	\$4,037,455
E – Public Buildings and Equipment	537	\$338,078,327	\$253,558,746	\$84,519,581
F – Utilities	63	\$148,867,827	\$111,650,870	\$37,216,957
G – Other	289	\$127,297,316	\$95,472,987	\$31,824,329
Total	1201	\$1,093,708,402	\$856,925,645	\$236,782,757

*CDBG-DR funds are generally not used for damage identified in categories A and B.

Source: FEMA May 2023¹²⁵

¹²⁵ <https://www.fema.gov/openfema-data-page/public-assistance-funded-projects-details-v1>

Table 41 – The estimated Cost per PA Applicant Type Categories A-G.

Applicant Type	Estimated Federal Cost Share (75%)	Estimated Non-Federal Cost Share (25%)	Estimated Total Cost (\$)
City or Township Government	\$347,316,010	\$96,244,054	\$443,560,063
County Government	\$221,174,474	\$54,709,033	\$275,883,507
Nonprofit with 501C3 IRS Status	\$60,269,034	\$17,608,420	\$77,877,453
Nonprofit without 501C3 IRS Status	\$2,278,773	\$685,272	\$2,964,045
Public/Indian Housing Authority	\$10,747,881	\$3,582,627	\$14,330,508
Public/State Controlled Institution of Higher Education	\$11,578,001	\$3,663,299	\$15,241,299
Special District Government	\$206,491,169	\$60,290,054	\$266,781,223
Total	\$859,855,342	\$236,782,758	\$1,096,638,100

*CDBG-DR funds cannot be used for damage identified in categories A and B.

Source: FEMA May 2023¹²⁶

As noted above, the Federal share of assistance is 75 percent of the eligible project cost, requiring the local government to contribute the remaining 25 percent in cost share. It is yet to be determined for PA projects if a cost share adjustment will be authorized by the Federal government. In accordance with *Florida Statute (F.S.) 252.37 Financing*, “whenever the State of Florida accepts financial assistance from the Federal Government or its agencies under the federal Public Assistance Program and such financial assistance is conditioned upon a requirement for matching funds, the state shall provide the entire match requirement for state agencies and one-half of the required match for grants to local governments¹²⁷.” The County has further broken down the Non-Federal cost share by 12.5 percent to obtain an accurate non-Federal cost share estimate.

¹²⁶ <https://www.fema.gov/openfema-data-page/public-assistance-funded-projects-details-v1>

¹²⁷ <https://flsenate.gov/Laws/Statutes/2022/0252.37>

Table 42 - The total estimated non-federal cost share by FEMA PA Category C-G.

PA Category	Estimated Number of Damaged Sites (#)	Estimated Total Project Cost (Federal and Non-Federal Share)	Estimated Federal Cost Share (75%)	Estimated Non-Federal Cost Share (25%)	Estimated Non-Federal Cost Share (12.5%)
C – Roads and Bridges	23	\$13,190,530	\$9,892,898	\$3,297,633	\$1,648,816
D – Water Control Facilities	30	\$16,149,821	\$12,112,366	\$4,037,455	\$2,018,728
E – Building and Equipment	537	\$338,078,327	\$253,558,745	\$84,519,582	\$42,259,791
F – Utilities	63	\$148,867,827	\$111,650,870	\$37,216,957	\$18,608,478
G – Other	289	\$127,297,316	\$95,472,987	\$31,824,329	\$15,912,165
Total	942	\$643,583,821	\$482,687,866	\$160,895,955	\$80,447,978

Source: FEMA May 2023¹²⁸

As established by HUD in 2013 under the allocation for Hurricane Sandy (78 FR 69104), the County has calculated a 30 percent increase which is used to incorporate resiliency components.¹²⁹ Since this resiliency add-on was used in 2013, and subsequently followed by many grantees in their unmet needs assessments to estimate the increased cost of compliance, the County has identified an unmet need of \$209,164,742 as noted in *Table 43*.

According to the Federal Reserve Economic Data Producer Price Index by Industry: Building Material and Supplies Dealers, there has been a consistent cost increase in building materials in recent years. The County compared the price index from May 2020 to April 2023 and notes that it reflects roughly a 38 percent Producer Price Index increase for building materials and supplies dealers.¹³⁰ The County has included 38 percent to reflect the increase in materials and supply costs that is anticipated for implementation of these projects.

¹²⁸ <https://www.fema.gov/openfema-data-page/public-assistance-funded-projects-details-v1>

¹²⁹ "From this base calculation, HUD calculates both the amount not covered by insurance and other federal sources to rebuild back to pre-disaster conditions as well as a 'resiliency' amount which is calculated at 30 percent of the total basic cost to rebuild back the most distressed homes, businesses, and infrastructure to pre storm conditions. The repair unmet needs are combined with the resiliency needs to calculate the total severe unmet needs estimated to achieve long-term recovery." [FR-5696-N-06](#)

¹³⁰ Producer Price Index by Industry: Building Material and Supplies Dealers, April 2023, <https://fred.stlouisfed.org/series/PCU44414441>

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As noted in *Table 43*, the building materials increase of 38 percent combined with the 30 percent for increased cost of compliance and resiliency measures and the PA non-Federal cost share unmet need, excluding Categories A and B, is estimated at \$288,647,344. This number includes Categories C through G, roads and bridges, water control facilities, public buildings and equipment, utilities, and other public assistance needs.

Table 43 -The total Estimated Non-Federal Cost Share (25%) Plus Resiliency and Building/Materials Increase.

PA Category	Estimated Non-Federal Cost Share (25%)	Resiliency (+30%)	Estimated Non-Federal (25%) + Resiliency	Building / Materials (+38%)	Est. Non-Federal (25%) + Resiliency + Building / Materials
C – Roads and Bridges	\$3,297,633	\$989,290	\$4,286,922	\$1,629,030	\$5,915,953
D – Water Control Facilities	\$4,037,455	\$1,211,237	\$5,248,692	\$1,994,503	\$7,243,195
E – Building and Equipment	\$84,519,582	\$25,355,875	\$109,875,456	\$41,752,673	\$151,628,130
F – Utilities	\$37,216,957	\$11,165,087	\$48,382,044	\$18,385,177	\$66,767,220
G – Other	\$31,824,329	\$9,547,299	\$41,371,628	\$15,721,219	\$57,092,846
Total	\$160,895,955	\$48,268,787	\$209,164,742	\$79,482,602	\$288,647,344

Source: FEMA May 2023¹³¹

3. TOTAL COST AND NEED BY FEMA HMGP PROJECTS

The Hazard Mitigation Grant Program (HMGP) will be a critical part of the long-term recovery process in both rebuilding and protecting vital infrastructure. In addition to the PA unmet need noted above, the County has identified a significant burden on local governments for the HMGP non-Federal cost share. The Federal share of assistance is 75 percent of the eligible project cost, requiring the local government to contribute the remaining 25 percent in cost share. While some HMGP projects may be deemed ineligible for CDBG-DR match assistance, the County will work to identify those projects under mitigation funding for implementation (see Section I program details). *Table 44* outlines that for the 167 projects, there is a HMGP non-Federal cost share unmet need estimated at \$377,069,006. The program's narrative describes how resilience planning, preparedness, and mitigation measures will be integrated into rebuilding.

¹³¹ <https://www.fema.gov/openfema-data-page/public-assistance-funded-projects-details-v1>

Table 44 - Total Estimated HMGP Non-Federal Cost Share Unmet Need.

County	Estimated Number of HMGP Projects (#)	Estimated Total Cost (\$)	Estimated Federal Cost Share (75%)	Estimated Non-Federal Cost Share (25%)
Lee County	167	\$1,508,276,024	\$1,131,207,018	\$377,069,006

Source: Lee County Disaster Advisory Committee May 2023¹³²

4. TOTAL COST AND NEED FOR THE FEDERAL HIGHWAY ADMINISTRATION (FHWA) PROJECTS

Hurricane Ian brought significant damage to the County's transportation corridors and was highlighted by the direct destruction of bridges and lifeline networks to the communities. Sections of the Sanibel Causeway, which connects Sanibel Island to mainland Florida, collapsed and were destroyed leaving those on the Island unable to evacuate following Hurricane Ian. The County reported that there were five major breaches resulting in access to the island being cutoff to roughly 6,700 people who call the island home.¹³³ The Sanibel Causeway is one of seven critical projects that connect communities to evacuation routes and allows access for emergency responders. The County has identified an estimated non-Federal cost share unmet need of \$85,860,842 for those seven projects.

Table 45 - Total Estimated FHWA Non-Federal Cost Share Unmet Need.

County	Estimated Number of FHWA Projects	Estimated Total Cost (\$)	Estimated Federal Cost Share (80%)	Estimated Non-Federal Cost Share (20%)
Lee County	7	\$429,304,212	\$343,369,742	\$85,860,842

Source: Lee County Department of Transportation May 2023¹³⁴

¹³² List of HMGP projects were provided by the Lee County Disaster Advisory Committee

¹³³ ["Hurricane Ian destroyed sections of the Sanibel Causeway in Florida, cutting off access to the island community"](#)

¹³⁴ List of FHWA projects were provided by the Lee County Department of Transportation

5. TOTAL COST AND NEED FOR NON-MATCH PROJECTS

In response to the massive and widespread devastation caused by Hurricane Ian, the Lee County Board of County Commissioners voted to form the Recovery Task Force (RTF) based on the FEMA National Disaster Recovery Framework. The RTF consists of 13 members who serve as liaisons to their communities by gathering input and direction.¹³⁵ The County and the RTF requested that each jurisdiction submit their project-related unmet needs.

The County coordinated with the RTF to collect this information and received a series of non-match projects. Through the RTF, the jurisdictions submitted approximately 148 infrastructure projects with \$4.2 billion in estimated costs. Based on a preliminary review, some of these projects will not be eligible for CDBG-DR funding because of no storm tie-back or LMA benefit. To estimate the unmet needs for infrastructure using the RTF project submissions, Lee County has chosen a conservative estimate by including projects with unmet needs that appear to have a storm tie-back and benefit low- and moderate-income households. Additionally, a third of the projects that may have a storm tie-back and benefit low- and moderate- income populations (additional information would be needed) were included. The selection was limited to one third to not overstate the unmet needs. Based on the preliminary review of RTF projects and the logic above, unmet needs of \$1,797,381,358 were identified through RTF project intake.

In addition to the submissions noted above, the County conducted a preliminary review of projects identified by County departments that may be eligible due to the tie back to Hurricane Ian or as mitigation projects. Based on the preliminary review of those projects, unmet needs of \$491,667,060 were identified. As programs and projects are built out, the County will work with regional and local partners to identify any non-match planning activities independent of implementation funds as per the Federal Register Notice. This project total for non-match projects comes to \$2,289,048.418.

Table 46 - Non-Match projects and related unmet need.

County	Estimated Number of Non-Match Projects	Estimated Unmet Need (\$)
Recovery Task Force Non-Match Intake Project Submissions*	75	\$1,797,381,358
Lee County Non-Match Projects	47	\$491,667,060
TOTAL	122	\$2,289,048,418

Source: Lee County's Recovery Task Force and Lee County department submissions¹³⁶

*An estimated portion of the Lee County Recovery Task Force infrastructure project submissions were included based on a preliminary CDBG-DR eligibility review.

¹³⁵ <https://www.resilientlee.com/>

¹³⁶ Submissions made to the Lee County Recovery Task Form by local jurisdictions.

D. ECONOMIC REVITALIZATION UNMET NEED

1. DISASTER DAMAGE AND IMPACTS – ECONOMIC REVITALIZATION

Through Lee County's consultation process, information was gathered regarding economic revitalization unmet needs. A summary is provided below, along with an analysis of Small Business Administration loans provided to the business community following Hurricane Ian.

Lee County Economic Development Office:

According to the County's Economic Development Director, a week after Ian:

- 98 percent of all the businesses on Fort Myers Beach were closed.
- 98 percent of the businesses on Sanibel were closed.
- 96 percent of the businesses on Pine Island were closed.
- 45 percent of the businesses in North Fort Myers were closed.
- 38 percent of the businesses in Cape Coral were closed.

Businesses struggled to pay commercial rent/mortgage, suppliers, vendors, and/or workers. In the six months after Hurricane Ian, the County has seen 18,000 jobs added, which reflects a positive trend compared to an average of 10,000 to 15,000 new jobs a year from 2010 to 2020.¹³⁷

As outlined in the *County's Economic Developments Post Ian Economic Health Analysis*, Hurricane Ian was expected to cause declining economic conditions, but instead it has provided opportunities for revitalization along coastal and vulnerable communities. The analysis references the critical need to allocate CDBG-DR funding for new housing units and the infrastructure to support them.⁸⁴

Lee County Visitor & Convention Bureau:

The Lee County Visitor & Convention Bureau (VCB) gathered data showing Ian's impact on tourism in the County.

At the time Hurricane Ian landed, Lee County had hotel capacity of 14,320 rooms. As of October 19th, 2022, approximately 53 percent of those hotel rooms were closed or not available

¹³⁷ WGPU, "Lee County Economic Development Director John Talmage talks about recovery after Hurricane Ian: Moore About Business" <https://news.wgcu.org/section/business/2023-04-24/lee-county-economic-development-director-john-talmage-talks-about-recovery-after-hurricane-ian-moore-about-business>

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due to Hurricane Ian damage, leaving 6,661 rooms open. With recovery efforts still in process, as of June 29th, 2023, the number of hotel rooms available has increased to 9,991 (approximately 70 percent of total available rooms). The vast majority of hotels along the tourist driven beaches remain closed. These rooms command the highest room rate and generate the most Tourist Development Tax (TDT) revenue. As reflected in the charts below, TDT revenues and visitors streams suffered significant losses in late 2022 and early 2023.

- Tourist Development Tax Collections by Quarter (Fiscal Year)

Quarter	FY 2022	FY 2023	% Diff
Q1	\$12,741,439	\$7,375,862	(42%)
Q2	\$27,314,465	\$14,410,732	(47%)

- Visitors by Quarter (Calendar Year)

Quarter	2021	2022	2023	% Diff
Q1		1,126,500	736,300	(35%)
Q4	1,301,600	633,300		(51%)

- Direct Visitor Expenditures by Quarter (Calendar Year)

Quarter	2021	2022	2023	% Diff
Q1		\$1,410,763,600	\$967,837,700	(31%)
Q4	\$959,551,600	\$666,254,300		(31%)

- Room Nights Sold by Quarter (Calendar Year)

Quarter	2021	2022	2023	% Diff
Q1		1,985,900	1,378,600	(31%)
Q4	1,780,000	1,078,500		(39%)

As displayed in the data above, Lee County tourism suffered at minimum a 31 percent reduction in the number of visitors, expenditures by visitors, and the number of room nights sold during

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the first two calendar quarters following Hurricane Ian’s landfall, leading to a reduction in TDT collections of at least 42 percent.

Lee County Sports Development:

Lee County Sports Development gathered data showing the impact of Ian on sports business activities in the County.

From late September 2022 through February 2023, there were 28 sports business events cancelled that equated to 74 event days. This resulted in 49,139 Lee County hotel room nights lost with a direct spending impact of approximately \$24,285,954, based on data from the most recent year the event was hosted in Lee County. Not included in the room nights or the direct spending figures are 6 cancelled events that would have been held in Lee County for the first time. While Sports Development will host all scheduled 2023 sports tourism events, it is estimated that attendance will be reduced by approximately 20 percent from previous years.

The County understands that meeting housing and infrastructure needs will rebuild tourism and increase economic stability. Through recovery task force meetings and consultations, the County has received a substantial number of requests to reduce the non-federal cost share on local municipalities and implement standalone projects. As recovery continues to take place in the County, it is crucial to consider the most effective and efficient use of these funds.

Small Business Administration:

The Small Business Administration (SBA) makes low-cost disaster loans available to qualified businesses. According to SBA, 895 Business/EIDL Loans have been approved (*Table 47*).

Table 47 - Total Loans Approved by the SBA.

County	Business/EIDL Loans
Lee County	895

Source: Small Business Administration Data for Lee County, Disaster 4673, Date: June 18, 2023, Status of Approved.

Utilizing all SBA business data rather than a sub-set to understand the financial impact to livelihoods provides additional understanding of impacts and recovery across the county. A summary of SBA applicants (*Table 48*) shows a breakdown of all status types for the applications. According to SBA business loan information, *Table 49* summarizes all applicants that had a verified loss by all operational categories, which totals \$881,606,386.

Table 48 - SBA Application Status Breakdown.

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Application Status	# of Applications	\$ Verified Losses
Approved	895	\$261,754,886
Auto Decline – Credit	285	\$0
Declined	1187	\$177,185,153
Document Gathering	2	\$0
Duplicate	123	\$0
In Approval	6	\$14,467,571
Late Filing – Not Accepted	91	\$0
LO Recommend Approval	5	\$6,989,492
LO Recommend Decline	1	\$98,555
LO Recommend Withdrawal	1	\$379,131
Not System Recommended	50	\$53,073,024
Withdrawn	1965	\$367,658,573
TOTAL		\$881,606,386

Source: Small Business Administration Data for Lee County, Disaster 4673, Date: June 18, 2023, All Application Status.

Table 49 - Estimating Business Operating Losses.

Operational Category	County of Businesses with Verified Loss	Total Verified Loss
Inventory	Lee County	\$15,821,795
Machinery & Equipment	Lee County	\$48,604,621
Furniture and Fixtures	Lee County	\$66,288,908
Debris Removal	Lee County	\$20,046,991
Personal Property	Lee County	\$82,800
Motor Vehicle	Lee County	\$0
Manufactured Housing	Lee County	\$18,578,164
Real Estate Relocation	Lee County	\$0
Real Estate Repair	Lee County	\$511,200,128
Real Estate Reconstruction	Lee County	\$86,723,167
Landscaping	Lee County	\$50,374,612
Other Land Improvements	Lee County	\$26,027,595
Mitigation	Lee County	\$0
Code Required Elevation	Lee County	\$0
Leasehold Improvements	Lee County	\$37,857,604
TOTAL		\$881,606,386

Source: Small Business Administration Data for Lee County, Disaster 4673, Date: June 18, 2023, All Application Status.

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To help determine unmet economic revitalization needs, the analysis below was completed using data from SBA loan applications. *Table 50* summarizes damage only to real-estate (repair, rebuild, relocate) and contents (machinery, furniture, inventory). Each SBA application was classified into one of five categories based on this estimate of damage and categories defined by HUD. The table shows only approved and declined applications. The sum of verified losses to real estate, furniture, machinery, and inventory results in a total verified loss of \$356,256,005 (M). When accounting for resiliency requirements (30 percent increase) the total impact to businesses in Lee County is \$463,132,807 (N). SBA payouts to businesses totaled \$22,881,900 (P) for these lines of loss, leaving potential unmet needs of \$440,320,907 (Q).

Table 50 - SBA Derived Impact and Unmet needs for businesses.

Row	Description	Count	Impact
A	SBA approved applicants with verified HUD Category 1 < \$12,000 Losses	106	\$624,347
B	SBA approved applicants with verified HUD Category 2 \$12,000 - \$29,999 Losses	117	\$2,385,118
C	SBA approved applicants with verified HUD Category 3 \$30,000 - \$64,999 Losses	162	\$7,536,798
D	SBA approved applicants with verified HUD Category 4 \$65,000 - \$149,999 Losses	231	\$23,316,150
E	SBA approved applicants with verified HUD Category 5 >= \$150,000 Losses	234	\$185,645,828
F	SBA approved applicants - No Category	45	\$0
G	SBA declined applicants with verified HUD Category 1 < \$12,000 Losses	259	\$1,435,693
H	SBA declined applicants with verified HUD Category 2 \$12,000 - \$29,999 Losses	176	\$3,586,231
I	SBA declined applicants with verified HUD Category 3 \$30,000 - \$64,999 Losses	186	\$8,476,070
J	SBA declined applicants with verified HUD Category 4 \$65,000 - \$149,999 Losses	222	\$22,074,564
K	SBA declined applicants with verified HUD Category 5 >= \$150,000 Losses	188	\$101,175,206
L	SBA declined applicants - No Category	156	\$0
M	Total Verified Loss (estimate)		\$356,256,005
N	Accounting for an additional 30% in funding needed to support rebuilding to higher standards (resilience)		\$463,132,807
	Duplication of Benefits		

O	Total Amount Distributed by SBA		\$22,811,900
P	Total Benefit		\$22,811,900
	Overall Business Unmet Needs		
Q	Total Verified Loss accounting for 30% resilience addition minus Total Benefit Amounts Distributed by SBA		\$440,320,907

Source: Small Business Administration Data for Lee County, Disaster 4673, Date: June 18, 2023, Application Status of Approved and Declined; Operational Categories: verified loss to repair, rebuild, relocate, machinery, furniture, and inventory. Duplication of benefits from "current" fields in SBA data.

Lee County has determined that the most impactful means by which to support overall economic recovery are included in housing and infrastructure programs. However, the County will continue to evaluate information related to the unmet needs of the business community and collaborate with municipal partners and other stakeholders to assess the feasibility of CDBG-DR programs to support economic revitalization. Consequently, an economic revitalization program could be incorporated into the Action Plan through a substantial amendment.

E. PUBLIC SERVICE UNMET NEED

LONG TERM RECOVERY

Lee County understands that wraparound public services and early opportunities for case management following a disaster are critical to complement housing and infrastructure activities. Approximately one month after Hurricane Ian, Lee County's Homeless Continuum of Care relaunched the Coordinated Entry line, as a 24-hour, 7 day per week phone line that conducts assessments and makes referrals to shelter, housing, and services for persons experiencing homelessness. After Hurricane Ian, the role of the line was expanded to conduct unmet needs assessment and assist with service navigation for persons impacted by Hurricane Ian. To date, the Coordinated Entry line has completed 2,417 unmet needs assessments and continues to receive calls daily.

Assessments gathered are referred to the unmet needs long-term recovery group for assignment to case management and any available services necessary to assist in each household's individual recovery. Case management for housing and supportive services is critical for those individuals with disabilities, persons who are elderly, and others who are particularly vulnerable, including, but not limited to, mobility, sensory, developmental, emotional, cognitive, and other impairments. Data for unmet needs is summarized and updated weekly in a dashboard.¹³⁸

To lead the unmet needs long-term recovery effort, Lee County identified Catholic Charities as

¹³⁸ <https://www.arcgis.com/apps/dashboards/ce60d6f7cab04f708200551a22082f76>

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the lead organization through a NOFA process conducted in February 2023. Catholic Charities coordinates a group of non-profit organizations that provide individual case management, funding, and housing repairs for disaster victims who are unable to recover without assistance. Lee County will continue to support the efforts of the long-term recovery group through CDBG-DR funds allocated for public services activities.

BEHAVIORAL HEALTH

Interviews and focus groups conducted as part of the 2019 Lee County Gaps Analysis¹³⁹ and consultations conducted for the completion of this plan, frequently and consistently, identified the general area of behavioral health (mental health/substance abuse/co-occurring disorders) as a service need for both adults and children/youth. “Using per capita expenditures as the metric, depending upon the source, Florida is often ranked somewhere between 48th and 50th in per-capita funding for mental health services.”¹⁴⁰ The 2019 Gap Analysis noted that access to care is a significant issue nation-wide, and Lee County is no exception.

Lee County is lacking a comprehensive system of care for behavioral health services. This model is sometimes referred to as a continuum of care. The community would benefit from an agency taking the lead to design and implement a coordinated service system for all behavioral health services within Lee County. Planning and implementation for this system and supporting participation to ensure sustainability will be critical to address pre-existing and exacerbated behavioral needs resulting from Hurricane Ian. Simplifying access through coordinated entry to the behavioral health system will also better support individuals with disabilities including, but not limited to, mobility, sensory, developmental, emotional, cognitive, and other impairments.

F. MITIGATION ONLY ACTIVITIES

The widespread devastation by Hurricane Ian on diverse communities creates significant challenges to recovery, but also offers opportunities for transformational mitigation and resilience for future disasters.

As noted in the May 18, 2023, Federal Register, grantees must use 15 percent of their total allocation to fund mitigation activities. Of the \$1,107,881,000 CDBG-DR funds allocated to Lee County, \$144,506,000 was identified as a “CDBG–DR Mitigation set-aside” for mitigation activities. The May 18, 2023 Notice also requires a mitigation needs assessment in the Action

¹³⁹ <https://www.leegov.com/Documents/Human%20Services%20Gap%20Analysis%20DRAFT%202-11-20.pdf>

¹⁴⁰ <https://www.leegov.com/Documents/Human%20Services%20Gap%20Analysis%20DRAFT%202-11-20.pdf>

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Plan that clearly illustrates the connections among impacts of current and future hazards, mitigation needs, and proposed mitigation activities.

To address this challenge, this Action Plan includes:

- A Mitigation Needs Assessment to complement the disaster recovery-focused unmet needs assessment;
- Proposed eligible activities that do not tieback to direct impacts of Hurricane Ian but meet the HUD definition of “mitigation” and are included in the Mitigation Needs Assessment; and
- Descriptions of how mitigation measures have been incorporated into recovery-related construction projects.

Mitigation activities increase resilience to disasters and reduce or eliminate the fiscal and human costs of long-term risk of hazards. These risks include loss of life, injury, damage to and loss of property, and suffering and hardship. Each activity proposed for the mitigation set-aside will:

- Meet the definition of mitigation activities;
- Address current and future risks as identified in Lee County’s Mitigation Needs Assessment;
- Meet eligibility requirements for CDBG activities under Title I of the HCDA or be otherwise eligible pursuant to a waiver or alternative requirement; and
- Meet a national objective.

To validate its CDBG-DR mitigation set-aside, Lee County assessed its ability to ensure continuous operation of indispensable services during a future hazard event. This included examining critical business and government functions, services critical to health and human safety, and economic security for all community members and focusing on preventative actions. Proposed mitigation projects align with other projects funded with CDBG-DR dollars, as well as other disaster recovery activities funded by FEMA, the Federal Highway Administration, the Department of Agriculture Natural Resource Conservation Service, Economic Development Association, the State of Florida, and a variety of private funding sources channeled through local nonprofit service organizations.

Put simply, the goal of mitigation is to make a community safer, stronger, and more capable of recovering from a disaster. Lee County protects its people, neighborhoods, beaches, businesses, and highways with the assistance of mitigation planning and projects including surface water management, coastal protections against wave surge and sea level rise, and response activities for a variety of natural and manmade disasters. In coordination with state and federal agencies,

the County's emergency management experts implement projects that meet standardized mitigation guidance for long-term benefit. The County also analyzes best practices and lessons learned across private and public sectors to help reduce risks and hazards.

In the development of this Action Plan, the County has reviewed its Hazard Identification and Risk Assessment (HIRA), which is produced in compliance with FEMA and Florida Department of Emergency Management requirements. This document guides multijurisdictional development of the Joint Local Mitigation Strategy (LMS) plan to ensure alignment of resources and completion of mitigation projects that have already been identified as necessary to mitigate the impacts of future disasters. This combined effort is the roadmap that guides the County's identification of hazards, assessment of risk, and proposal of mitigation projects that will reduce losses to life and property. The strategy has plans for short-term and long-term projects and is updated every five years. The LMS is adopted by the Lee Board of County Commissioners, each Lee County municipality, and Florida Gulf Coast University and is approved by FDEM and FEMA.

1. METHOD

The State of Florida has been at the forefront of mitigation planning and the identification of resiliency opportunities for many years. Florida administrative code 27P-22 requires the State as well as each County to develop mitigation planning documents to identify potential hazards, the risk of hazards, and projects to reduce risk to life and property. Florida's 2018 State Hazard Mitigation Plan¹⁴¹ and Lee County's 2022 LMS plan, as well as the 2023 draft State Hazard Mitigation Plan¹⁴² were used as foundational resources for this assessment. The County most recently updated its Hazard Identification and Risk Assessment (HIRA)¹⁴³ in 2022 to categorize the risk of hazards. Data related to historical hazards and the cost of hazard impacts was provided by the National Oceanic Atmospheric Association (NOAA), United States Geological Survey (USGS), and FEMA. Mitigation measures for the identified hazard in this assessment were developed by FEMA as part of their library of hazard mitigation documents.¹⁴⁴

2. PRIMARY HAZARD RANKINGS

Lee County has experienced and endured numerous natural disasters in the last five years. During this period, the County has suffered multiple major natural hazards including tropical cyclones, flooding events, major tornadic events as well as man-made or indirect damages from pandemics, cyber-attacks, hazardous material spills, and bridge failures. Despite the County's

¹⁴¹ <https://www.floridadisaster.org/dem/mitigation/statemitigationstrategy/state-hazard-mitigation-plan/>

¹⁴² <https://flshmp-floridadisaster.hub.arcgis.com/>

¹⁴³ <https://www.leegov.com/publicsafety/Documents/Emergency%20Management/2022%20Hazard%20Identification%20and%20Risk%20Assessment.pdf>

¹⁴⁴ <https://www.fema.gov/grants/mitigation/job-aids>

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ability to recover from disasters, weaknesses remain to be addressed to improve the County's infrastructure resiliency.

Lee County's assessment concludes that funded projects should direct outcomes toward reducing costs resulting from these major hazards:

- Tropical cyclone and storm surge
- Flood
- Tornado
- Wildfire

The assessment also notes that 18 percent of the 548 incidents tracked by NOAA since 1953 occurred in low- to moderate-income areas and 57 percent were in areas given high, medium, or low social vulnerability index ratings by HUD. *Table 51* illustrates the types of hazards that impact Lee County by listing the declared disasters in Florida since 1965. Although all hazards can cause significant disruption to the County, those with long-term impacts include tropical cyclones, storm surge, and flooding as noted in the HIRA. Due to the downing of trees and other vegetation debris, Hurricane Ian also posed a threat of wildfires, which are often a priority hazard during Florida's dry season. Each hazard poses a risk to the residents, property, infrastructure, and/or economy of the community. Proposed mitigation projects can reduce the risks from the hazards identified in this assessment.

Table 51 provides an historic overview of the Lee County designated presidential declarations and the amount of obligated public assistance to the State of Florida for each event. Recent events currently undergoing PA obligation that have not been closed out may see a change in the total amount of obligated dollars shown in this assessment after closeout. This is raw, unedited data from FEMA's National Emergency Management Information System (NEMIS) and as such, is subject to a small percentage of human error. The financial information is derived from NEMIS and not FEMA's official financial systems.

Since 1965, there have been 22 disaster declarations for Lee County. Eleven of the declarations were for hurricanes, two were for severe and coastal storms, five were for severe freeze, and one was for fire and/or biological hazard.

Table 51 - The presidential declared disasters since 1965 and the available total obligated public assistance (PA) amount to date.

Presidential Declaration	Year Declared	Event Type	Declaration Title	Total PA Obligated (\$)
DR-4680-FL*	2023	Hurricane	HURRICANE NICOLE	\$8,976,409.33
EM-3587-FL	2023	Tropical Storm	TROPICAL STORM NICOLE	\$0.00

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Presidential Declaration	Year Declared	Event Type	Declaration Title	Total PA Obligated (\$)
DR-4673-FL*	2022	Hurricane	HURRICANE IAN	\$994,043,998.69
EM-3584-FL	2022	Hurricane	TROPICAL STORM IAN	\$0.00
EM-3561-FL*	2021	Severe Storm	TROPICAL STORM ELSA	\$2,155,318.91
DR-4486-FL*	2020	Biological	COVID-19 PANDEMIC	\$2,595,644,325.60
EM-3432-FL	2020	Biological	COVID-19	\$0.00
EM-3419-FL	2019	Hurricane	HURRICANE DORIAN	\$0.00
FM-5179-FL	2017	Fire	LEHIGH ACRES (ANNA AVE. N.) FIRE	\$81,038.27
DR-4337-FL*	2017	Hurricane	HURRICANE IRMA	\$2,465,946,571.78
EM-3385-FL	2017	Hurricane	HURRICANE IRMA	\$0.00
DR-4068-FL*	2012	Severe Storm	TROPICAL STORM DEBBY	\$48,180,459.23
EM-3288-FL	2008	Severe Storm	TROPICAL STORM FAY	\$8,915,740.63
DR-1785-FL*	2008	Severe Storm	TROPICAL STORM FAY	\$98,294,056.79
FM-2692-FL	2007	Fire	CALLOOAHATCHEE FIRE COMPLEX	\$2,004,861.40
DR-1609-FL*	2006	Hurricane	HURRICANE WILMA	\$1,489,338,542.84
EM-3220-FL	2005	Hurricane	HURRICANE KATRINA EVACUATION	\$3,810,182.41
DR-1561-FL	2004	Hurricane	HURRICANE JEANNE	\$520,033,714.90
DR-1551-FL	2004	Hurricane	HURRICANE IVAN	\$694,779,708.94
DR-1545-FL	2004	Hurricane	HURRICANE FRANCES	\$685,254,867.41
DR-1539-FL	2004	Hurricane	TROPICAL STORM BONNIE AND HURRICANE CHARLEY	\$619,521,235.51
FM-2355-FL	2001	Fire	FL - CALOOSAHATCHEE FIRE COMPLEX	\$959,055.00
DR-1393-FL	2001	Coastal Storm	SEVERE STORMS, TORNADOES AND FLOODING ASSOCIATED WITH TROPICAL STORM GABRIELLE	\$22,990,447.07
DR-1359-FL	2001	Freezing	SEVERE FREEZE	\$0.00
EM-3150-FL	2000	Hurricane	TROPICAL STORM IRENE - FLORIDA	\$547,528.10
EM-3139-FL	1999	Fire	FL-FIRES 04/15/99	\$1,064,337.65
FM-2254-FL	1999	Fire	FL-FIRES 04/13/99	\$1,273,616.40

Presidential Declaration	Year Declared	Event Type	Declaration Title	Total PA Obligated (\$)
EM-3131-FL	1998	Hurricane	HURRICANE GEORGES	\$42,178,183.02
DR-1223-FL	1998	Fire	EXTREME FIRE HAZARD	No Data
DR-1069-FL	1996	Hurricane	HURRICANE OPAL	No Data
DR-851-FL	1990	Freezing	SEVERE FREEZE	No Data
DR-732-FL	1985	Freezing	SEVERE FREEZE	No Data
DR-526-FL	1977	Freezing	SEVERE WINTER WEATHER	No Data
DR-337-FL	1972	Coastal Storm	TROPICAL STORM AGNES	No Data
DR-304-FL	1971	Freezing	FREEZE	No Data
DR-252-FL	1969	Hurricane	HURRICANE GLADYS	No Data
DR-209-FL	1965	Hurricane	HURRICANE BETSY	No Data

*Declarations not closed out from FEMA's NEMIS database.

Source: FEMA Open Data Declaration Summaries¹⁴⁵

The National Weather Service (NWS) provides the Storm Events Database through the National Centers for Environmental Information (NCEI), which covers data from October 1953 to November 2022. As stated in Chapter 3 Community Hazards and Risks in the Hazard Identification and Risk Assessment 2022¹⁴⁶, the weather event records were reported since 1996, as defined in the NWS Directive 10-1605, except for tornado events that were recorded from 1950-1954. Thunderstorm wind and hail events have not been recorded since 1955. The information in the database pertains to storms and weather events that have resulted in a loss of life, injuries, significant property damage, and/or disruption to commerce. The data collection methods for the NCEI Database have varied significantly over time. The records maintained prior to 1993 were extracted from a manually typed Storm Data Publication. From 1993 until now, the digital records of the database have been used to create the Storm Data Publication. However, the estimates for property and crop damage are quite broad.

The NWS makes the “best guess” using all available data. Since 1953, the NCEI database has recorded 648 incidents in Lee County; however, a total of 548 events have actually occurred. If

¹⁴⁵ <https://www.fema.gov/openfema-data-page/disaster-declarations-summaries-v2>

¹⁴⁶ https://www.ncdc.noaa.gov/stormevents/listevents.jsp?eventType=ALL&beginDate_mm=01&beginDate_dd=01&beginDate_yyyy=1950&endDate_mm=06&endDate_dd=27&endDate_yyyy=2023&county=LEE%3A71&hailfilter=0.00&tornfilter=0&windfilter=000&sort=DT&submitbutton=Search&statefips=12%2CFLORIDA

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the same event type occurred on the same date, only one event was recorded. *Table 52* provides a summary of these incidents.

Table 52 - The number of occurrences, fatalities, injuries, and property and crop damage for each of the incidents recorded since 1953.

Incident Record Type	Number of Occurrences since 1953	Fatalities	Injuries	Property Damage (\$)	Crop Damage (\$)
Tropical Cyclones	12	61	0	\$7,163,255,000.00	\$9,600,000.00
Flooding	39	0	0	\$502,752,500.00	\$0.00
Wildfire	15	0	0	\$103,025,000.00	\$0.00
Tornado	132	1	35	\$44,244,840.00	\$0.00
Severe Weather	344	14	31	\$21,566,000.00	\$2,000.00
Heat	3	3	0	\$0.00	\$0.00
Rip Current	3	4	0	\$0.00	\$0.00
Total	548	83	66	\$7,834,943,340.00	\$9,602,000.00

Source: NOAA National Weather Service (NWS) Storm Events Database through the National Centers for Environmental Information (NCEI)¹⁴⁷

Table 53 provides a summary of historical incident record types in Lee County located in a LMI block group. However, this table may not capture all hazardous incidents. *Table 53* may not capture all hazardous incidents. The flooding category encompasses riverine floods and flash floods. Tropical cyclones include tropical storms, tropical depressions, high wind, hurricanes, coastal flooding, and storm surges. Severe weather involves thunderstorms, lightning, heavy rain, and hail. The tornado category includes not only tornadoes classified as EF0 or greater, but also dust devils, waterspouts, and funnel clouds. Additionally, the database calculates the total damage estimate based on the available information.

Each incident recorded for Lee County with a known coordinate location or path is demonstrated in *Figure 34*. Bridge failures were identified as an additional incident on the map due to the major impacts to the County's population from Hurricane Ian. The indirect damage from Hurricane Ian's storm surge to the bridges cut off connections to the mainland road access for thousands of residents.

¹⁴⁷https://www.ncdc.noaa.gov/stormevents/listevents.jsp?eventType=ALL&beginDate_mm=01&beginDate_dd=01&beginDate_yyyy=1950&endDate_mm=06&endDate_dd=27&endDate_yyyy=2023&county=LEE%3A71&hailfilter=0.00&tornfilter=0&windfilter=000&sort=DT&submitbutton=Search&statefips=12%2CFLOIDA

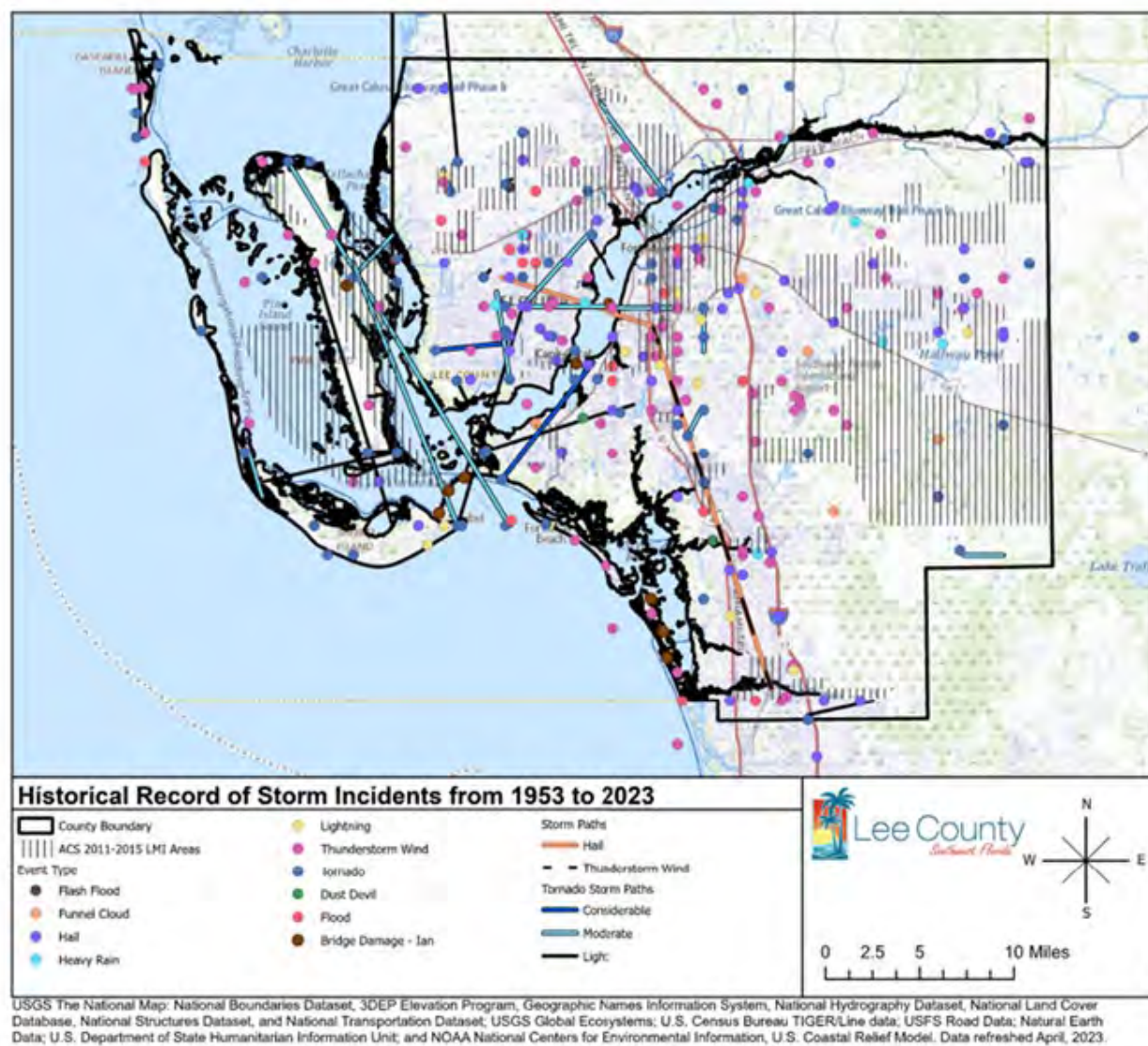


Figure 34 - The historical incident record types in a known coordinate or path in Lee County. The American Community Survey (ACS) 2011-2015. Low-to-Moderate Income data was used to demonstrate LMI areas.¹⁴⁸

¹⁴⁸https://www.ncdc.noaa.gov/stormevents/listevents.jsp?eventType=ALL&beginDate_mm=01&beginDate_dd=01&beginDate_yyyy=1950&endDate_mm=06&endDate_dd=27&endDate_yyyy=2023&county=LEE%3A71&hailfilter=0.00&tornfilter=0&windfilter=000&sort=DT&submitButton=Search&statefips=12%2CFLORIDA, and <https://www.hudexchange.info/programs/acs-low-mod-summary-data/>

Table 53 - The historical incident record types in Lee County located in an ACS LMI block group.

Incident Record Type	Located in a LMI Block Group
Dust Devil	1
Flash Flood	1
Flood	2
Funnel Cloud	1
Hail	22
Heavy Rain	4
Lightning	4
Thunderstorm Wind	31
Tornado	30
Total	96

Source: NOAA NWS Storm Events Database through the NCEI and HUD data¹⁴⁹

Out of the 548 incident record types, 96 listed in *Table 53* have a known coordinate within an LMI block group. The LMI count for incident record types represents approximately 18 percent of the incident records across Lee County.

¹⁴⁹ https://www.ncdc.noaa.gov/stormevents/choosedates.jsp?statefips=-999%2CALL_
<https://www.hudexchange.info/programs/acs-low-mod-summary-data/>

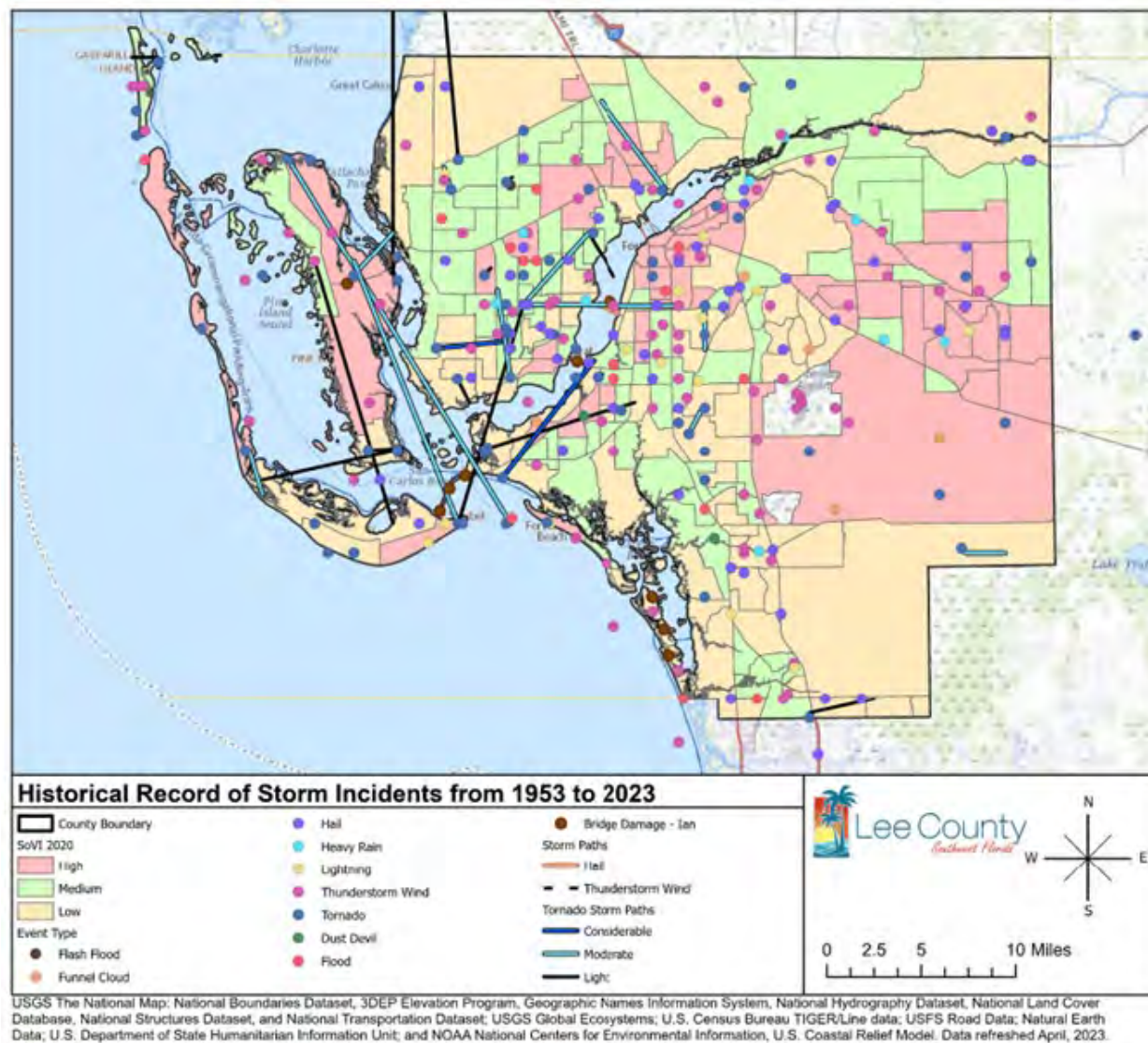


Figure 35 - The historical incident record types in a known coordinate or path in Lee County grouped according to HUD's Social Vulnerability Index rating (SoVI).¹⁵⁰

¹⁵⁰https://www.ncdc.noaa.gov/stormevents/listevents.jsp?eventType=ALL&beginDate_mm=01&beginDate_dd=01&beginDate_yyyy=1950&endDate_mm=06&endDate_dd=27&endDate_yyyy=2023&county=LEE%3A71&hailfilter=0.00&tornfilter=0&windfilter=000&sort=DT&submitbutton=Search&statefips=12%2CFLOIDA, and <https://www.vulnerabilitymap.org/>

Table 54 - The number of known incident types in the Lee County SoVI areas rated High, Medium, or Low vulnerability.

Incident Record Type	High	Medium	Low	Grand Total
Dust Devil	1	1	0	2
Flash Flood	0	1	0	1
Flood	3	6	1	10
Funnel Cloud	2	1	2	5
Hail	29	28	18	75
Heavy Rain	3	3	2	8
Lightning	6	6	2	14
Thunderstorm Wind	26	69	23	118
Tornado	30	32	20	82
Total	100	147	68	315

Source: NOAA NWS Storm Events Database through the NCEI and SoVI data¹⁵¹

Out of the 548 incidents, 315 occurred in a Lee County SoVI census tract rated as having high, medium, or low social vulnerability. The SoVI count for the incident record types represents approximately 57 percent of the incidents across Lee County. *Table 55* demonstrates the percentages for each of the vulnerability index: high, medium, and low.

Table 55 - The percentages of the SoVI high, medium, and low areas compared to the total incident records across Lee County.

Total Incident Records	High	Medium	Low	Total
548	18%	27%	12%	57%

Source: NOAA NWS Storm Events Database through the NCEI and SoVI data¹⁵²

The four hazards in this section highlight the greatest vulnerability and threat to the County according to the Hazard Identification and Risk Assessment of 2022.

¹⁵¹https://www.ncdc.noaa.gov/stormevents/listevents.jsp?eventType=ALL&beginDate_mm=01&beginDate_dd=01&beginDate_yyyy=1950&endDate_mm=06&endDate_dd=27&endDate_yyyy=2023&county=LEE%3A71&hailfilter=0.00&tornfilter=0&windfilter=0.00&sort=DT&submitButton=Search&statefips=12%2CFLORIDA, and <https://www.vulnerabilitymap.org/>

¹⁵²https://www.ncdc.noaa.gov/stormevents/listevents.jsp?eventType=ALL&beginDate_mm=01&beginDate_dd=01&beginDate_yyyy=1950&endDate_mm=06&endDate_dd=27&endDate_yyyy=2023&county=LEE%3A71&hailfilter=0.00&tornfilter=0&windfilter=0.00&sort=DT&submitButton=Search&statefips=12%2CFLORIDA, and <https://www.vulnerabilitymap.org/>

Tropical Cyclones and Storm Surge

The County's coastline is vulnerable to flooding and storm surge due to its shallow depth and low land elevation. During cyclones and hurricanes, which have wind speeds of at least 74 miles per hour, wave and heightened water levels spread across the land and place lives and property at risk. *Figure 36* illustrates the low-lying areas across the County. Of particular interest in the coastline, which saw the greatest levels of storm surge during Hurricane Ian.

Flooding

Flooding can result from a variety of causes, such as extended periods of heavy rain, sheet flow moving south from northern counties, rivers overflowing their banks, and tropical storms or hurricanes. A large portion of Lee County's geography is located within the 100-year floodplain.

Tornadoes

Tornadoes can occur during tropical cyclones or can develop along frontal boundaries between hot and cold air masses.

Wildfires

Wildfires happen for a variety of reasons, lightning strikes being one of them. Local firefighters work closely with the Florida Forest Service and others to battle these blazes when they erupt.

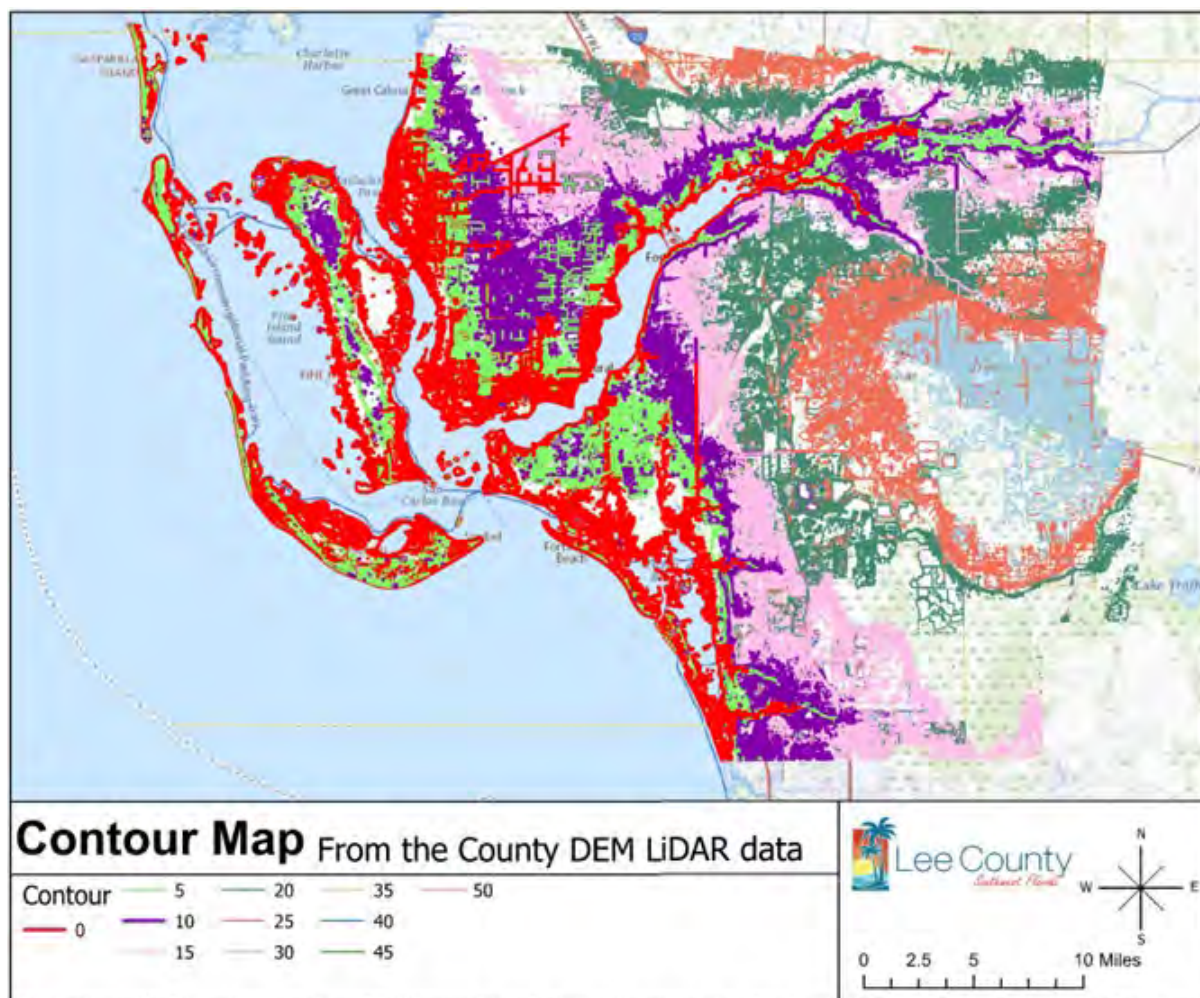


Figure 36 - The Contour Map identifies the low-lying areas across Lee County. Along the coastline, the ground elevation is below zero. The Contour was developed using the County's bare earth digital elevation modelling data. A map of the DEM can be found in Figure 37. ¹⁵³

¹⁵³ <https://www.leegov.com/gis/data/lidar-data>

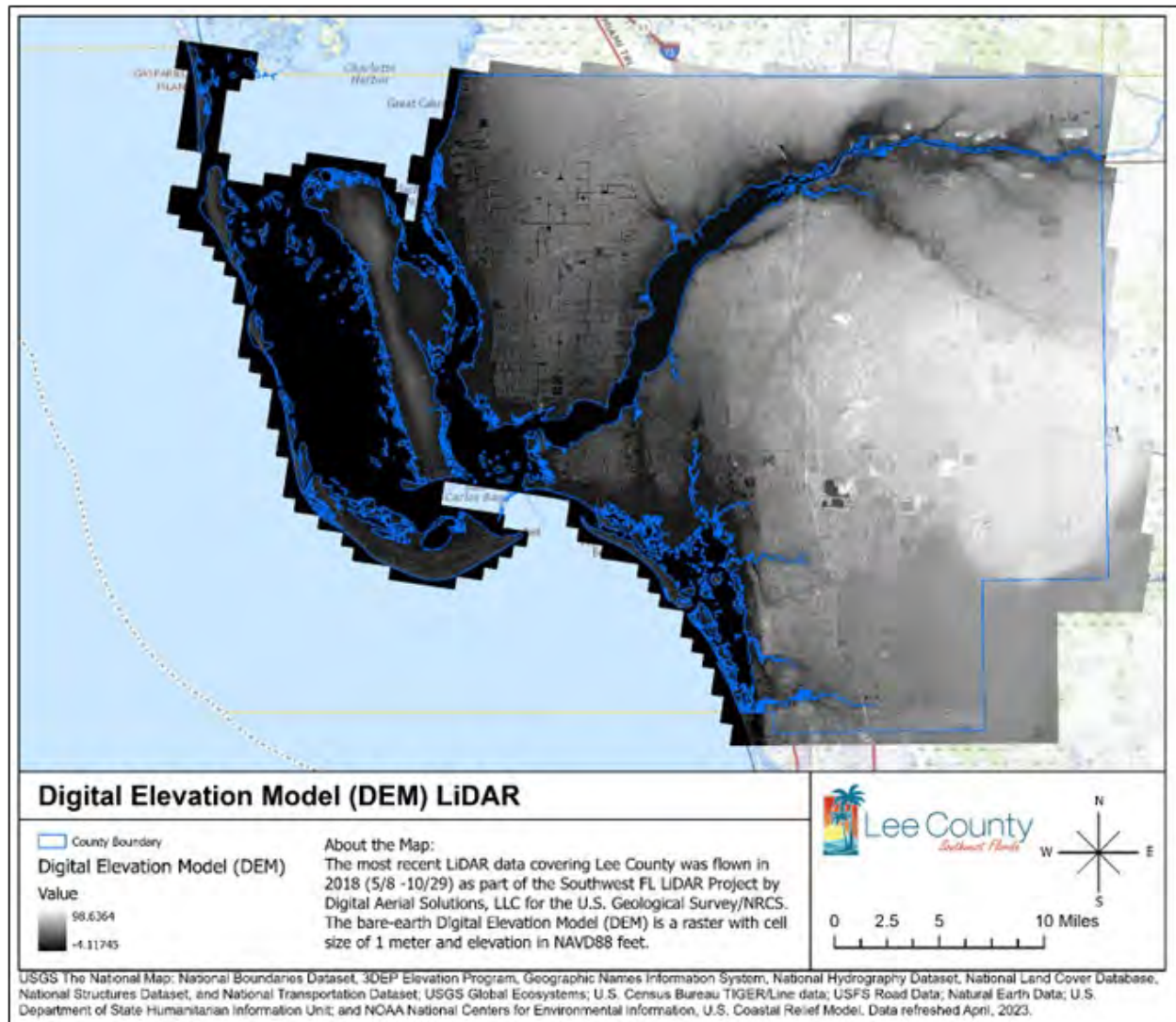


Figure 37 - The Digital Elevation Model demonstrates the bare earth elevation data in NAVD88 feet produced in 2018. (Source: <https://www.leegov.com/gis/data/lidar-data>)

3. LEE COUNTY'S PRIMARY HAZARDS: RISKS AND MITIGATION

The following hazards are outlined in the County's 2022 LMS and were developed with input from stakeholders from across the County. All risks were identified and evaluated as a part of the State Hazard Mitigation Plan and County Hazard Assessment. The mitigation measures proposed are based on the 2023 FEMA Hazard Mitigation Assistance Program and Policy Guide.¹⁵⁴

RAINFALL RELATED FLOODING

Description of hazard

Rainfall related flooding causes excess rainwater accumulating on the ground surface to a depth which can cause significant damage. The relatively flat landscape of the County can cause water to flow slowly into and through stormwater collection and conveyance systems. This slow-moving water can collect in low areas, and enter residences and other structures, causing significant damage. The rainwater can accumulate slowly with persistent low intensity rainfall, or quickly with high-intensity events.

Risk of hazard

According to NOAA, flooding causes more than \$4 billion dollars of damage per declared disaster in the United States.¹⁵⁵ Floodwater can enter residential properties, causing costly repairs and ruining contents. The threat of flooding has also been shown to cause anxiety and mental anguish for residents as they wait for the next flood event to occur. Approximately 35 percent of the area of the County is under FEMA's special flood hazard area (SFHA) designation, indicating risk of flooding in a 100-year probability event. Of the 306 square miles of low-moderate income areas in Lee County, 52.4 square miles of low-moderate income census tracts coincide with the FEMA SFHA. This information indicates that a significant portion of the LMI population of the County could be directly impacted by structural flooding or indirectly by flooding of infrastructure and roadways necessary to maintain community health and economic progress.

¹⁵⁴ <https://www.fema.gov/grants/mitigation/hazard-mitigation-assistance-guidance>

¹⁵⁵ <https://www.ncei.noaa.gov/access/monitoring/dyk/billions-calculations>

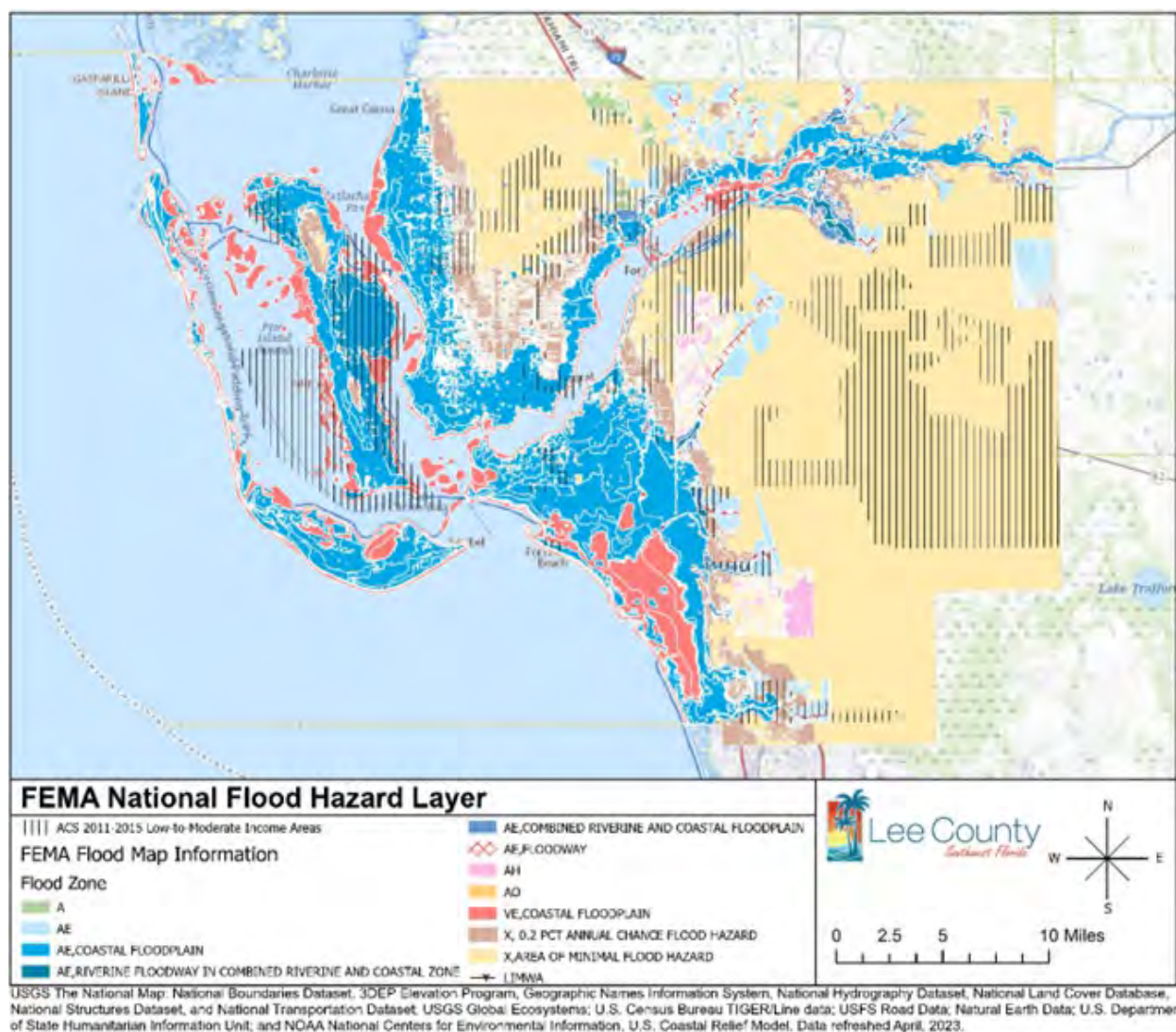


Figure 38 - The FEMA National Flood Hazard Layer (NFHL) flood hazard information and the 2011-2015 American Community Survey (ACS) Low-to-Moderate Income data.¹⁵⁶

156 <https://msc.fema.gov/portal/advanceSearch>, <https://www.hudexchange.info/programs/acs-low-mod-summary-data/>

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Table 56 - The FEMA Flood Map information located in the LMI areas.

FEMA Flood Zones	LMI Areas (square miles)	LMI Areas (%)	Population
SFHA	52.4	22	143,916
X (shaded)	12.7	5	12,383
X	147.7	61	51,086
Open Water	31	13	0
Lee County LMI	243.9	100	207,385

Source: FEMA Flood Map Service Center and HUD data¹⁵⁷

Table 56 demonstrates the LMI populations affected by FEMA SFHAs which are the riverine A, AE, AH, coastal AE and VE, floodway AE zones and X (shaded). Areas which are the 0.2 percent riverine and coastal flood hazard zone, and the X area which is the minimal flood hazard zone are seen in **Figure 39**. The total population was derived from the square miles of LMI Areas in the FEMA SFHA and the Lee County U.S Census 2020 population density statistic, 974.2 persons per square mile.

¹⁵⁷ <https://msc.fema.gov/portal/advanceSearch>, <https://www.hudexchange.info/programs/acs-low-mod-summary-data/>

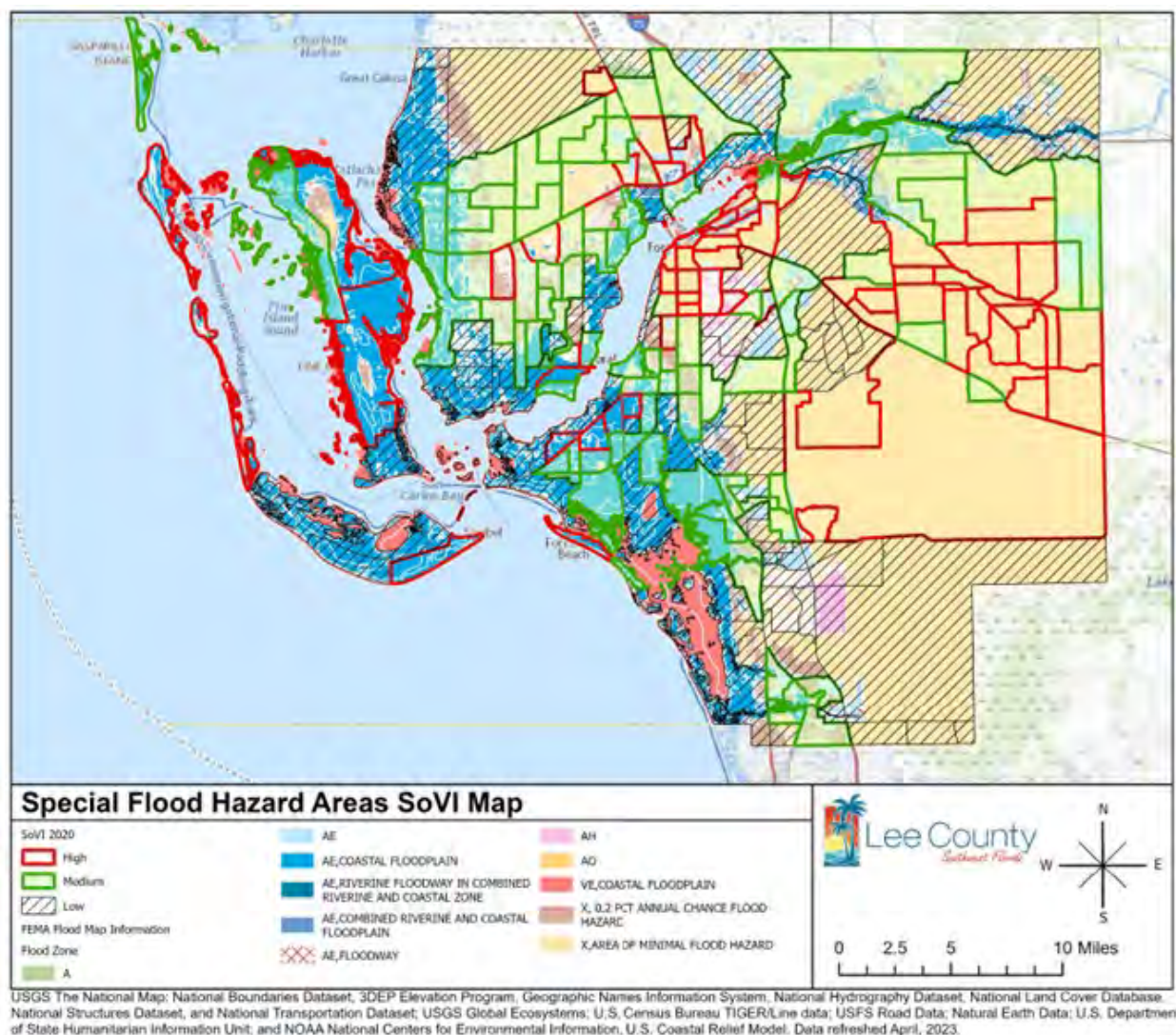


Figure 39 - The FEMA National Flood Hazard Layer (NFHL) flood map information and the SoVI data.¹⁵⁸

Table 57 - The FEMA Flood Map populations in the SoVI areas.

FEMA Flood Zones	High	Medium	Low
SFHA	182,547	256,188	287,702
X (shaded)	23,574	50,946	39,327
X	353,463	405,956	408,347
Open Water	0	0	0
Grand Total	559,584	713,090	735,376

Source: FEMA Flood Map Service Center and SoVI data¹⁵⁹

¹⁵⁸ <https://msc.fema.gov/portal/advanceSearch>, <https://www.vulnerabilitymap.org/>

¹⁵⁹ <https://msc.fema.gov/portal/advanceSearch>, <https://www.vulnerabilitymap.org/>

Table 57 demonstrates the SoVI populations affected by the FEMA SFHAs, the X (shaded) areas, and the X area utilizing the Lee County U.S Census Bureau population density per square mile.

Floods occur from heavy rainfalls which can be caused by tropical cyclones that drop significant amounts of precipitation in a region in a relatively short period of time. Rainfall outside of a given region can also contribute to flooding conditions through the collection and delivery of the water by drainage basins. The NWS defines the two flooding incident record types accordingly:

- Flash flood: a rapid and extreme flow of high water into a normally dry area, or a rapid water level rise in a stream or creek above a predetermined flood level, beginning within six hours of the causative event (e.g., intense rainfall, dam failure, ice jam).
- Flooding: rise in water levels that result in a river overflowing its banks or the edges of its main channel and inundate areas that are normally dry.

Table 58 - The flooding incident record type list of fatalities, injuries, and property damage.

Incident Record Type	Number of Occurrences since 1953	Fatalities	Injuries	Property Damage (\$)
Heavy Rain	13	0	0	\$0.00
Flash Flood	11	0	0	\$1,432,500.00
Flood	28	0	0	\$501,320,000.00

Source: NOAA National Weather Service (NWS) Storm Events Database through the National Centers for Environmental Information (NCEI)¹⁶⁰

¹⁶⁰ <https://www.ncdc.noaa.gov/stormevents/choosedates.jsp?statefips=-999%2CALL>

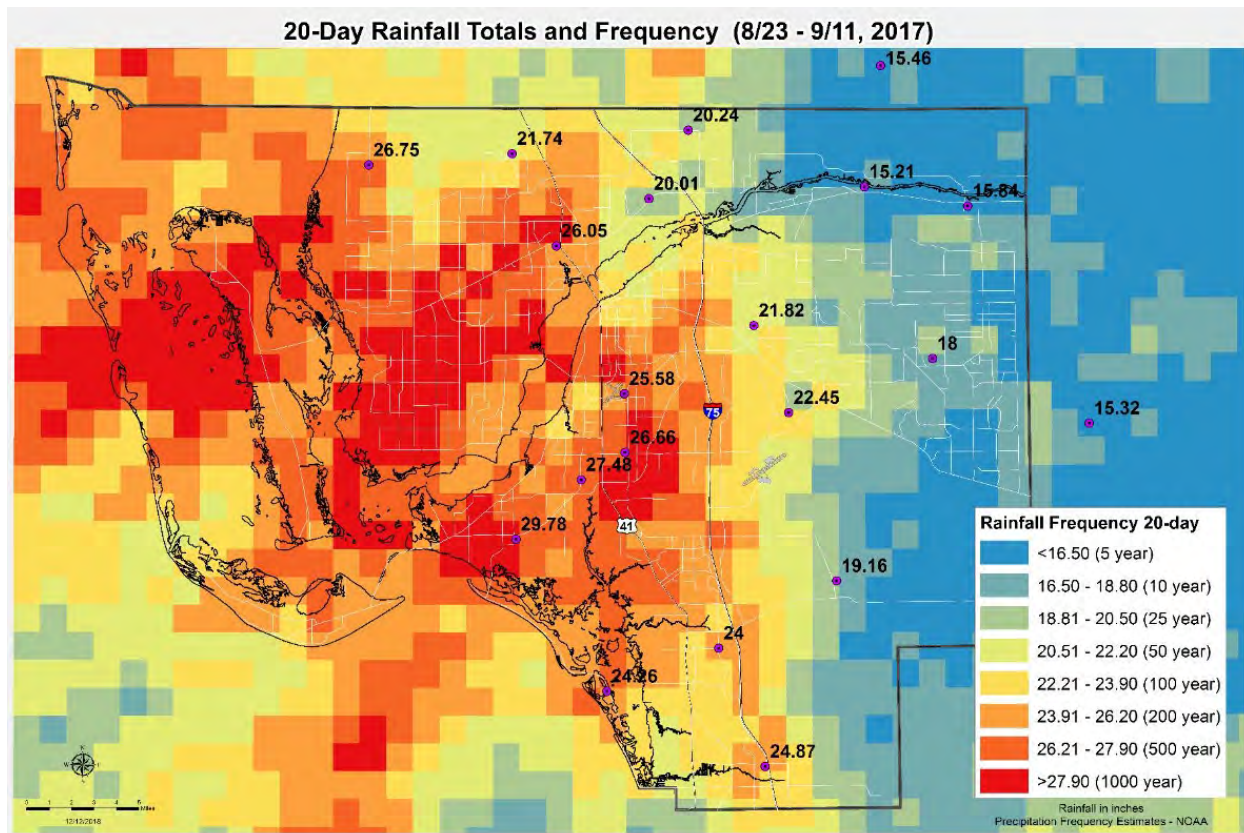


Figure 40 - Lee County experienced two historic rainstorms in 2017 between the dates of August 25 and September 10, INVEST 92L and Hurricane Irma. ¹⁶¹

Figure 40 illustrates the 2017 historic rainfall events, Invest 92L and Hurricane Irma, where some areas received more than 20 inches of rain during a short period of time. Rainfall at this intense level exceeded the carrying capacity of the County's stormwater system. Significant rainfall caused by Invest 92L resulted in saturation of the ground in many parts of the County. So much so, that additional rainfall associated with Hurricane Irma caused significant flooding to occur.

Mitigation Measures

Reducing the risk to life and property can generally be accomplished in two ways: getting the life and property out of the way of the water or moving the water away from the life and property. Getting life and property out of the way of the water typically entails elevating structures on new higher foundations above the flood risk or purchasing the structure and property to convert an impervious area into green space to absorb excess rainfall. Buyout programs are also an option

¹⁶¹ <https://msc.fema.gov/portal/advanceSearch>, <https://www.hudexchange.info/programs/acs-low-mod-summary-data/>

Original Version: September 1, 2023

for people and structures out of the floodplain or high hazard areas. Lee County and jurisdictions in Lee County have historically used available funding to buy out damaged or at-risk properties.¹⁶²

To reduce the risk of high flood water from life and property, there are several engineered or non-engineered solutions to retain, detain, divert, or convey excess stormwater runoff to lower the risk of flooding to those with known flood risks. A number of flood risk reduction projects are anticipated to be funded for Lee County and other jurisdictions to reduce the flood risks to residents.

STORM SURGE

Description of hazard

Storm surge events are caused by wind driven, and sometimes low pressure enhanced, water moving on land. These events can cause long-term accumulation of storm surge water to flood and remain in highly populated areas. Storm surge activities can occur at the same time as rainfall flooding events, exacerbating the flooding conditions.

In certain areas of the County, storm surges can reach heights of more than 20 feet. These vulnerable locations, including coastal high-hazard areas and the surrounding political subdivisions, are at risk of flooding from wave and wind action. These areas include Sanibel Island, Fort Myers Beach, Pine Island, southern Cape Coral, Estero, and Bonita Springs.

¹⁶²https://www.cityofbonitasprings.org/services_departments/public_works/voluntary_home_buyout_program_information

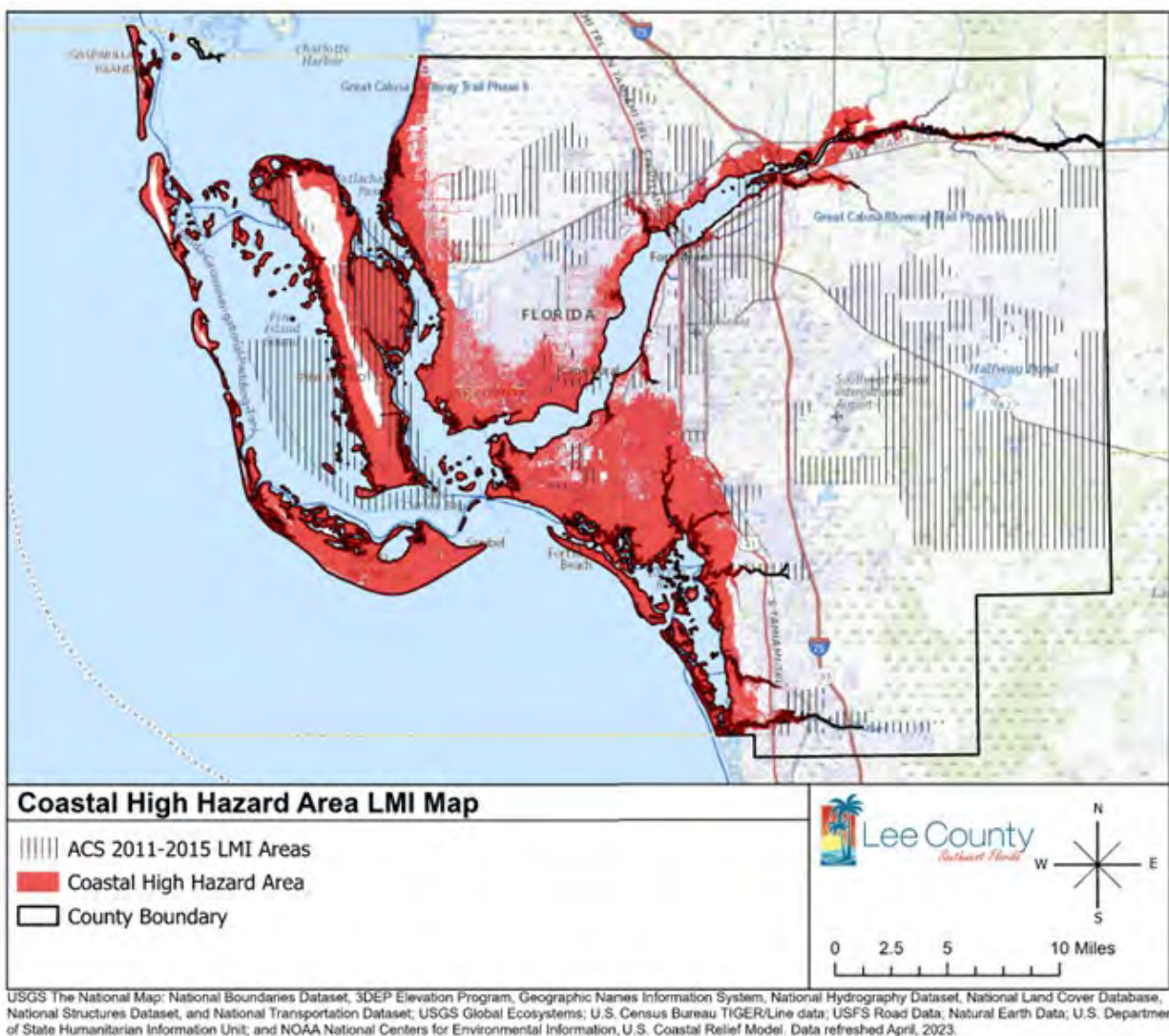


Figure 41 - The coastal high hazard area with the LMI areas identified.¹⁶³

Table 59 – Population Density Data for Total Population Calculation

GEOGRAPHY	
Geography	
Population per square mile, 2020	974.2
Population per square mile, 2010	788.7
Land area in square miles, 2020	781.01
Land area in square miles, 2010	784.51
FIPS Code	12071

¹⁶³ <https://maps-leegis.hub.arcgis.com/datasets/coastal-high-hazard-area/explore>, and <https://www.hudexchange.info/programs/acs-low-mod-summary-data/>

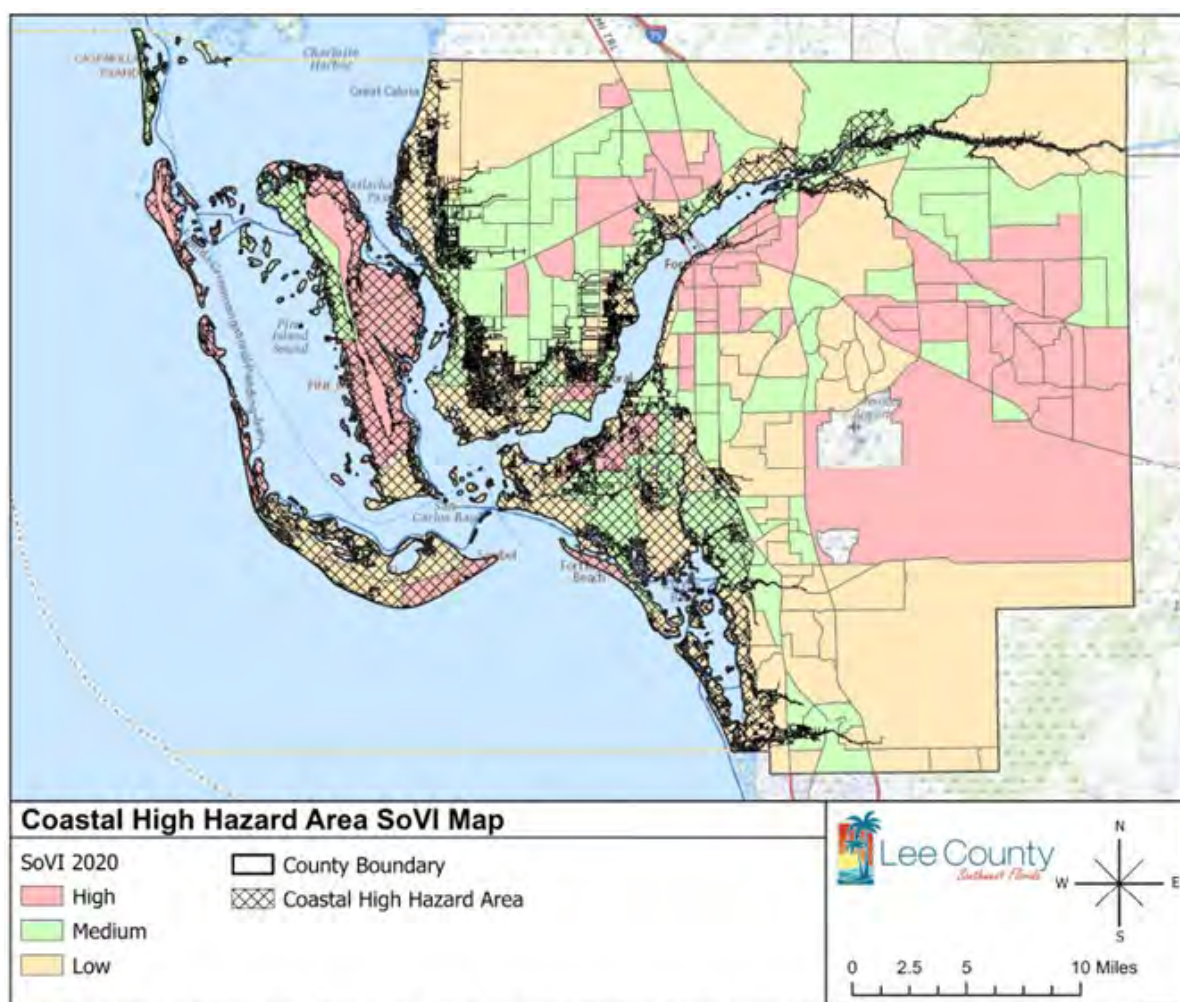
Original Version: September 1, 2023

Table 60 - The coastal high hazard area compared to the LMI data.

Coastal High Hazard Area (square miles)	LMI Area (square miles)	Population
169	23.9	23,263

Source: Lee County Coastal High Hazard Area Geographic Information System and HUD data. ¹⁶⁴

Table 60 demonstrates the LMI populations affected by the coastal high hazard areas utilizing the Lee County U.S Census Bureau population density per square mile. Of the 169 square miles of coastal high hazard area, 23.9 square miles are in a LMI area.



USGS The National Map; National Boundaries Dataset; 3DEP Elevation Program; Geographic Names Information System; National Hydrography Dataset; National Land Cover Database; National Structures Dataset; and National Transportation Dataset; USGS Global Ecosystems; U.S. Census Bureau TIGER/Line data; USFS Road Data; Natural Earth Data; U.S. Department of State Humanitarian Information Unit; and NOAA National Centers for Environmental Information, U.S. Coastal Relief Model. Data refreshed April, 2023.

Figure 42 - Coastal High Hazard areas map compared to the CDC/ATSDR SVI Index. ¹⁶⁵

¹⁶⁴ <https://maps-leegis.hub.arcgis.com/datasets/coastal-high-hazard-area/explore>, and <https://www.hudexchange.info/programs/acs-low-mod-summary-data/>

¹⁶⁵ <https://maps-leegis.hub.arcgis.com/datasets/coastal-high-hazard-area/explore>, <https://www.vulnerabilitymap.org/>

Table 61 - The coastal high hazard areas located in the SoVI data.

SoVI	Area (square miles)	Population
High	38.4	37,363
Medium	53.1	51,690
Low	77.5	75,460

Source: Lee County Coastal High Hazard Area Geographic Information System and SoVI data. ¹⁶⁶

Storm surge is not limited to the coastline; it can travel miles inland across land and through estuaries.¹⁶⁷ Hurricane Ian demonstrated this with storm surge traveling several miles inland through the interconnected waterways of rivers, streams, and canals. As seen in [Figure 43](#), the surge from Ian traveled 15 miles inland to flood the downtown Fort Myers area. The storm surge also reached well inland, with the Caloosahatchee River rising just over 8 feet 24 miles upriver in North Fort Myers.

The peak stages of Hurricane Ian storm surge are compared to the FEMA coastal floodplain in [Figure 43](#). The base flood elevations (NAVD88) of the coastal floodplain represent the 100-year storm surge events, which is the closest storm event to Hurricane Ian in the jurisdiction south of Lee County.

¹⁶⁶ <https://maps-leegis.hub.arcgis.com/datasets/coastal-high-hazard-area/explore>, <https://www.vulnerabilitymap.org/>

¹⁶⁷ Estuary: the widening channel of a river where it nears the sea, with a mixing of fresh water and salt (tidal) water · an inlet of the sea.

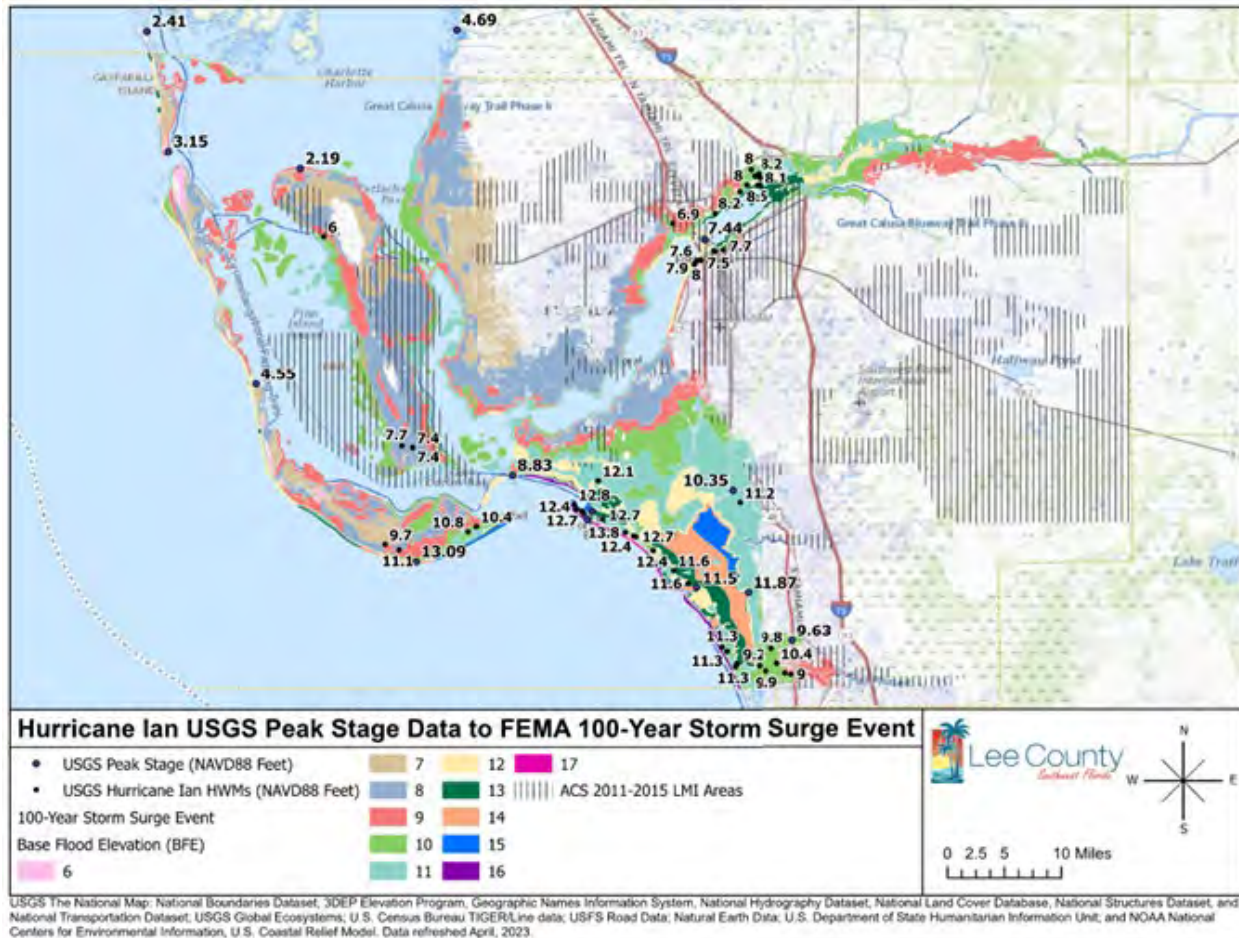


Figure 43 - The Hurricane Ian peak stages in NAVD88 feet captured by the USGS sensors compared to the FEMA coastal floodplain (100-year event).¹⁶⁸

Areas in southern Lee County, including the coastal rivers, streams and canals, experienced storm surges reaching maximum heights of approximately 13.8 NAVD88 feet. The peak stages are comparable to a FEMA 100-year event. Hurricane Ian storm surge was most similar to the FEMA 100-year event in areas of southern Lee County, including Sanibel, Fort Myers Beach, Bonita Springs, Village of Estero, and unincorporated Lee County.

¹⁶⁸ <https://stn.wim.usgs.gov/FEV/>, <https://stn.wim.usgs.gov/FEV/>, <https://www.hudexchange.info/programs/acs-low-mod-summary-data/>

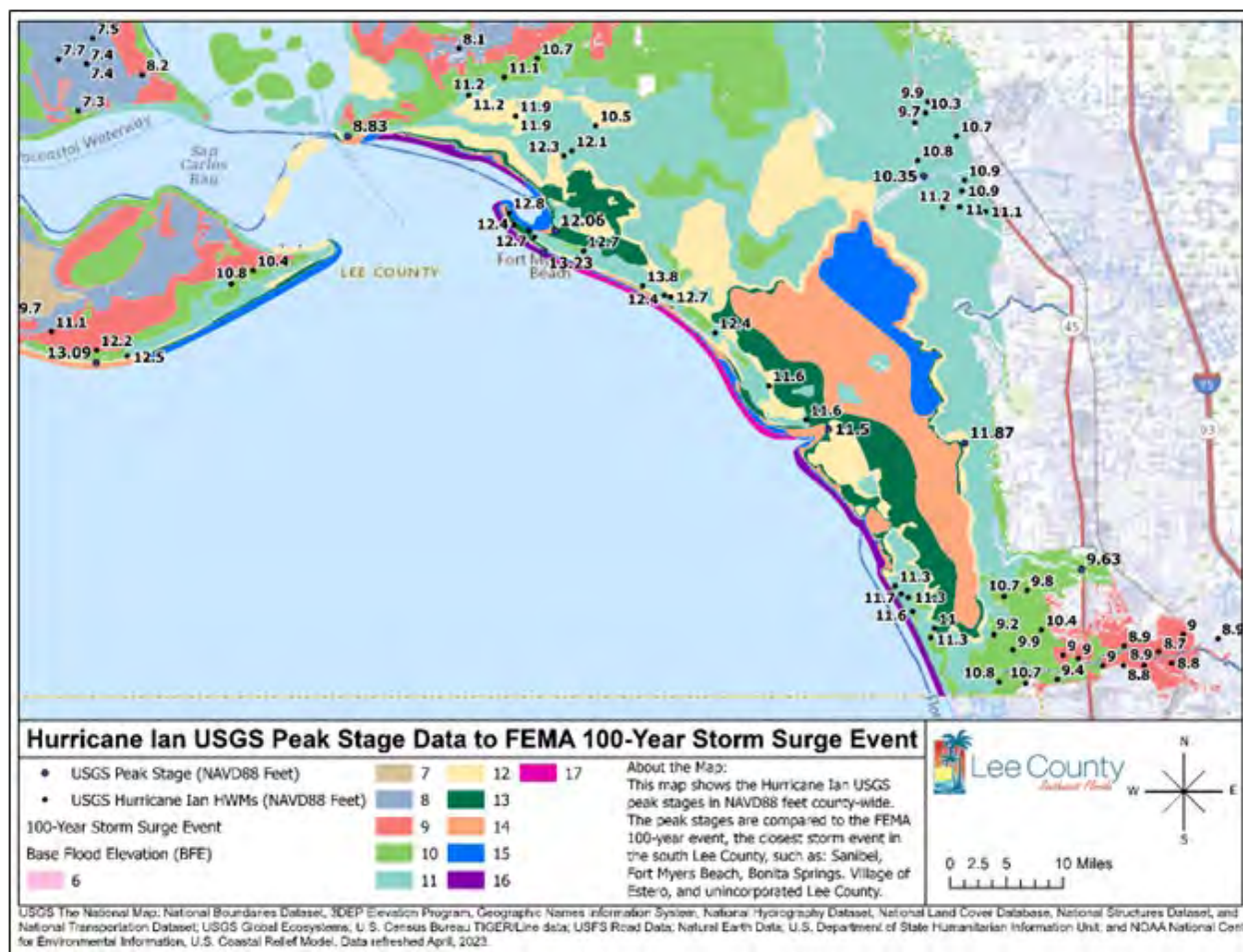


Figure 44 - The Hurricane Ian peak stages captured by the USGS sensors compared to the FEMA coastal floodplain (100-year event).¹⁶⁹

Other areas north along the Caloosahatchee River, such as the City of Fort Myers, South Fort Myers, and North Fort Myers experienced storm surge heights of 8 NAVD88 feet.

¹⁶⁹ <https://stn.wim.usgs.gov/FEV>

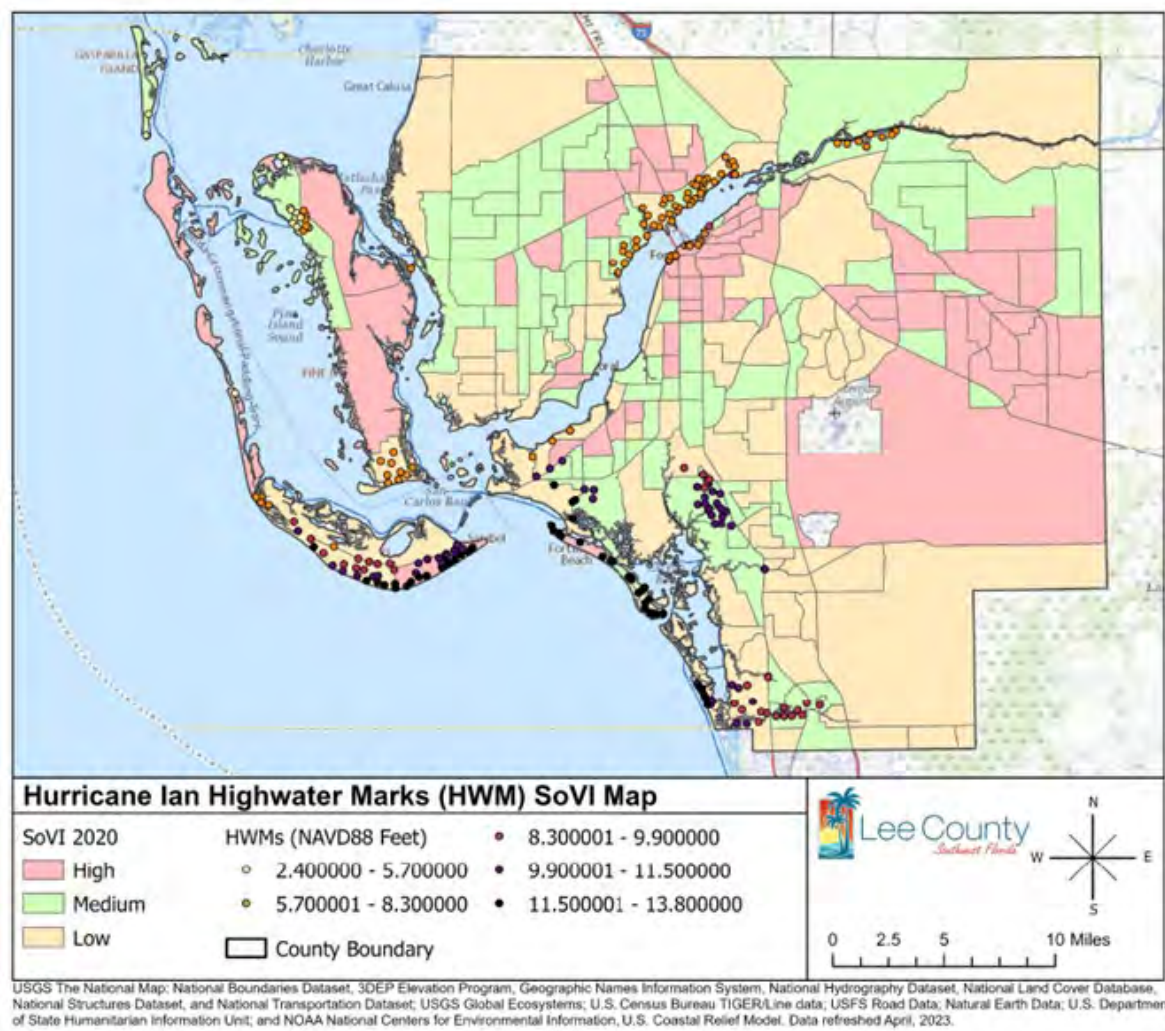


Figure 45 – The Hurricane Ian peak stages captured by the USGS sensors compared to US Census Tract Level SoVI (100-year event).¹⁷⁰

Table 62 - The number of highwater marks located in the high, medium, and low SoVI US Census Tract.

Highwater Marks	High	Medium	Low
2.4 - 5.7	1	0	13
5.700001-8.3	15	38	41
8.300001-9.9	0	21	14
9.900001-11.5	14	19	21
11.500001-13.8	25	20	8
Total	55	98	97

Source: USGS and SoVI data¹⁷¹

¹⁷⁰ <https://stn.wim.usgs.gov/FEV>, <https://stn.wim.usgs.gov/FEV>, <https://www.vulnerabilitymap.org/>

¹⁷¹ <https://stn.wim.usgs.gov/FEV>, <https://stn.wim.usgs.gov/FEV>, <https://www.vulnerabilitymap.org/>

Risk of hazard

Large-scale storm surge events are less common than rainfall flood events due to the strong and persistent wind forces that cause storm surge events. The speed, direction, and strength of Hurricane Ian resulted in the magnitude of storm surge during the event.¹⁷² While uncommon, the widespread and dramatic impacts of storm surge cause significant damage as described above in the summary of impacts from Hurricane Ian.

Table 63 - The coastal flood and storm surge/tide list of fatalities, injuries, and property damage.

Incident Record Type	Number of Occurrences since 2018	Fatalities	Injuries	Property Damage (\$)
Coastal Flood	1	0	0	\$0.00
Storm Surge/Tide	1	0	0	\$0.00

*Hurricane Ian Storm Surge is accounted for in the Hurricane event type in the Tropical Cyclones section.

Source: NOAA National Weather Service (NWS) Storm Events Database through the National Centers for Environmental Information (NCEI)¹⁷³

Mitigation measures

Preventing storm surge damage is difficult due to the disbursed nature of the water as it moves onshore. These dynamics make mitigating damage from storm surge events difficult. The best mitigation measures to prevent damage to structures are elevating structures or acquiring properties through a buyout program and returning the area to green space. As noted above, Lee County and jurisdictions therein have a history of successful programs to purchase properties in areas prone to repetitive flooding or storm surge.

Mitigation for storm surge through CDBG-DR related programs and projects will include science-based project design that conforms to Florida's and Lee County's building code and standards.

Lee County will conform to Florida Building Code and local permitting requirements, which contain elevation standards to mitigate risks associated with storm surge. Lee County will balance cost-effectiveness and science-based construction as defined by Florida Building Code. Contractors will be required to specify their design and materials standards for elevation to ensure appropriate mitigation efforts.

¹⁷² https://www.nhc.noaa.gov/data/tcr/AL092022_Ian.pdf

¹⁷³ <https://www.ncdc.noaa.gov/stormevents/choosedates.jsp?statefips=-999%2CALL>

TORNADOES

Description of hazard

Tornadoes are localized high wind rotational events ranging from a few dozen feet wide to over a mile. Wind speeds can range from 60 miles per hour to over 200 miles per hour and are measured on the Enhanced Fujita (EF) scale 0 to 5. Even moderately strong tornadoes can demolish structures.

Table 64 - The EF rating compared to the tornado magnitude and gust (mph).

EF Rating	Magnitude	Gust (mph)
0	Light	65-85
1	Moderate	86-110
2	Considerable	111-135
3	Severe	136-165
4	Devastating	166-200
5	Incredible	>200

Source: NWS Fujita Damage Intensity Scale ¹⁷⁴

Risk of hazard

Since 1953, 118 recorded tornadoes have touched down in Lee County, with 88 causing an estimated total damage of \$44 million. This equates to an average of more than one damaging tornado impacting Lee County each year. While typically localized, these events can have a devastating effect on those in the impact zone. As recently as 2022, 28 residences were destroyed in Lee County by an EF2 tornado.¹⁷⁵

¹⁷⁴ VII <https://www.weather.gov/bmx/fujitascale>

¹⁷⁵ <https://www.wunderground.com/article/news/news/2022-01-16-florida-tornado-damage-winter-storm>

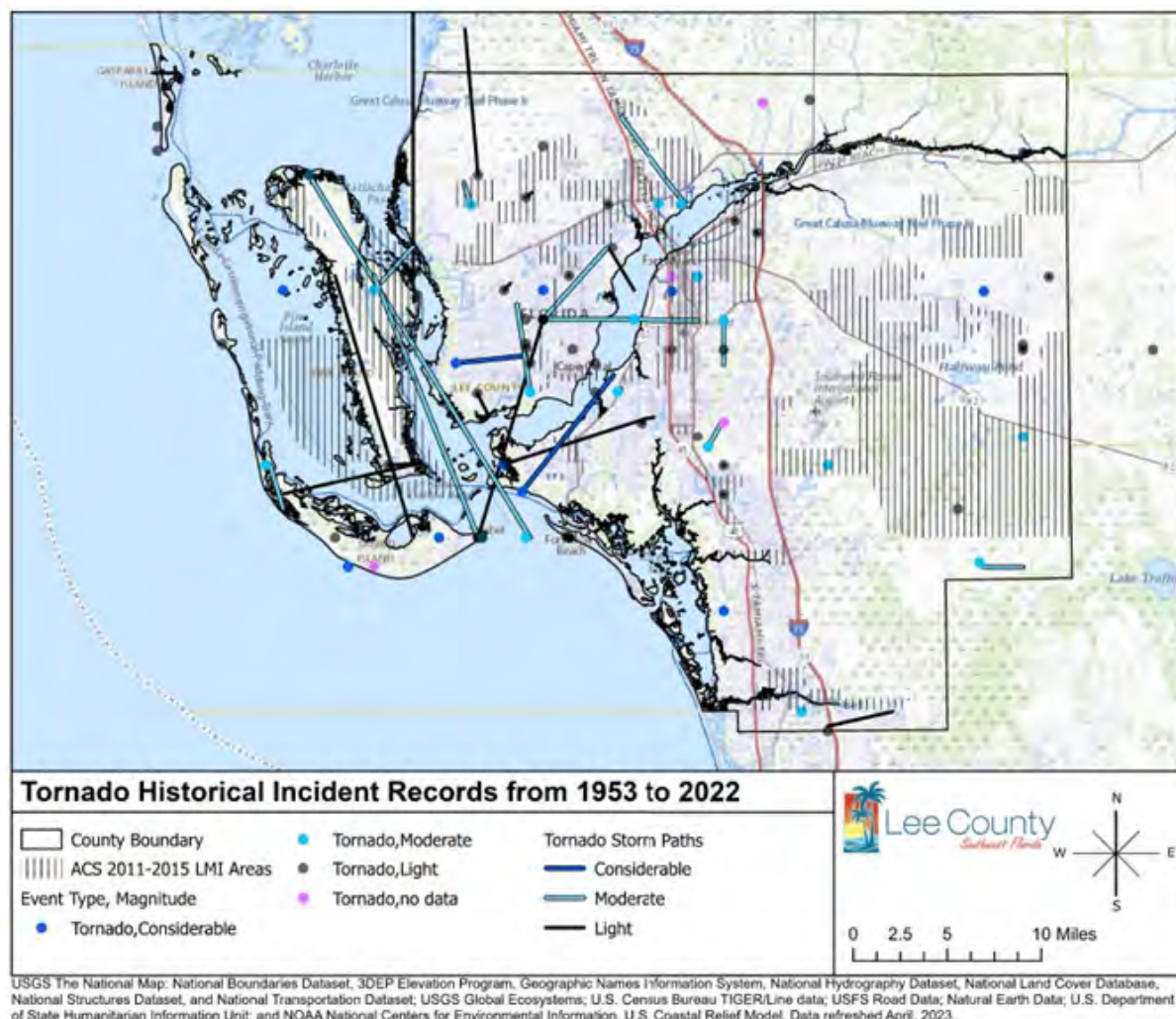


Figure 46 - Historical tornadoes from 1950 to 2023 across the County from a light to considerable magnitude¹⁷⁶

Table 65 - The number of tornado incident record types located in the LMI areas.

Tornado Magnitudes	LMI
Considerable	2
Moderate	8
Light	19
No Data	1
Total	30

Source: NOAA NWS Storm Events Database through the NCEI and HUD data.¹⁷⁷

¹⁷⁶ https://www.ncdc.noaa.gov/stormevents/listevents.jsp?eventType=ALL&beginDate_mm=01&beginDate_dd=01&beginDate_yyyy=1950&endDate_mm=06&endDate_dd=27&endDate_yyyy=2023&county=LEE%3A71&hailfilter=0.00&tornfilter=0&windfilter=000&sort=DT&submitbutton=Search&statefips=12%2CFLOIDA, and <https://www.hudexchange.info/programs/acs-low-mod-summary-data/>

¹⁷⁷ <https://www.ncdc.noaa.gov/stormevents/choosedates.jsp?statefips=-999%2CALL>



Figure 47 - Historical tornadoes from 1950 to 2023 across the County from a light to considerable magnitude.¹⁷⁸

Table 66 - The number of tornadoes incident record types located in the high, medium, and low SoVI US Census Tract.

Tornado Magnitudes	High	Medium	Low
Considerable	3	3	2
Moderate	6	11	3
Light	20	18	12
No Data	1	0	3
Total	30	32	20

Source: NOAA NWS Storm Events Database through the NCEI and SoVI data¹⁷⁹

¹⁷⁸ https://www.ncdc.noaa.gov/stormevents/listevents.jsp?eventType=ALL&beginDate_mm=01&beginDate_dd=01&beginDate_yyyy=1950&endDate_mm=06&endDate_dd=27&endDate_yyyy=2023&county=LEE%3A71&hailfilter=0.00&tornfilter=0&windfilter=000&sort=DT&submitbutton=Search&statefips=12%2CFLOIDA, <https://www.vulnerabilitymap.org/>

¹⁷⁹ <https://www.ncdc.noaa.gov/stormevents/choosedates.jsp?statefips=-999%2CAL>, <https://www.vulnerabilitymap.org/>

Table 67 - The tornado magnitude incident record list of fatalities, injuries, and property damage.

Tornado Magnitude	Number of Occurrences since 1950	Fatalities	Injuries	Property Damage (\$)
Considerable	10	1	16	\$19,805,000.00
Moderate	23	0	14	\$19,955,250.00
Light	66	0	5	\$2,496,530.00
No Data	4	0	0	\$250,030.00

Source: NOAA NWS Storm Events Database through the NCEI¹⁸⁰

Mitigation measures

The variable strength of tornadoes can allow for multiple mitigation measures to be used. To protect against the strongest tornadoes, structures should be built to International Code Council (ICC) Building Code – 500¹⁸¹ and FEMA document P-361¹⁸². ICC-500 requires structures to be built to a condition of near absolute protection of human life. This requirement includes protection to 200 miles per hour, protection from wind-borne debris, and backup power systems to serve the inhabitants of the structure for up to 24-hours. Lower strength, more common tornadoes, can be mitigated with code rated, or above code rated structures and by protecting openings from flying debris. Lee County and other jurisdictions have proposed safe rooms as part of the HMGP project list.

Mitigation for tornadoes through CDBG-DR related programs and projects will include science-based project design that conforms to Florida's and Lee County's building code and standards.

Lee County will conform to Florida Building Code and local permitting requirements, which contain wind and elevation standards to mitigate risks associated with tornadoes. Lee County will balance cost-effectiveness and science-based construction as defined by Florida Building Code. Contractors will be required to specify their design and materials standards for roofs, exterior walls, including soffits and windows to ensure appropriate mitigation efforts.

¹⁸⁰ <https://www.ncdc.noaa.gov/stormevents/choosedates.jsp?statefips=-999%2CALL>

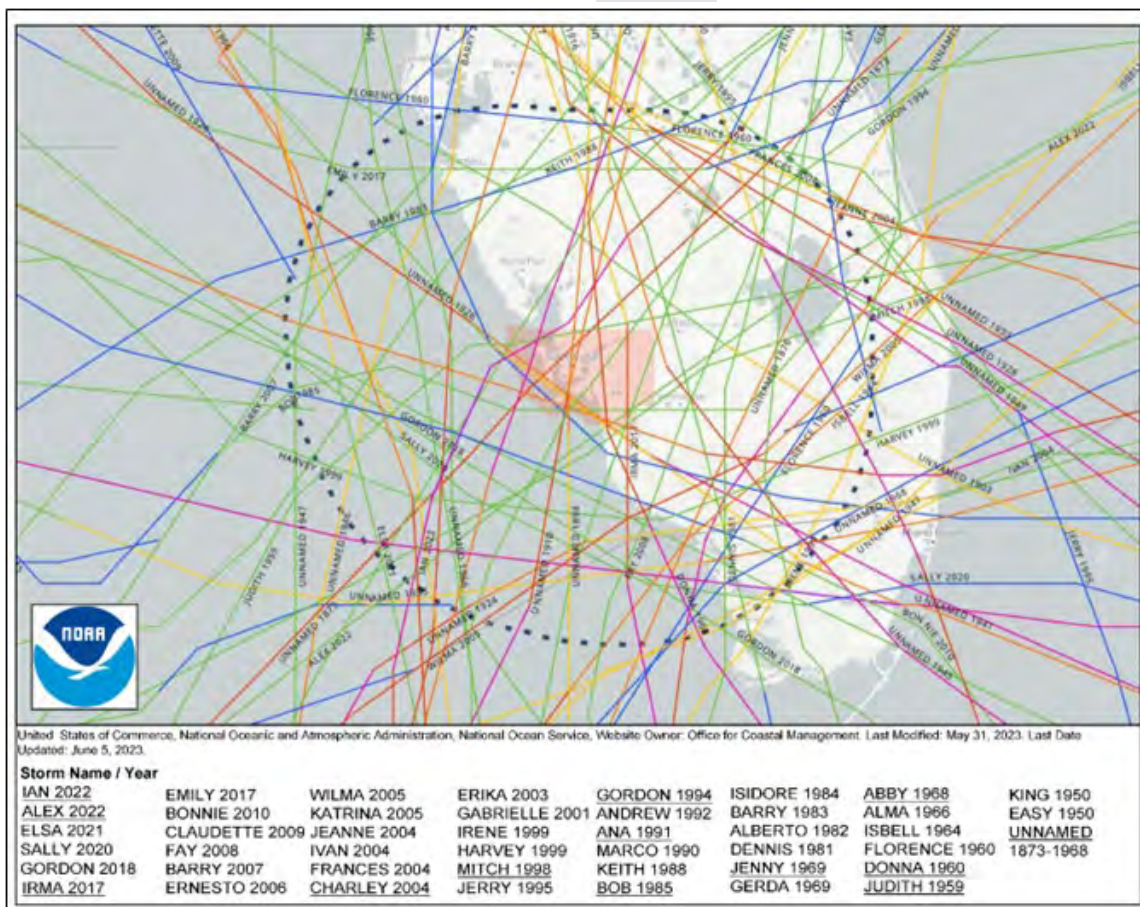
¹⁸¹ <https://codes.iccsafe.org/content/ICC5002020P1/chapter-1-application-and-administration>

¹⁸² https://www.fema.gov/sites/default/files/documents/fema_safe-rooms-for-tornadoes-and-hurricanes_p-361.pdf

TROPICAL CYCLONES

Description of hazard

Tropical cyclones, including tropical storms and hurricanes, can be devastating as the event can combine the impacts of rainfall flooding, storm surge, high winds, wind-borne debris, tornadoes, lightning, and numerous other ancillary hazards. Since 1873, 17 documented tropical cyclones have directly impacted the County, with a total of 52 other tropical cyclones within a 60-mile radius passing close by and causing damage, see *Figure 48*.



*Figure 48 - The storms underlined directly hit Lee County compared to the storms that were within a 60-mile radius to Lee County.*¹⁸³

¹⁸³ <https://bit.ly/444vi47>

Table 68 - Presidential Declared Emergencies and Disasters for Hurricanes since 1965.

Tropical Cyclone	Event Type	Year	Presidential Declaration	Total PA Obligated (\$)
HURRICANE BETSY	Hurricane	1965	DR-209-FL	No Data
HURRICANE GLADYS	Hurricane	1969	DR-252-FL	No Data
TROPICAL STORM AGNES	Coastal Storm	1972	DR-337-FL	No Data
HURRICANE OPAL	Hurricane	1996	DR-1069-FL	No Data
HURRICANE GEORGES	Hurricane	1998	EM-3131-FL	\$42,178,183.02
TROPICAL STORM IRENE - FLORIDA	Hurricane	2000	EM-3150-FL	\$547,528.10
SEVERE STORMS, TORNADOES AND FLOODING ASSOCIATED WITH TROPICAL STORM GABRIELLE	Coastal Storm	2001	DR-1393-FL	\$22,990,447.07
HURRICANE JEANNE	Hurricane	2004	DR-1561-FL	\$520,033,714.90
HURRICANE IVAN	Hurricane	2004	DR-1551-FL	\$694,779,708.94
HURRICANE FRANCES	Hurricane	2004	DR-1545-FL	\$685,254,867.41
TROPICAL STORM BONNIE AND HURRICANE CHARLEY	Hurricane	2004	DR-1539-FL	\$619,521,235.51
HURRICANE KATRINA EVACUATION	Hurricane	2005	EM-3220-FL	\$3,810,182.41
HURRICANE WILMA	Hurricane	2006	DR-1609-FL	\$1,489,338,542.84
HURRICANE IRMA	Hurricane	2017	DR-4337-FL	\$2,465,946,571.78
HURRICANE IRMA	Hurricane	2017	EM-3385-FL	\$0.00
HURRICANE DORIAN	Hurricane	2019	EM-3419-FL	\$0.00
HURRICANE IAN	Hurricane	2022	DR-4673-FL	\$994,043,998.69
TROPICAL STORM IAN	Hurricane	2022	EM-3584-FL	\$0.00
HURRICANE NICOLE	Hurricane	2023	DR-4680-FL	\$8,976,409.33
TROPICAL STORM NICOLE	Tropical Storm	2023	EM-3587-FL	\$0.00

Source: FEMA Open Data Declaration Summaries¹⁸⁴
¹⁸⁴ <https://www.fema.gov/openfema-data-page/fema-web-disaster-summaries-v1>

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Risk of hazard

The compounding effects of a tropical cyclone and the frequency in which tropical cyclones impact the County present a major risk of hazard for the area. FEMA estimates that a tropical cyclone results in impacts to Lee County approximately every three years with a direct impact occurring on average every 13 years.¹⁸⁵

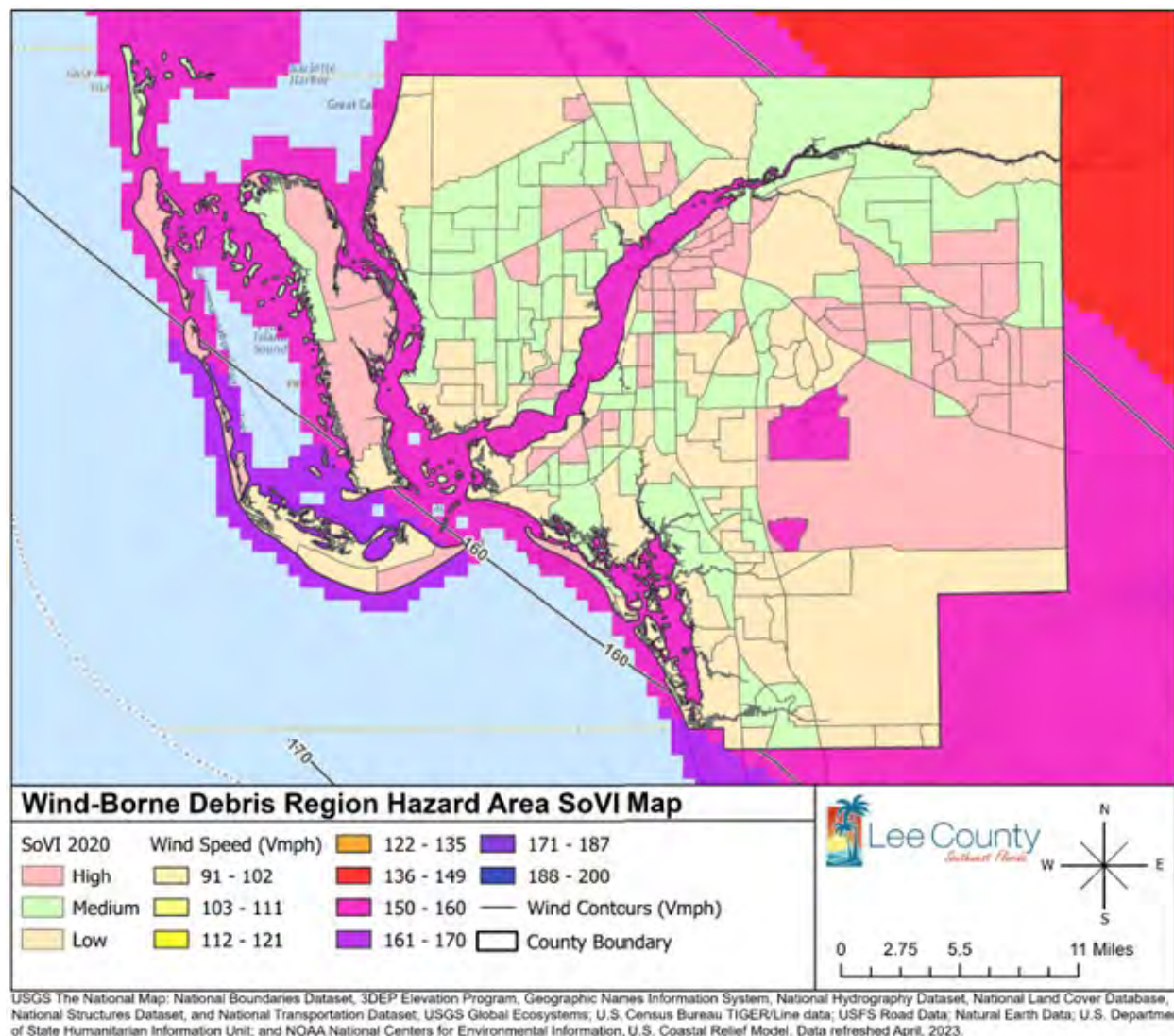


Figure 49 - Wind-Borne Debris Regions for Category II and III buildings and structures except for health care facilities.¹⁸⁶

¹⁸⁵ https://www.fema.gov/pdf/rebuild/mat/fema488/488_e.pdf

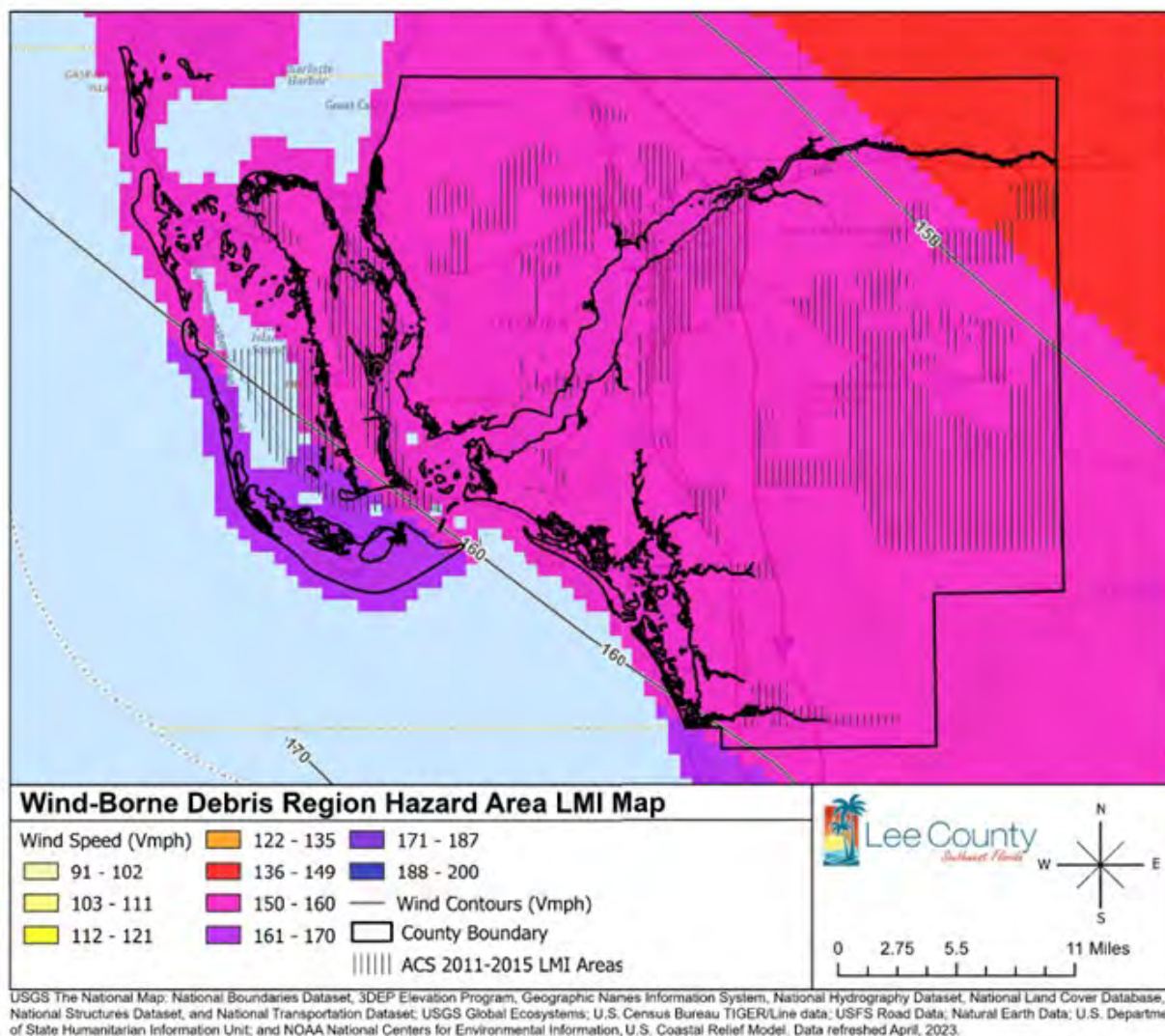
¹⁸⁶ https://gis.asce.org/arcgis/rest/services/ASCE/Wind_2016_700_Tile/MapServer, <https://www.vulnerabilitymap.org/>

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Table 69 - Wind Borne Debris Region for Category II and III buildings and structures located in the SoVI areas.

Wind (mph)	High	Medium	Low
<150	731	17,040	31,049
150-160	224,789	211,385	272,419
160-170	5,688	0	14,824

Source: American Society of Civil Engineers (ASCE) and SoVI data¹⁸⁷



*Figure 50 - Wind-Borne Debris Regions for Category II and III buildings and structures except for health care facilities.*¹⁸⁸

¹⁸⁷ https://gis.asce.org/arcgis/rest/services/ASCE/Wind_2016_700_Tile/MapServer, <https://www.vulnerabilitymap.org/>

¹⁸⁸ https://gis.asce.org/arcgis/rest/services/ASCE/Wind_2016_700_Tile/MapServer,
<https://www.hudexchange.info/programs/acs-low-mod-summary-data/>

Table 70 - Wind Borne Debris Region LMI Data.

Wind (mph)	LMI Area (square miles)	Population
<150	4.4	4,286
150-160	225.9	220,072
160-170	13.1	12,762
Grand Total	243.4	23,120

Source: ASCE and HUD data ¹⁸⁹

The code for regions in Florida that are vulnerable to wind and wind-borne debris have undergone frequent changes as a result of wind events. The current code requirements, which were implemented in 2021 and will remain in effect until 2023, are similar to those established in 2012. These requirements have expanded and improved resiliency in wind zone areas significantly.

Mitigation measures

The variety of impacts from tropical cyclones means that a multitude of mitigation measures must be implemented to reduce the risk of hazards. To reduce the hazard of wind and wind-borne debris, structures need to be strengthened and openings protected. Other mitigation measures are similar to constituent hazards. The same mitigation measures that reduce flooding in rain-based hazard events could also reduce flooding during tropical cyclones, such as purchasing property or elevating structures, or by creating systems that reduce the risk of flooding. Lee County and other jurisdictions are proposing these project types as part of the HMGP project list.

For CDBG-DR related programs and projects, efforts to mitigate the damaging effects of tropical cyclones, including tropical storms and hurricanes, will include science-based project design that conforms to Florida's and Lee County's building code and standards.

Lee County will conform to Florida Building Code and local permitting requirements, which contain standards to mitigate risks associated with tropical cyclones. Lee County will balance cost-effectiveness and science-based construction as defined by Florida Building Code. Contractors will be required to specify their design and materials standards for roofs, exterior walls, including soffits and windows to ensure appropriate mitigation efforts.

¹⁸⁹ https://gis.asce.org/arcgis/rest/services/ASCE/Wind_2016_700_Tile/MapServer,
<https://www.hudexchange.info/programs/acs-low-mod-summary-data/>

WILDFIRES

Description of hazard

Wildfires are caused when excess dry fuels are available and are ignited, either by natural processes such as lightning or by manmade causes such as uncontained fires. The risk of a conflagration is typically higher during periods of drought or when another natural disaster such as a hurricane or flood causes trees to die off and/or fall and create excess fuel for wildfires.

FEMA defines the Wildfire Urban Interface (WUI) as the “zone of transition between unoccupied land and human development. It is the line, area, or zone where structure and other human development meet or intermingle with undeveloped wildland or vegetative fuels.”¹⁹⁰ This makes the WUI a focal area for human-environment conflicts such as wildland fires, habitat fragmentation, invasive species, and biodiversity decline. Wildfires pose the greatest danger to people and property around the wildland urban interface (WUI).

Generally, the WUI can be areas where the edge of a community transitions to forest land (i.e., boundary); structures that are scattered and interspersed among wildland areas, like individual farms or vacation homes (i.e., intermix); or areas where structures surround wildland, like neighborhood preserves (i.e., island/occluded).¹⁹¹

¹⁹⁰ [What is the WUI? \(fema.gov\)](https://www.fema.gov)

¹⁹¹ [Wildland Urban Interface / Firewise USA / For Communities / Forest & Wildfire / Home - Florida Department of Agriculture & Consumer Services \(fdacs.gov\)](https://www.fda.gov)

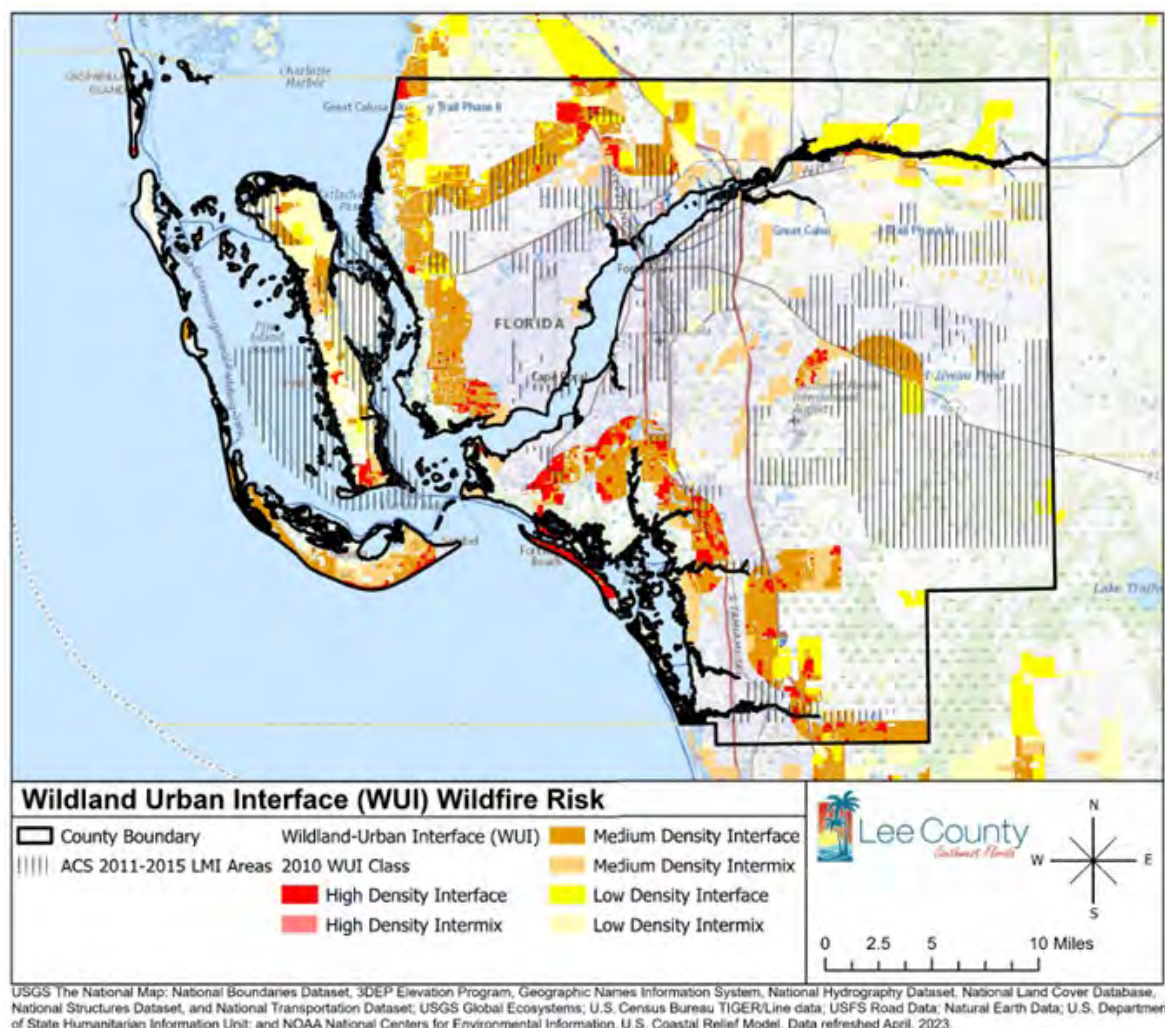


Figure 51 - The County Wildland Urban Interface (WUI) classes across Lee County and LMI areas. ¹⁹²

Table 71 - The WUI class located in LMI areas.

WUI Class	LMI Area (square miles)	Population
High Density Interface	1.3	1,300
High Density Intermix	0.0	2
Medium Density Interface	16.6	16,179
Medium Density Intermix	3.2	3,126
Low Density Interface	3.0	2,929
Low Density Intermix	9.5	9,303
Total	33.6	32,839

¹⁹² [Layer: Wildland-Urban Interface \(WUI\) \(ID:6\) \(arcgis.com\), FY 2022 ACS 5-Year 2011-2015 Low- and Moderate-Income Summary Data - HUD Exchange](#)

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Source: Wildland Urban Interface and HUD data.¹⁹³

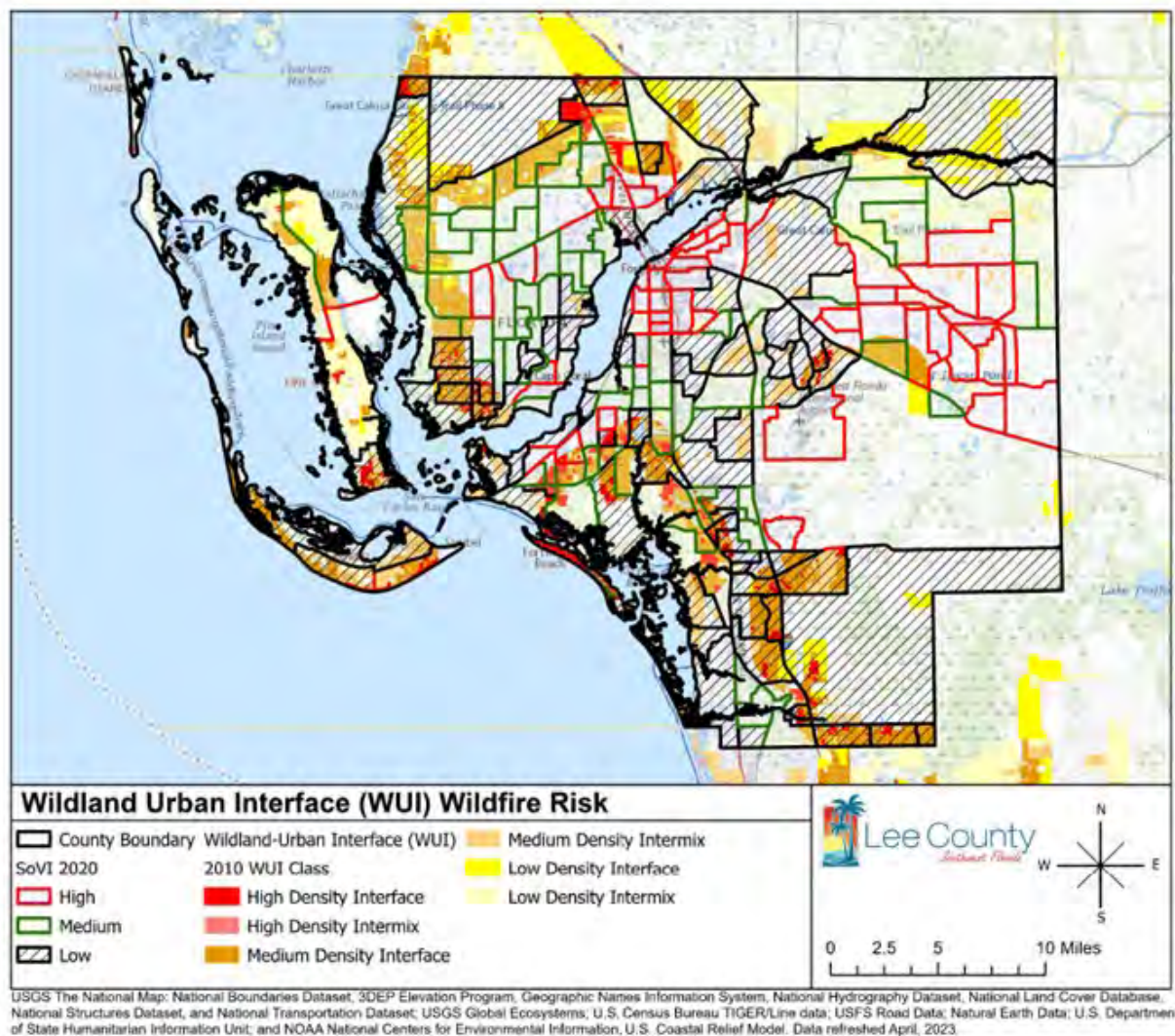


Figure 52 - Lee County Wildland Urban Interface Risk Map.¹⁹⁴

¹⁹³ [Layer: Wildland-Urban Interface \(WUI\) \(ID:6\) \(arcgis.com\), FY 2022 ACS 5-Year 2011-2015 Low- and Moderate-Income Summary Data - HUD Exchange](#)

¹⁹⁴ [Layer: Wildland-Urban Interface \(WUI\) \(ID:6\) \(arcgis.com\), FY 2022 ACS 5-Year 2011-2015 Low- and Moderate-Income Summary Data - HUD Exchange](#)

Table 72 - The WUI class located in the SoVI index areas.

WUI Class	High	Medium	Low
High Density Interface	2,668	4,057	5,001
High Density Intermix	61	229	249
Medium Density Interface	7,891	31,555	13,402
Medium Density Intermix	3,461	9,174	13,770
Low Density Interface	3,031	5,525	37,825
Low Density Intermix	14,758	16,282	21,156
Total	31,870	66,822	91,403

Source: Wildland Urban Interface and SoVI data¹⁹⁵

Risk of hazard

Wildfires can develop and move quickly, causing damage to structures and having the potential to injure or kill. Beyond the potential catastrophe to life and property, wildfires have several other impacts. Wildfires can damage silviculture, causing loss of wildlife habitat, recreation, and timber. Wildfires produce a significant amount of smoke which can cause respiratory issues to sensitive populations. Additionally, the resources required to fight a wildfire are substantial and can pull firefighters and other emergency personnel away from their normal duties, leaving a vulnerability in other areas of the community.

Table 73 - The declared disasters for the fire incident/event type in Lee County, FL.¹²²

Name	Event Type	Year	Presidential Declaration	
Florida Extreme Fire Hazard	Fire	1998	DR-1223-FL	No Data
Caloosahatchee Fire Complex	Fire	1999	FSA-2254-FL	\$1,064,337.65
Florida Fire Hazard	Fire	1999	EM-3139-FL	\$1,273,616.40
Caloosahatchee Fire Complex	Fire	2007	FM-2692-FL	\$959,055.00
Florida Lehigh Acres Fire	Fire	2017	FM-5179-FL	\$2,004,861.40

Source: FEMA Open Data Declaration Summaries¹⁹⁶

¹⁹⁵ [Layer: Wildland-Urban Interface \(WUI\) \(ID:6\) \(arcgis.com\), https://www.vulnerabilitymap.org/](https://www.vulnerabilitymap.org/)

¹⁹⁶ <https://www.fema.gov/data-visualization/disaster-declarations-states-and-counties>

Mitigation measures

The risk of wildfire can be mitigated by reducing fuel loads in wildland areas and especially in the wildland urban interface. Reducing the amount of flammable material can reduce the size and speed of a wildfire and make it easier to bring under control for response personnel. On an individual basis, residents can implement a defensible space perimeter around their structures and/or retrofit those structures to be constructed of ignition resistant materials.¹⁹⁷

Wildfire mitigation for Lee County CDBG-DR related programs and projects will include: (1) science-based project design that conforms to Florida's and Lee County's fire prevention code and (2) Florida and local fire-restrictive building standards and Land Development Code.

Lee County will conform to Florida Building Code and local permitting requirements, which reference the Florida Fire Prevention Code and Life Safety Code. Lee County will balance cost-effectiveness and science-based fire-resistive construction as defined by Florida Building Code. Contractors for WUI area homes will be required to specify their fire-resistive design and materials standards for roofs, and exterior walls, including soffits and windows¹⁹⁸. Additionally, construction must conform to the Lee County Land Development Fire Safety Code. This code requires fire department access, fire flows, and fire hydrant standards.

ADDITIONAL HAZARDS

The hazards mentioned in the previous section are most common and have been the most impactful to the County. Other hazards, as defined by the County's LMS and noted in the State Hazard Mitigation Plan, are less common but still pose a risk to the community and can therefore be mitigated.

- Animal/Plant disease outbreak can cause significant damage to the economy and the environment. As evidenced by the recent pandemic, animal diseases can become communicable to humans and every effort should be made to reduce transmission. Disease is typically caused by outside factors and can be mitigated with appropriate protocols. Lee County has experienced plant-based diseases in the form of Citrus Canker as recently as 2006 which resulted in citrus trees being destroyed resulting in economic loss.¹⁹⁹
- Algal blooms can be caused by human factors such as excess fertilizer being deposited into bodies of water and by environmental factors such as temperature or rainfall. Algal blooms such as Red Tide and Green-Blue Algae can cause respiratory issues in humans and significant outbreaks can lead to beach closures and subsequent economic impacts. Algal blooms can be mitigated by reducing the human factors that can exacerbate biological activity, such as

¹⁹⁷ https://www.fema.gov/sites/default/files/documents/fema_funded-wildfire-mitigation-activities.pdf

¹⁹⁸ Florida Building Code 7th Edition, ch.6, (2020))

¹⁹⁹ <https://www.news-press.com/story/money/companies/2021/01/07/citrus-trees-florida-lee-homeowners/6561855002/>

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reducing the leeching of nutrients from septic tanks into bodies of water. Algal blooms are an ongoing problem for Lee County residents with health warnings being issued as recently as 2023.²⁰⁰

- Coastal erosion can be caused by wind and wave action removing sand from beaches and other coastal areas. This action can expose or even damage infrastructure. Coastal erosion also damages engineered beaches, which are an economic driver for the County. Sea level rise can exacerbate coastal erosion with high water levels bringing wave action more inland. Coastal erosion can be mitigated by maintaining the size and shape of engineered beaches and by installing wave breaks. Environmental harmonious solutions such as constructed oyster beds, mangroves, or marshes can also reduce coastal erosion.
- Droughts occur when an area experiences a rainfall deficit. The lack of rainwater can impact crops, reduces economic capacity, and can lead to residential drinking water wells going dry. Rural residents in the County are more likely to have water wells on their property. While the factors that cause droughts cannot be mitigated, communities can prepare for drought conditions by storing excess water during wetter times. Projects such as aquifer storage and recovery systems or interconnections with more resilient systems can provide water when surface and shallow groundwater sources are scarce.
- Epidemic/Pandemic disease, as evidenced by the recent period of COVID-19, can have dramatic impacts on communities and the economy. Epidemics and pandemics are not localized and require a response from a much larger community than just Lee County. It is feasible to mitigate some of the risk from epidemics and pandemics, but these efforts require largescale buy-in and sacrifice. Disease mitigating measures are typically implemented at the time when an epidemic or pandemic is recognized.
- Excessive Heat is a common occurrence in the state of Florida and is it especially impactful to low income, minority, and working populations as they typically have less access to air-conditioned spaces. The risk of excess heat can be incredibly harmful to humans and cause major short and long-term health impacts. Higher temperatures, lasting for longer durations, are becoming increasingly frequent in southwest Florida. Mitigation measures for excessive heat are becoming more common as temperatures rise due to climate change. These measures can include community cooling systems and the introduction of systems and techniques to reduce heat island effects such as using lighter colored materials and less heat absorbing materials in construction, and by increasing urban tree canopies by planting more trees.

²⁰⁰ <https://www.fox4now.com/news/local-news/lee-county/blue-green-algae-bloom-alert-issued-for-lee-county>

- Extreme cold and freezing is another almost yearly hazard in southwest Florida. While freezing conditions typically have a short duration in this geographical area, as little as four hours of below freezing temperatures can have a major impact on crops and therefore the community economy. Extreme cold also has an impact on humans with those impacts falling on disadvantaged communities similar to excessive heat. Individuals lacking permanent shelter or those whose residences are under-heated can be adversely impacted during extreme cold and freeze periods. Extreme cold and freezing temperatures for vulnerable populations can be mitigated by creating communal heated spaces. Individual agricultural entities can institute measures to protect crops during freezing periods.
- Severe weather can encompass multiple hazards at once. It can include strong, straight-line winds, hail, lightning, and other natural phenomenon that can cause significant property damage and bodily harm. The climate of southwest Florida is conducive to the development of severe weather events resulting in a number of these events occurring every year. While the risk of a negative outcome from any one severe weather event is low, the frequency of these events leads to more damaging occurrences and injuries than other, larger natural disasters.

4. LOCAL HAZARD MITIGATION PLAN

Primary Risks and Exposure Identified in LHMP

The County engaged multiple stakeholders in 2022 to update and clarify the hazards impacting the Lee County community as part of the Joint Local Mitigation Strategy (LMS). The hazards identified are those noted above.

Safety Element of County General Plan

Mitigation is a consideration in multiple County plans including the Lee County Comprehensive Emergency Management Plan²⁰¹ which explains the processes, procedures, and tools put in place to prevent, prepare for, respond to, recover from, and mitigate against the hazards identified in the Hazard Identification and Risk Assessment.

Threat to Community Lifelines

FEMA has developed the community lifeline program to understand the threats to people and the built environment. The community lifelines include safety and security, food/water/shelter, health and medical, energy, communications, transportation, and hazardous materials. *Table 74* defines how each hazard impacts each community lifeline.

²⁰¹https://www.leegov.com/publicsafety/Documents/Emergency%20Management/LeeCountyAPPROVED_2019CEMPRedacted.pdf

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Table 74 - FEMA Community Lifelines.

Hazard	Safety and security	Food/water/ shelter	Health and medical	Energy	Communications	Transportation	Hazardous Materials
Flooding	Potential bodily harm	Damage to crops	Damage to medical facilities			Damage to roads and mass transit	Damage or transportation of hazardous material
Storm surge	Potential bodily harm	Damage to crops and water sources	Damage to medical facilities	Damage to power grid	Damage to communications systems	Damage to roads and mass transit	Damage or transportation of hazardous material
Tornadoes	Potential bodily harm		Damage to medical facilities	Damage to power grid	Damage to communications systems		Damage hazardous material facilities
Tropical cyclones	Potential bodily harm	Damage to crops and water sources	Damage to medical facilities	Damage to power grid	Damage to communications systems	Damage to roads and mass transit	Damage or transportation of hazardous material
Wildfires	Potential bodily harm	Damage to crops and water sources			Damage to communications systems		Damage hazardous material facilities
Animal/Plant disease		Damage to crops and animals	Potential medical incidents				
Algal blooms			Potential medical incidents				Direct contribution to pollutant levels
Coastal erosion						Damage to maritime facilities	
Drought		Damage to crops and water sources					
Epidemic/ Pandemic	Potential bodily harm		Potential medical incidents				
Excessive heat	Potential bodily harm	Damage to crops and animals	Potential medical incidents				
Extreme cold/Freeze	Potential bodily harm	Damage to crops and animals	Potential medical incidents				
Severe weather	Potential bodily harm	Damage to crops and water sources	Damage to medical facilities	Damage to power grid	Damage to communications systems	Damage to roads and mass transit	Damage or transportation of hazardous material

Data Source: FEMA, <https://www.fema.gov/emergency-managers/practitioners/lifelines>

5. OTHER FUNDING FOR MITIGATION ACTIVITIES

The County will continue to leverage other funding sources to maximize recovery and resiliency with a continued focus on vulnerable populations. The County has identified the below resources:

Resilient Florida:

In 2021, the State of Florida created the Resilient Florida program under the Florida Department of Environmental Protection (FDEP). The goal of the program is to develop and implement projects that can protect coastal and inland areas from the impacts of sea level rise, intensifying storms, and flooding. The total program has over \$500 million in funding available for studies, planning activities, and construction projects. The projects are evaluated to ensure the final project will increase the resiliency of the area and reduce the risk to life and property from sea level rise and flooding hazards.

Building Resilient Infrastructure and Communities (BRIC)/Flood Mitigation Assistance (FMA):

FEMA manages two annual mitigation programs that are nationally competitive but can provide significant funding to merited projects. The two programs, Building Resilient Infrastructure and Communities (BRIC) and Flood Mitigation Assistance (FMA). In fiscal year 2022, the federal government allocated \$2.295 billion for BRIC projects nationally and \$800 million for FMA.

6. MITIGATION PROJECT FUNDING

Mitigation projects are being funded by FEMA under HMGP. Under this program, FEMA requires a 25 percent local share, which could potentially be subsidized by CDBG-DR infrastructure funding. HMGP projects not eligible for CDBG-DR due to a lack of tieback to Hurricane Ian or not meeting a national objective, would remain an unmet need for the County. Those projects will be evaluated for mitigation funding under CDBG-DR. The HMGP non-Federal cost share unmet need is estimated at \$377,069,006. Additionally, part or all the funding for mitigation projects not meeting the requirements of HMGP would be a significant unmet need for the County.

III. GENERAL REQUIREMENTS

A. CITIZEN PARTICIPATION

1. OUTREACH AND ENGAGEMENT

In the development of this disaster recovery Action Plan, Lee County consulted with disaster-affected citizens, stakeholders, local governments, public housing authorities, and other affected parties in the surrounding geographic area to ensure consistency of disaster impacts identified in the plan, and that the plan and planning process was comprehensive and inclusive.

CDBG-DR funded programs will be marketed via direct outreach and wide-spread marketing to promote the likelihood of underserved populations knowing about and partaking in the programs and activities. Lee County and implementation vendors will create a communications plan and conduct outreach to inform the public and potential contractors of funding opportunities. The County will coordinate with municipalities to ensure the public has physical access to program applications throughout the geographic area and will provide for diversity in application entry points, which should include onsite and mobile application sites. The inclusion of diverse marketing and application methods will ensure that applicants who do not have access to a vehicle, who live in more remote areas of the County, and who are least likely to apply for assistance have access to CDBG-DR funded programs.

Lee County will also ensure meaningful access and equal opportunity to programs for individuals with disabilities and persons with limited English proficiency, including appropriate ADA accommodations and translation of vital documents. All planned communication and information gathered through the citizen participation process will be compliant with Lee County Board of County Commissioners policies in support of the Section 504 and Americans with Disabilities Act, the Civil Rights Act Section VI, Lee County Language Access Plan, and HUD provisions of 24 CFR 8.6 for effective communication with applicants, beneficiaries, and members of the public.

a) **Lee County Recovery Task Force Town Hall Meetings**

The Lee County Recovery Task Force hosted town hall meetings throughout the County to provide residents the opportunity to participate in planning efforts for the Resilient Lee Recovery and Resiliency Plan. The information gathered through those town hall meetings was considered during the development of the CDBG-DR Action Plan. Input gathered during the town hall meetings was analyzed and the priorities below were identified. While the town hall meetings discussed a variety of topics, only those that fall within the CDBG-DR eligible program categories

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are reflected below.



Figure 53 – Top Priority CDBG-DR Eligible Activities identified by the public during Recovery Task Force Town Hall Meetings.

b) Stakeholder Consultations

Lee County recognizes that affected stakeholders are the center of, and partners in, the development and implementation of this plan. Opportunities for citizen input were provided throughout the planning process, including these consultation meetings hosted by Lee County with the following stakeholders:

- June 5, 2023: **Town of Fort Myers Beach**, Fort Myers Beach Town Hall

Summary of Input Received: Town representatives discussed various planning efforts, including planning and zoning studies for affordable housing development, storm water management, and community land trust planning. The Town discussed support for Hurricane Mitigation Grant Programs (HMGP), including potential voluntary buyout programs. The Town shared some ideas related to economic revitalization and workforce housing initiatives.

- June 5, 2023: **City of Bonita Springs**, Lee County Administrative Offices

Summary of Input Received: The City of Bonita Springs provided a list of potential infrastructure projects for discussion. In addition, the City provided a summary of unmet needs, which included the following:

- Lack of qualified housing providers to develop a variety of housing options.
- Lack of alternative transportation options for the households within the city that do not have access to motorized vehicles.
- Lack of access to physical and mental healthcare facilities.
- Lack of public services type activities (e.g., food pantries, housing counseling, etc.).

In addition to the list of unmet needs, city representatives discussed potential planning projects, including septic to sewer conversions and transportation planning. The city discussed the need for workforce housing, specifically for frontline staff and public servants (e.g., teachers, fireman, police, etc.).

- June 8, 2023: **Lee County Departments**, Lee Commission Chambers
 - Public Safety/Emergency Management
 - Utilities
 - Solid Waste
 - Department of Transportation
 - Facilities Construction and Management
 - Parks and Recreation
 - Economic Development
 - Community Development
 - Natural Resources
 - Human and Veteran Services (Homeless Continuum of Care Lead Agency and Entitlement Entity)

Summary of Input Received: Departments provided lists of projects with remaining unmet needs. Nearly 80 projects were submitted, the majority being critical infrastructure and mitigation type projects. The estimated total project costs exceed \$1.5 billion. Department representatives asked questions regarding project eligibility, cross cutting requirements, and ensuring that information requested to understand unmet needs was submitted.

- June 8, 2023: **City of Sanibel**, Lee County Administrative Offices

Summary of Input Received: City representatives discussed various planning efforts, including main street development, park and ride/complete streets and

transportation initiatives, comprehensive land management, and broadband planning. The City discussed support for exploration of underground utility installation. The City identified the need for employee housing, mixed income and mixed-use developments, elevation of housing, and new housing development in partnership with the city's land trust organization. The city identified economic revitalization as a need to assist businesses with severe physical impacts resulting from the storm.

- June 8, 2023: **City of Cape Coral**, Lee County Administrative Offices

Summary of Input Received: City representatives provided an extensive list of unmet needs and potential projects for discussion.

Housing: The City highlighted the importance of providing critical assistance to its most vulnerable populations by repairing damaged homes, expanding access to affordable housing resources, and constructing new homes outside of the existing floodplain. Many homes have experienced damage due to significant surge in the floodplain where rebuilding is unsustainable.

Infrastructure and Public Facilities and Improvements: The City emphasized the need for Infrastructure funding to cover the local cost share of disaster grants from the Federal Emergency Management Agency (FEMA) and the Federal Highway Administration (FHWA) and for disaster-related standalone projects not covered by other grant sources.

Mitigation: The City expressed their need for mitigation measures to reduce the need for costly post-disaster repairs and bring the City up to appropriate building standards.

Economic Development and Revitalization: Building a strong economic base in areas of the city most impacted by Hurricane Ian will help increase the resiliency and the community's ability to withstand future disasters and create opportunities for low- and moderate-income workers.

Planning and Public Services: The City expressed interest in developing comprehensive recovery plans that address ongoing community needs related to housing, infrastructure, and economic development.

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Although the City of Cape Coral has demonstrated needs in each program category, during consultation they listed housing, planning, infrastructure/public facilities, and public services as their largest needs. The city expressed interest in Down Payment Assistance or Homebuyer Assistance programs, as well as creating opportunities for single-family homeownership. The City indicated they are planning to use state funding sources to support rehabilitation of housing units, as continued need exists. The city discussed public facility hardening as a priority, including the local domestic violence shelter and community services center.

- June 8, 2023: **Village of Estero**, Lee County Administrative Offices

Summary of Input Received: The Village of Estero provided a list of potential projects for discussion. Village representatives discussed potential planning projects for redevelopment and revitalization of the Olde Estero District. The Village discussed potential street improvement, septic to sewer conversion, and stormwater management projects. The Village also discussed the potential for several mixed income housing developments and voluntary residential buyouts.

- June 9, 2023: **Non-Profit Partners and Housing Authorities**, Lee County Administrative Offices

- City of Fort Myers Housing Authority
- Lee County Housing Authority
- SalusCare
- Affordable Homeownership Foundation
- The Center for Progress and Excellence
- Community Assisted and Supported Living
- Community Cooperative
- Center for Independent Living Gulf Coast
- Abuse Counseling and Treatment
- Centerstone
- Florida Rural Legal Services
- Catholic Charities Diocese of Venice
- Habitat for Humanity
- Goodwill of SWFL
- Boys and Girls Club
- Salvation Army
- Big Brothers Big Sisters

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- Lutheran Services
- Family Health Centers of SWFL
- All Hands and Hearts
- Area Agency on Aging
- Early Learning Coalition of SWFL
- Lee County Housing Development Corporation
- Hope Clubhouse
- Lee Health
- Sally J. Pimentel Deaf and Hard of Hearing Center
- Children’s Advocacy Center
- United Way
- FISH of San Cap
- The Heights Center
- Quality of Life Center

Summary of Input Received: Representatives from more than 30 non-profit partner organizations provided input regarding unmet needs resulting from Hurricane Ian. During consultation, representatives completed polls ranking the most disaster impacted critical lifelines from most severe to least severe. The results of the poll are below.

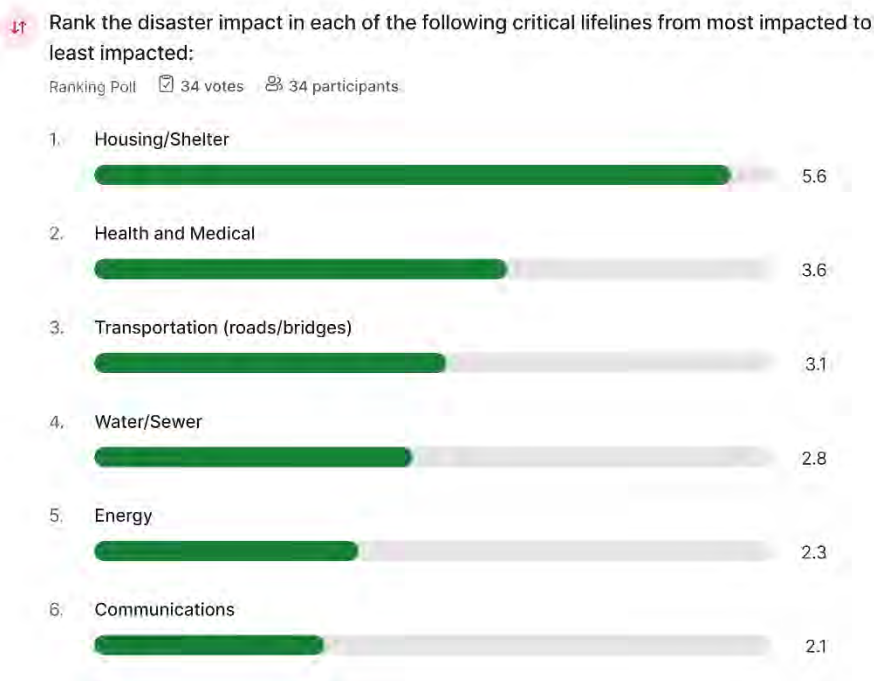


Figure 54– Non-profit and Housing Authority Consultation Poll Results

Following input received through the poll, the group discussed specific remaining unmet needs in each of the top three impacted lifelines. The group discussed affordable housing as a top priority need, emphasizing the importance of affordable housing for a sustainable workforce. The group emphasized the importance of housing counseling, foreclosure prevention, and assisting with damaged rental properties to ensure households can remain stably housed. Representatives from local nonprofit organizations emphasized the need for assistance to elderly homeowners, many of whom were uninsured or underinsured at the time of the storm. The group agreed that reconstruction and rehabilitation of homes should be done with mitigation and resiliency measures in mind. The group discussed exploring alternatives to reconstructing mobile homes on barrier islands and developing housing outside of flood prone areas. The group also suggested flood mitigation measures for housing units.

Access to health and medical services, specifically behavioral health, was the second priority for the group. Representatives from local children's services organizations shared that there have been significant increases in maltreatment of children, domestic violence, and behavioral health needs since the storm.

Access to transportation was a third priority for the group. Representatives indicated that many clients had lost cars in the disaster, and due to increasing car insurance rates, many have not been able to replace their cars. Transportation networks to and from the barrier islands were cited as a significant need.

- June 13, 2023: **City of Fort Myers**, Fort Myers City Hall

Summary of Input Received: City representatives discussed various potential project ideas. A top priority for the City of Fort Myers is water and sewer infrastructure, followed by support for the rehabilitation and expansion of their small business enterprise center. The City discussed the need for communications plans to traditionally marginalized groups, as well as direct outreach programs, including door-to-door campaigns, upon program launch. City representatives expressed support and need for housing rehabilitation and housing development projects.

Notification regarding consultation meetings was provided via direct email to stakeholders and municipality partners.

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Notification regarding public meetings was provided via press release, social media, website, email newsletter, and contacts with neighborhood organizations. Notices of meetings and public comment periods, as well as information regarding requesting language interpretation or accessibility accommodations were published in English and Spanish.

In addition to the activities above, Lee County has published this Action Plan on the CDBG-DR Recovery website here: <https://www.leegov.com/recovery/cdbg-dr> for a 30-day public comment period. Citizens were notified through press release, social media, website, email newsletter, and contacts with neighborhood organizations. Lee County will ensure that all citizens have equal access to information, including persons with disabilities (vision and hearing impaired) and limited English proficiency (LEP).

A summary of citizen comments on this Action Plan, along with Lee County responses, is in Appendix F of this document. For more information, citizens can refer to Lee County's Citizen Participation Plan that can be found at <https://www.leegov.com/recovery/cdbg-dr>.

c) Public Comment

The draft Action Plan was available on Lee County's website for public comment between August 1, 2023, and August 31, 2023. A Spanish language executive summary of the Action Plan was provided to ensure access for households who may have limited English proficiency. Public comment was accepted via online webform, email, or in-person during public hearings. A summary of all comments received, and the County's responses are attached in Appendix F.

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2. PUBLIC HEARINGS

Public meetings soliciting input regarding the use of CDBG-DR funds, and the draft Action Plan were held in-person at the following times and locations:

Date/Time	Location
August 2, 2023, 5:30 pm	City of Bonita Springs, City Hall 9101 Bonita Beach Road, Bonita Springs, FL 34135
August 3, 2023, 6:00 pm	Cape Coral City Council 1015 Cultural Park Blvd., Cape Coral, FL 33990
August 10, 2023, 5:30 pm	North Fort Myers Recreation Center 2000 N. Recreation Park Way, North Fort Myers, FL 33903
August 15, 2023, 5:00 pm	Town of Fort Myers Beach DiamondHead Beach Resort, 2000 Estero Blvd., Fort Myers Beach, FL 33931
August 16, 2023, 5:30 pm	Veterans Park 55 Homestead Rd., Lehigh Acres, FL 33936
August 22, 2023, 5:30 pm	The Heights Center 15570 Hagie Dr., Fort Myers, FL 33908
August 23, 2023, 5:30 pm	Fort Myers City Council, Stars Complex 2980 Edison Ave, Fort Myers, FL 33916
August 24, 2023, 5:30 pm	Pine Island Elementary School 5360 Ridgewood Dr., Bokeelia, FL 33922
August 31, 2023, 5:30 pm	City of Sanibel, Big Arts Center 900 Dunlop Rd, Sanibel, FL 33957

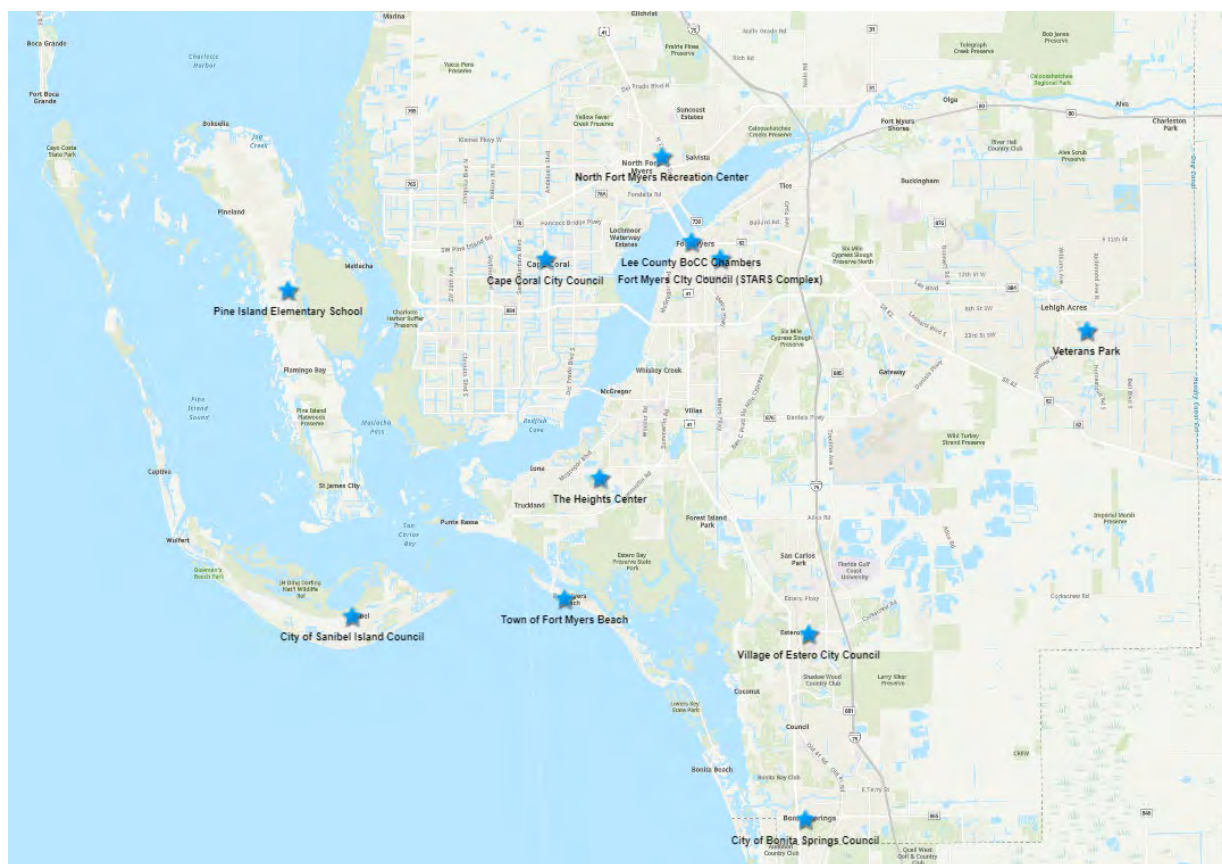


Figure 55 - Public Meeting Locations

Notification regarding all public meetings and the public comment period was distributed via press release, social media, website, email newsletter, and contacts with neighborhood organizations. A press release with the meeting schedule was published on July 24, 2023. Notification regarding the availability of translation services and ADA accommodations for all meetings was made available in English and Spanish within the press release. Several news outlets provided written and on-air coverage of the meeting schedule, and some media were present at meetings. The schedule of public meetings was distributed to local non-profit organizations through Lee County's Human Services Information Network, which provides regular information and updates to more than 500 non-profit and faith-based organizations. Social media posts were made on August 9, 2023, August 14, 2023, and August 21, 2023.

Approximately 196 residents and stakeholders were present at the public meetings. A basic overview of the CDBG-DR process and proposed programs was provided at each meeting, along with question-and-answer sessions, and opportunity for residents to provide input verbally, through written comment cards, or through online survey form. A summary of comments received at each meeting is provided below.

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a) City of Bonita Springs

City Council members asked several clarifying questions about the Long-Term Recovery Task Force and housing programs. Two members of the public spoke regarding commercial corridor revitalization programs. Inquiries were made about when applications for funding will be made available, and specific program guidelines, such as expected rental housing rates for CDBG-DR assisted projects.

b) Cape Coral City Council

Public and stakeholders presented questions regarding the development of affordable housing and assistance to individual homeowners.

c) North Fort Myers Recreation Center

Public and stakeholders presented questions regarding assistance to individual households, specifically those residing in mobile homes. Input was provided regarding the need for infrastructure, specifically roadway repairs, in North Fort Myers. Some attendees presented regarding the provision of assistance to small rental property owners, specifically regarding potential duplication of benefits and continued affordability of rent after assistance is provided.

d) Town of Fort Myers Beach

Attendees voiced the need for an economic revitalization program to be included within the draft Action Plan. Attendees also voiced support for housing assistance programs.

e) Lehigh Acres

Public present at the Lehigh Acres meeting asked questions related to individual housing, multi-family housing development, and infrastructure, and expressed particular interest mitigating the impacts of future storms through infrastructure projects.

f) Harlem Heights

Attendees at Harlem Heights presented concerns over income limits restricting access to assistance for households who may have income above 80 percent AMI. One attendee expressed concern over the proposed 5-year mortgage placed on homes assisted with CDBG-DR funds. General questions were presented regarding affordability of housing assisted with CDBG-DR funds, and methods to prevent fraud, waste, and abuse.

g) City of Fort Myers

Residents present voiced concerns about housing affordability and the quality of existing affordable housing stock within the County. Some attendees asked questions regarding the planned NOFA process, specifically requesting for NOFA applications and award information to be made available to the public. Questions regarding the availability of relocation assistance were

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presented, along with a brief discussion regarding the inclusion of economic development programs within the Action Plan.

h) Pine Island

Members of the public presented concerns regarding immediate housing need, including assistance for low-income households to make necessary repairs to their homes. Support for infrastructure improvements on the Island was voiced by many attendees. Representatives from the Greater Pine Island Water Association expressed concern regarding the application process for funds and provided a list of proposed projects to County staff.

i) City of Sanibel

Attendees voiced the need for an economic revitalization program to be included within the draft Action Plan. Others discussed the need for repairs to affordable housing units on the Island, as well as the new development of affordable housing units. One attendee asked about the mitigation and resiliency planning program, and efforts that are planned to ensure more resilient structures will be constructed using CDBG-DR funds.

3. COMPLAINTS

Lee County strives to help meet the needs of all beneficiaries and subrecipients while following the applicable federal, state and/or Lee County regulations and guidelines governing each program. However, there may be instances in which a subrecipient or beneficiary wishes to file a complaint. A complaint is defined as a written or verbal statement or grievance that a situation or behavior is unsatisfactory or unacceptable: (1) a Fair Housing or other discriminatory allegation; (2) an allegation of fraud, waste, or abuse; and/or (3) communication of dissatisfaction of a program and/or personnel. It is the policy of Lee County to provide a clear and fair process for beneficiaries and subrecipients to file a complaint regarding their service or appeal a decision regarding their case.

Beneficiaries or subrecipients have the right to discuss their concerns regarding the eligibility determination, delivery of service, staff actions and/or perceived violation of their rights in a constructive manner.

When appropriate, the County encourages applicants or subrecipients to try to resolve their concerns or disputes directly with a staff person before engaging in a grievance process. If those efforts do not resolve the issue, they may engage the formal complaint procedure. Concerns that are sensitive in nature where the applicant or subrecipient is afraid to address the issue directly with a staff person, should go directly to the Program Manager.

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Beneficiaries and subrecipients may express their concerns in writing to the email or mailing address below.

Strategic Resources and Government Affairs staff will investigate the complaint and provide a written response to the beneficiary or subrecipient within 15 working days after receipt of the complaint.

Complaints will be handled sensitively and fairly. A thorough review of any applicable program documentation and contractual agreements will be conducted, as well as careful implementation of policies and procedures, and clear and respectful methods of communication will be used to help prevent and resolve complaints.

The Lee Board of County Commissioners will hear complaints or grievances from the public regarding the development of the Action Plan as well as any substantial amendments to the Action Plan.

The public may submit complaints related to CDBG-DR funded activities through any of the following means:

- Via email at: recovery@leegov.com
- Online at: www.leegov.com/recovery/cdbg-dr
- Mailed to:
Lee County Government County Administration
c/o Strategic Resources and Government Affairs
PO Box 398
Fort Myers, FL 33902

The complaint will clearly state what the activity and associated program is, the nature of the complaint or grievance, and the name, address, and day and evening telephone numbers of the person filing the complaint. Upon receipt of a complaint, County staff will prepare a written substantive response to the complainant within 15 working days.

If necessary, complaints or grievances will be heard in a timely fashion by the Lee County Manager or Assistant County Manager.

The process for complaints regarding fraud, waste, or abuse of government funds can be found

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at www.leegov.com/recovery/cdbg-dr.

Complaints alleging violation of fair housing laws will be directed to HUD for immediate review. Complaints regarding fraud, waste, or abuse of funds will be forwarded to the HUD OIG Fraud Hotline (phone: 1-800-347-3735 or email: hotline@hudoig.com). Lee County will make available to HUD detailed Fraud, Waste, and Abuse Policies and Procedures on the Recovery website located at: www.leegov.com/recovery/cdbg-dr to demonstrate adequate procedures are in place to prevent fraud, waste, and abuse.

Appeals

An appeal is a written dispute requesting a reversal or revision of a determination that affects eligibility and/or assistance. Appealable decisions may include determinations of eligibility, award amount, inspection results, and funding requirements.

Policies that have been approved and incorporated by a program, statutory and regulatory requirements/guidelines, may not be appealed. Lee County will implement appeals processes for beneficiaries and subrecipients related to program eligibility and program application process. Details of the point of contact and procedure for submitting the appeal will be detailed in the appropriate program policies and procedures.

B. PUBLIC WEBSITE

Lee County will maintain a public website that provides information accounting for how all grant funds are used, managed, and administered, including links to all disaster recovery Action Plans, Action Plan amendments, program policies and procedures, performance reports, citizen participation requirements, activity and program information described in this plan, and details of all contracts and ongoing procurement processes.

These items are made available through <http://www.leegov.com/recovery/cdbg-dr>. Specifically, Lee County will make the following items available: the Action Plan created using Disaster Recovery Grant Reporting (DRGR) system (including all amendments); each Quarterly Performance Report (as created using the DRGR system); citizen participation plan; procurement policies and procedures; all executed contracts that will be paid with CDBG-DR funds as defined in 2 CFR 200.22 (including subrecipients' contracts); and a summary including the description and status of services or goods currently being procured by the grantee or the subrecipient (e.g., phase of the procurement, requirements for proposals, etc.). Contracts and procurement actions that do not exceed the micro-purchase threshold, as defined in 2 CFR 200.67, are not required to be posted to a grantee's website.

In addition, Lee County will maintain a comprehensive website regarding all disaster recovery activities assisted with these funds. The website will be updated in a timely manner to reflect the most up to date information about the use of funds and any changes in policies and procedures, as necessary. At a minimum, updates will be made quarterly.

The website is navigable by all interested parties from the Lee County homepage and links to the disaster recovery website. All materials are published in a form accessible to persons with disabilities and LEP individuals. All websites and documents are translated in accordance with Lee County Limited English Proficiency Policy and Plan

([https://www.leegov.com/civilrights/Documents/FY23-24 Lee TitleVI Nondiscrimination%20%20LEP%20Plan%20061223.pdf](https://www.leegov.com/civilrights/Documents/FY23-24%20Lee%20TitleVI%20Nondiscrimination%20%20LEP%20Plan%20061223.pdf)), and Lee County's Language Access Plan. The website is able to be translated to a variety of languages, including Spanish, using one-click translation at the top of each page.

The website is maintained in a manner that is accessible to persons with disabilities, in accordance with 24 CFR 8.6, and Lee County's ADA policies outlined here: <https://www.leegov.com/ada>. These documents are made available on the County's official disaster recovery website, <https://www.leegov.com/recovery/cdbg-dr> to ensure the public knows how all funds are used and administered.

The CDBG-DR section of the recovery website is updated at least quarterly by the Office of Strategic Resources and Government Affairs or by the Lee County Community Engagement department in accordance with the requirements of the federal register and the Lee County Website Standards Guidebook.

C. AMENDMENTS

Over time, recovery needs will change. Thus, Lee County will amend the disaster recovery Action Plan as often as necessary to best address its long-term recovery needs and goals. This plan describes proposed programs and activities. As programs and activities develop over time, an amendment may not be triggered if the program or activity is consistent with the descriptions provided in this plan.

Amendments will clearly identify the changes including what content is being added, deleted, or changed, and will include a chart or table that clearly illustrates where funds are coming from and to where they are being moved. Further, any changes resulting in a budget amendment will include a revised budget allocation table that reflects the entirety of all funds.

1. SUBSTANTIAL AMENDMENTS

A substantial amendment to the CDBG-DR Action Plan is defined as follows:

- a. A change in program benefit or eligibility criteria;
- b. The addition or deletion of an activity;
- c. The allocation or reallocation of funds which exceeds or is expected to exceed 5 percent of the current total approved budget;
- d. A material change occurs. A material change is a change in circumstances within Lee County that affects the information on which the Action Plan is based to the extent that the analysis or the priorities and goals of the Action Plan no longer reflect actual circumstances. Examples include Presidentially declared disasters, under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), that are of such a nature as to significantly impact the anticipated beneficiaries; project or activity scope; significant demographic changes; new significant contributing factors or unmet needs in the jurisdiction; and/or
- e. Upon HUD's written notification specifying a material change that requires the revision.

Substantial amendments are subject to the citizen participation process. Therefore, a public notice of the proposed substantial amendment will be issued and will allow for a 30-day public comment period. When Lee County pursues the substantial amendment process, the amendment will be posted at <https://www.leegov.com/recovery/cdbg-dr> for a 30-day public comment period. The amendment will be posted in adherence with ADA and LEP requirements. Lee County will review and respond to all public comments received and submit to HUD for approval.

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Notice of the amendments will be posted on the Lee County CDBG-DR website, which is accessible through any internet connection, including those at public libraries. Comments or views received orally or in writing will be considered in preparing the substantial amendment. A summary of the comments or views and Lee County's responses will be included with the final substantial amendment to the CDBG-DR Action Plan.

2. NON- SUBSTANTIAL AMENDMENTS

Non-Substantial Amendments include technical corrections and clarifications and budget changes that do not meet the monetary threshold for substantial amendments to the plan and does not require posting for public comment Lee County will notify HUD five (5) business days before the change is effective.

Every amendment, substantial or not, is numbered sequentially and posted on the website into one final, consolidated plan.

D. DISPLACEMENT OF PERSONS AND OTHER ENTITIES

To minimize the displacement of persons and other entities that may be affected by the activities outlined in this Action Plan, Lee County will coordinate with all subrecipients, implementation vendors, and Lee County departments to minimize displacement. Should any proposed projects or activities cause the displacement of people, the County will adopt a Residential Anti-Displacement Relocation Assistance Plan (RARAP) policy to ensure the requirements of Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (URA), as amended, are met.

Lee County will plan and implement programs that minimize, whenever possible, the displacement of individuals and families. To lessen the adverse impacts of any displacement that may occur Lee County will provide relocation activities as described in 24 CFR 42, 24 CFR 570.606, and 49 CFR 24.2(d)(1) through (6). Lee County will ensure the requirements of Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (URA), as amended are met through adoption of a RARAP.

The County has budgeted for temporary and permanent voluntary relocation activities within the Individual Housing, Rehabilitation, Reconstruction and Elevation and Voluntary Residential Buyout Programs described in this plan. The RARAP will describe specific relocation activity budget caps for relocation activities for any CDBG-DR funded programs that displace either homeowners or tenants.

Lee County plans to minimize displacement of persons or entities and assist persons or entities displaced because of implementation of a project utilizing CDBG-DR funds. Neither the RARAP policies nor the provisions outlined in this plan are intended to limit the ability of the County or any subrecipients from conducting buyouts or acquisitions for destroyed or extensively damaged units or units in a floodplain. All buyout programs undertaken in Lee County are voluntary, and Lee County will not use eminent domain for any CDBG-DR related activity.

D. DISPLACEMENT OF PERSONS AND OTHER ENTITIES

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Lee County will plan and implement programs that minimize, whenever possible, the displacement of individuals and families. To lessen the adverse impacts of any displacement that may occur Lee County will provide relocation activities as described in 24 CFR 42, 24 CFR 570.606, and 49 CFR 24.2(d)(1) through (6). Lee County will ensure the requirements of Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (URA), as amended are met through adoption of **a separate RARAP for CDBG-DR purposes, to include applicable waivers and alternative requirements identified in FR-6368-N-01.**

The County has budgeted for temporary and permanent voluntary relocation activities within the Individual Housing, Rehabilitation, Reconstruction and Elevation and Voluntary Residential Buyout Programs described in this plan. The **CDBG-DR specific** RARAP will describe specific relocation activity budget caps for relocation activities for any CDBG-DR funded programs that displace either homeowners or tenants.

Lee County plans to minimize displacement of persons or entities and assist persons or entities displaced because of implementation of a project utilizing CDBG-DR funds. Neither the **CDBG-DR** RARAP policies nor the provisions outlined in this plan are intended to limit the ability of the County or any subrecipients from conducting buyouts or acquisitions for destroyed or extensively damaged units or units in a floodplain. All buyout programs undertaken in Lee County are voluntary, and Lee County will not use eminent domain for any CDBG-DR related activity.

E. PROTECTION OF PEOPLE AND PROPERTY

Lee County and its political subdivisions are responsible for the preservation of life, property, and the environment during times of disaster. Many of the projects and activities outlined within this plan align with the [Joint Local Mitigation Strategy](#), which forms the foundation for minimizing the risks posed to life and the built and natural environments through the implementation of short- and long-term mitigation strategies. In conjunction with prevention, protection, preparedness, response, and recovery efforts, the strategy builds resiliency into the communities that make up Lee County and its political subdivisions. See Section III.E. for more information regarding Lee County's Preparedness, Mitigation and Resiliency efforts.

Lee County intends to promote high quality, durable, energy-efficient, sustainable, and mold-resistant construction methods in areas impacted by the disaster. All new construction, rehabilitation, and reconstruction must meet all local and state building codes, standards, and ordinances. Future property damage will be minimized by requiring that any rebuilding is done according to the best available science for that area with respect to base flood elevations. Details related to specific categories, construction standards, and mitigative requirements will be provided in the program policies and procedures. See Section III.E.3. for additional information regarding construction standards.

1. ELEVATION STANDARDS

To ensure future flood resistance and the safety of local residents and visitors, Lee County will ensure that contractors and subrecipients comply with elevation standards established by FEMA and its National Flood Insurance Program (NFIP) defined at 44 CFR 59.1, Insurance and Hazard Mitigation, and 24 CFR 55.2(b)(10). All programs for new construction and repair of substantially damaged or substantially improved structures will meet these guidelines:

- For new construction, repair of substantially damaged, or substantial improvement structures principally for **residential use** and located in the 1 percent annual (or 100-year) floodplain must be elevated with the lowest floor, including the basement, at least two feet above the 1 percent annual floodplain elevation.
- **Mixed-use structures with no dwelling units and no residents** must be elevated or floodproofed up to at least two feet above the FEMA-designated base flood elevation.
- **Structures in the 500-year floodplain** must be elevated at least three feet above the 100-year floodplain. FEMA Flood Insurance Rate Maps (FIRMs) for Lee County, which were updated effective Nov. 17, 2022, to incorporate advanced wave and surge modeling,

include designated 0.2 percent chance (500-year) floodplains with specified base flood elevations. If any exceed three feet above the 100-year floodplain, the higher standard will be used.

- **Nonresidential structures, including infrastructure**, assisted with CDBG-DR funds must be elevated to the standards described in this paragraph or floodproofed, in accordance with FEMA floodproofing standards at 44 CFR 60.3(c)(3)(ii) or successor standard, up to at least two feet above the 100-year (or one percent annual chance) floodplain. All Critical Actions, as defined at 24 CFR 55.2(b)(3), within the 500-year (or 0.2 percent annual chance) floodplain must be elevated or floodproofed (in accordance with FEMA floodproofing standards at 44 CFR 60.3(c)(2)– (3) or successor standard) to the higher of the 500-year floodplain elevation or three feet above the 100-year floodplain elevation. If the 500-year floodplain or elevation is unavailable, and the Critical Action is in the 100-year floodplain, then the structure must be elevated or floodproofed at least three feet above the 100-year floodplain elevation. Activities subject to elevation requirements must comply with applicable federal accessibility mandates.

Through local flood hazard ordinances, the Lee County Board of County Commissioners (Ord. 22-30) and all local jurisdictions adopt compliance to FEMA and NFIP elevation standards into their land development codes. These ordinances also comply with the Florida Building Code that incorporates the standards of the NFIP and ASCE 24-14, Flood Resistant Design and Construction.

All Lee County jurisdictions participate in the NFIP and are subject to annual compliance reviews of elevation certificates and site visits on three-to-five-year cycles. Unincorporated Lee County, the Cities of Bonita Springs, Cape Coral, and Sanibel, and the Town of Fort Myers Beach have Class 5 ratings and are subject to cycle visits every three years. The Village of Estero is Class 6, and the city of Fort Myers is Class 9; both are subject to visits every five years. All communities have experience and capacity to meet NFIP elevation requirements and have proven compliance in maintaining elevation certificate records. Elevation compliance reviews will be conducted as part of the routine issuing of building permits for all projects. Lee County will ensure that all work funded by CDBG-DR is properly permitted and inspected.

Note that basement construction is rare in Lee County; stem wall and slab-on-grade construction prevails in the A Zones and construction on piers prevails in the V and Coastal A zones.

Currently, property owners have applied privately for elevation permits for post-Hurricane Irma repair. Analysis of permits in Unincorporated Lee County and in Sanibel yielded an estimated average of \$145 per horizontal square foot. For the FEMA-funded Hazard Mitigation Grant

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Program, Lee County consultants independently estimated the county-wide elevation cost as \$158 per square foot of the horizontal footprint and additionally evaluated that this amount met FEMA benefit/cost analysis standards for HMGP eligibility. Lee County will use the conservative estimate of \$160 per horizontal square foot in forecasting the cost of elevations.

The continual validation of HUD-funded and privately funded local elevation projects will help ensure that Lee County meets HUD guidelines for determining reasonable cost, including:

- The cost is recognized as ordinary and necessary for the operation of the project.
- The cost favorably compares to market prices for comparable goods or services as evidenced by cost estimates and documentation.
- The individuals responsible for incurring the cost acted with prudence and for the benefit of the organization and its activities.
- The cost has been incurred after following the established practices of the organization, in accordance with the terms and conditions of the award.

Elevation projects will be selected to optimize cost benefits of reducing federal, state, and local expenses for repetitive loss properties; implementing hazard mitigation and resiliency best practices; and protecting the economic and social benefits of preserving housing units and neighborhood culture for low-and-moderate income households and communities for persons 55 and older.

2. FLOOD INSURANCE STANDARDS

In addition to complying with all general federal flood insurance requirements, HUD-assisted property owners must comply with provisions specifically tied to receiving disaster response assistance. Section 102(a) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4106), requires that recipients of financial assistance maintain flood insurance. Lee County will ensure that property owners in a Special Flood Hazard Area obtain and maintain flood insurance in the amount and duration prescribed by FEMA's National Flood Insurance Program (NFIP) regardless of whether there is a federally backed mortgage on the property.

Lee County will not provide disaster assistance for the repair, replacement, or restoration of a property to a person who failed to obtain and maintain flood insurance required as a condition for previous receipt of federal flood disaster assistance in accordance with the National Flood Insurance Reform Act of 1994.

For CDBG-DR properties located outside the SFHA, HUD cannot mandate that flood insurance be purchased and maintained, but Lee County will encourage subrecipients and property owners to follow the best practice. Encouraging local property owners to get flood insurance is a best practice supported by annual messaging in the Lee County Multijurisdictional Program for Public Information, an NFIP Community Rating System program, adopted by all local governments in Lee County.

In addition, Lee County will monitor compliance with flood insurance standards listed at 24 CFR 58.6 to ensure that:

- Flood insurance is provided through the National Flood Insurance Program (NFIP).
- Properties within Lee County's Coastal Barrier Resources Act areas, as amended by the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3501), may not receive HUD assistance.
- Property owners, sellers, and buyers are notified if the property is in a Runway Clear Zone or Clear Zone as defined in 24 CFR part 51 and are informed that the property may later be acquired by the airport operator. The buyer must sign a statement acknowledging receipt of this information.

When a homeowner located in the floodplain allows their flood insurance policy to lapse, it is assumed that the homeowner is unable to afford insurance and/or is accepting responsibility for future flood damage to the home. Higher income homeowners who reside in a floodplain, but who failed to secure or decided to not maintain their flood insurance, should not be assisted at the expense of lower income households. To ensure that adequate recovery resources are available to assist lower income homeowners who reside in a floodplain but who are unlikely to be able to afford flood insurance, HUD has established that CDBG-DR funds are prohibited from providing CDBG-DR assistance for the rehabilitation or reconstruction of a house in a floodplain, if:

- The combined household income is greater than either 120 percent of AMI or the national median;
- The property was in a floodplain at the time of the disaster; and
- The property owner did not obtain flood insurance on the damaged property, even when the property owner was not required to obtain and maintain such insurance.

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To ensure adequate recovery resources are available to LMI homeowners who reside in a floodplain but who are unlikely to be able to afford flood insurance may receive CDBG-DR assistance if:

- The homeowner had flood insurance at the time of the qualifying disaster and still has unmet recovery needs, or
- The household earns less than 120% AMI or the national median and has unmet recovery needs.

3. CONSTRUCTION STANDARDS

Lee County emphasizes proper assessment of damage and classification of the recovery solution to ensure use of high-quality, durable, sustainable, and energy efficient construction methods and materials. Local government has the responsibility for enforcement, interpretation, and regulation and the County will require quality and code compliance inspections on all projects. The County will require construction standards set by the International Code Council (I-Code) from which Florida's Building Code and Lee County's Land Development Code are based. FORTIFIED²⁰² standards may be used for residential construction and rehabilitation projects so long as materials and labor are cost-effective for the project type.

All rehabilitation, reconstruction, or new construction must meet an industry-recognized standard as outlined in Consolidated Notices II.B.2.a. Depending on the recovery program and activity, the specific standard that meets the program need will be defined in the project file and the policies and procedure for the specific response. LEED²⁰³ or Florida Green²⁰⁴ certified will be the preferred standard for commercial office buildings and multifamily residential buildings while ICC 700 National Green Building Standards or Florida Green²⁰⁵ will be the preferred standard for single-family residential construction, development, and renovation.

For rehabilitation of non-substantially damaged residential buildings, Lee County will follow the guidelines to the extent applicable to the building type being retrofitted, as specified in the HUD CPD Green Building Retrofit Checklist. When older or obsolete products are replaced as part of rehabilitation work, the project is required to use the materials and equipment specified in the checklist (e.g., Energy Star-qualified, Water Sense-labeled, or Federal Energy Management Program (FEMP)-designed products and appliances).

²⁰² <https://fortifiedhome.org/>

²⁰³ <https://www.usgbc.org/guide-LEED-certification>

²⁰⁴ <https://floridagreenbuilding.org/certification/>

²⁰⁵ <https://floridagreenbuilding.org/certification/>

For infrastructure projects, Lee County will encourage, to the extent practicable, implementation of sustainable planning, and design methods that promote adaptation and resilience.

All projects and activities must comply with Lee County regulations that are consistent with, or more stringent than, the flood resistant construction requirements in the Florida Building Code and applicable floodplain management regulations set forth in 44 C.F.R. Part 60.

Lee County will incorporate mitigation measures for all construction activities as described in Consolidated Notice II.A.2.b. Resilience performance metrics, as described in Consolidated Notice II.A.2.c will be established for new constructions, reconstructions, or residential and non-residential rehabilitations. The standard will show an estimate of the projected risk to the completed activity from natural hazards, identification of the mitigation measures that will address the projected risks, and an assessment of the benefit of the grantee's measures through verifiable data. Contractor compliance with Florida's adopted IBC and IRC ensures compliance with FEMA's hazard-resistant building code (2018 or later IBC and IRC) that is consistent with National Flood Insurance Program, and incorporates best practices identified in post-disaster investigations.

a) COST CONTROLS

All projects will be subject to cost reasonableness standards as outlined in the policies and procedures of the program specific to the applicable activity. Per 2 CFR 200.404, "A cost is reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost." Lee County will evaluate the estimated costs of all projects prior to final award and aim to ensure limited change orders, whenever possible. Costs will be evaluated based on the following:

- The cost is recognized as ordinary and necessary for the project.
- The cost is in accordance with market prices for comparable goods or services as evidenced by cost estimates and documentation.
- The individuals responsible for incurring the cost acted with prudence and for the benefit of the organization and its activities.
- The cost has been incurred after following the established practices of the organization, in accordance with the terms and conditions of the award.²⁰⁶

²⁰⁶ <https://www.hudexchange.info/programs/multifamily-housing/financial-management-toolkit/9-basics-of-cost-allocation/9b-reasonable-costs/>

4. CONTRACTOR STANDARDS

Recovery programs implemented by Lee County will incorporate uniform best practices of construction standards for all construction contractors performing work in all relevant jurisdictions. The contractors will be provided descriptions of the required construction standards based on the program and projects as outlined in the policy and procedures. Construction contractors must carry required licenses and insurance coverage(s) for all work performed. Contractors will be required to provide a warranty period of at least 12 months for all work performed. Contractor standards will be enumerated for each program in respective policies and procedures documents and will pertain to the scale and type of work being performed, including the controls for assuring that construction costs are reasonable and consistent with market costs at the time and place of construction.

Lee County will ensure that procurement for all construction contractors is undertaken in accordance with 2 CFR 200. Implementation vendors will be required to provide bid documentation to demonstrate the fair and open competitive application process when requesting reimbursement for construction related costs. Lee County and its implementation vendors will manage the construction process for the rehabilitation or reconstruction of damaged homes on behalf of homeowners, including regular inspections to prevent contractor fraud, poor quality work, and associated issues.

Lee County promotes high quality, durable, and energy efficient construction methods. All construction contractors must ensure that their work meets all locally adopted building codes, standards, and ordinances as evidenced by final certificate of occupancy in addition to meeting the Florida Building Code. In cases of conflicting standards, the more restrictive and higher standard will prevail. Future property damage will be minimized by incorporating resilience standards through requiring that any rebuilding be done according to the best available science for that area with respect to base flood elevations and the incorporation of at least one HUD approved construction standard outlined in Consolidated Notice II.B.2.a. through II.B.2.d.

Rehabilitation and new construction contract work provided through the Lee County CDBG-DR program described in this Action Plan may be appealed by property owners (as applicable) whose property was repaired or replaced by contractors under the control of Lee County or one of its implementation contractors. Appeals must comply with the policies and procedures of the specific program under which the property was rehabilitated. Additional appeals information is contained in the “Complaints” section of this Action Plan. Beneficiaries will be provided a mechanism to respond to contractor fraud, poor quality work, and associated issues.

a) SECTION 3 COMPLIANCE

Contractors selected by Lee County to perform work under CDBG-DR will make every effort to provide opportunities to low and very-low-income persons by providing resources and information to notify Section 3 individuals and businesses of opportunities in the community.

Lee County's Section 3 Plan outlines how Lee County and its subrecipients, contractors, and subcontractors will comply with HUD's Section 3 requirements in implementing all of Lee County's HUD funded programs. Lee County will, to the greatest extent feasible, ensure that employment and other economic opportunities are directed to low- and very low-income persons (Section 3 workers and Targeted Section 3 workers) and to eligible businesses (Section 3 Businesses) and requires the same of its contractors.

Contractors and subcontractors should make best efforts to provide employment and training opportunities to Section 3 workers within Lee County in the priority order listed below:

1. Section 3 workers residing within the service area or the neighborhood of the project; and
2. Participants in YouthBuild programs.

Contractors and subcontractors must make their best efforts to award contracts and subcontracts to business concerns that provide economic opportunities to Section 3 workers in the following order or priority:

1. Business concerns that provide economic opportunities to Section 3 workers residing within the metropolitan area (or non-metropolitan county) where assistance is available, in the following order of priority (where feasible):
 - a. Section 3 business concerns that provide economic opportunities to Section 3 workers residing within the service area or the neighborhood of the project; and
 - b. YouthBuild programs.

Contractors and subcontractors will be required to certify that they will and have made best efforts to follow the prioritization requirements prior to beginning work and after work is completed.

To assist contractors with meeting or exceeding the Section 3 goals, Lee County will do the following:

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1. Maintain a local Section 3 worker/Targeted Section 3 worker database and provide the contractor with a list of interested and qualified Section 3 workers and Targeted Section 3 workers and contact information. (<https://www.hacfm.org/doing-business/section-3/>)
2. Share the County's Section 3 Plan with contractors and subcontractors and explain policies and procedures.
3. Encourage contractors wishing to submit a bid/offer/proposal to attend a pre-bid/proposal meeting.
4. Require contractor to sign the Section 3 Plan.
5. Review Section 3 benchmarks and prioritization of effort with contractors and subcontractors to ensure that the goals are understood. It is not intended for contractors and subcontractors to terminate existing employees, but to make every effort feasible to meet Section 3 benchmark goals by utilizing existing qualified workforce and by considering qualified eligible Section 3 workers and Targeted Section 3 workers (per the prioritization of effort outlined in Section 3) before any other person, when hiring additional employees is needed to complete proposed work to be performed with HUD Funded Projects.
6. At the time of bid, require the contractor to present a list, of the number of total labor hours, Section 3 worker labor hours, and Targeted Section 3 worker labor hours expected to be generated from the initial contract and a list of projected number of available positions, to include job descriptions and wage rates.
7. Inform contractors about the HUD Section 3 Opportunity Portal <https://hudapps.hud.gov/OpportunityPortal/>
8. Require contractors to notify Section 3 Coordinator of their interests regarding employment of Section 3 workers prior to hiring.
9. Encourage local businesses to register on the HUD Business Registry and direct contractors to the HUD Section 3 Business Registry <https://www.hud.gov/section3businessregistry>
10. Leverage Lee County 's communication outlets (social media, website, etc.) to effectively communicate employment and contracting opportunities that arise.
11. Require contractors to submit a list of core employees (including administrative, clerical, planning and other positions pertinent to the construction trades) at the time of contract award.

Lee County will report Section 3 accomplishments in the Disaster Recovery Grant Reporting (DRGR) system.

5. PREPAREDNESS, MITIGATION, AND RESILIENCY

Resilience is defined as a community's ability to minimize damage and recover quickly from extreme events and changing conditions, including natural hazard risks. Whenever possible, Lee County will leverage CDBG-DR funds with other federal and state sources to reduce long-term vulnerabilities through the mitigation projects and activities outlined within this plan. These mitigation projects and activities are designed to increase resilience to future disasters and will reduce or eliminate the long-term risk of loss of life, injury, damage to and loss of property, and suffering and hardship.”²⁰⁷

To develop these mitigation and resiliency projects and activities, Lee County focused on the following goals, as outlined in the [Local Mitigation Strategy](#):

- Preventative activities that focus on reducing the risk to people, property, and the environment from identified hazards.
- Property protection activities to reduce or avert property damage on a building-by-building or parcel basis.
- Natural resource protection activities to preserve or maintain natural areas.
- Emergency services measures or activities, taken during any disaster incident caused by a hazard, which reduces the hazard’s impact.
- Structural projects that minimize or wholly reduce a hazard’s impact.
- Public information activities that advise property owners, potential property owners, and visitors about hazards and ways to protect people and property.
- Pre- and post-disaster redevelopment and mitigation policies and procedures designed to reduce or avert potential for risks from future hazards.

a) PROTECTING PEOPLE AND PROPERTY FROM HARM

At the operations level, tasks related to protecting people and property are coordinated by the Department of Public Safety’s Division of Emergency Management. Primary guidance documents and standard operating procedures include:

²⁰⁷ https://www.hud.gov/sites/dfiles/CPD/documents/CDBG-DR_Mitigation_Set-Aside.pdf

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- [Comprehensive Emergency Management Plan](#)²⁰⁸ (CEMP) – this is the operational guide in preparing for, responding to, and recovering from those natural and man-made hazards that require emergency actions by Lee County.
- [Hazard Identification and Risk Assessment](#)²⁰⁹ (HIRA) – this document provides the foundation for prevention, preparedness, response, recovery, and mitigation activities.
- [Joint Local Mitigation Strategy](#)²¹⁰ (LMS) – this document includes maintenance and implementation of a Mitigation Action Plan and a Mitigation Project List. The LMS is the mechanism that the Disaster Advisory Council (DAC) utilizes to rank and recommend projects that use Hazard Mitigation Grant Program funds.
- Disaster Recovery Plan (DRP) – this document, when used in conjunction with the Joint Local Mitigation Strategy, addresses community vulnerabilities and resiliencies.
- Continuity of Operations Plans – these plans are created and maintained for County departments to ensure continued government services and response operations during times of significant disruption, such as the loss of government facilities or staff.

The County coordinates with community partners to maintain and improve the County's Community Rating System (CRS) score, which is part of the National Flood Insurance Program. As part of its NFIP membership, all local governments within Lee County approve a joint Multijurisdictional Program for Public Information (PPI) for annual outreach and marketing about flood risk and resiliency. Target audiences for this annual messaging are property owners and tenants in repetitive loss areas, permit applicants, the media, and the general public.

Independent of the PPI, Lee County collaborates with local news media, educational institutions, public service groups, and other agencies to deliver education and information programs describing the risks of natural and man-made hazards and actions necessary to mitigate potential damages from such hazards. The County manages several public warning notification and alert programs, including: LeeAlert, EAS, IPAWS and Wireless Emergency Alerts, www.LeeEOC.com, social media, and the LeePrepares App to distribute information and warnings related to disasters.

²⁰⁸ Lee County's Comprehensive Emergency Management Plan

https://www.leegov.com/publicsafety/Documents/Emergency%20Management/LeeCountyAPPROVED_2019CEMPRedacted.pdf

²⁰⁹ Lee County's Hazard Identification and Risk Assessment

<https://www.leegov.com/publicsafety/Documents/Emergency%20Management/2022%20Hazard%20Identification%20and%20Risk%20Assessment.pdf>

²¹⁰ Lee County's Local Mitigation Strategy

<https://www.leegov.com/publicsafety/Documents/Emergency%20Management/Joint%20Local%20Mitigation%20Strategy%20-%202022.03.pdf>

Lee County has a robust emergency transportation plan in coordination with Lee County's Transit Department, Lee Tran. This transportation plan creates bus routes that span the County and provide transportation for residents to public shelters in the event of an emergency. Residents may sign up ahead of time to access this program for direct pickup or may ride any of the buses for free to take them to a public shelter. Focus is placed on LMI and underserved communities to ensure they have the means of transportation to make it to a shelter.

To protect special needs and vulnerable populations, the County conducts regular reviews of Lee County healthcare facility emergency management plans and develops and maintains a Special Needs Registry in conjunction with the State of Florida Department of Health (FDOH). This registry is statutorily required and allows FDOH and Public Safety to assist individuals with special needs during an emergency.

During emergency events, the County coordinates and cooperates with the FDOH and the Lee County School District to plan for and operate one or more special needs shelters and multiple general population shelters, as needed. A citizen information hotline allows residents to dial 211 and speak to a representative that can provide critical and up-to-date information on an emergency and the response efforts undertaken.

The County also spearheads volunteer and donations programs that include coordination with nonprofit organizations and faith-based organizations.

Emergency Preparedness requires the cooperation of many different multijurisdictional agencies in preparation for and during an emergency. The Public Safety and Emergency Management teams provide regular outreach, training, and resources to the community to provide awareness to threats and resources for community preparedness. Examples include:

- Publication of the All-Hazards Guide, which provides resources and information on the hazards that face the community and how to prepare for and mitigate them. This Guide is available online and in print in English, Spanish, and Haitian Creole and for distribution during Hurricane Season utilizes a variety of media-based and private outreach programs.
- Family Emergency Plan – A plan that should be implemented by every household to prepare their family with the resources and information they need to prepare for a hurricane or other hazard.

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- Information on evacuation zones so that if an evacuation is called for a particular zone, the residents will know which zone they are and whether they have been called for evacuation.
- Hurricane Preparedness Videos – videos put together by the Emergency Management team to provide useful information for residents to prepare for and respond to a hurricane.

Lee County's Comprehensive Plan, the Lee Plan, establishes objectives and policies to help prevent and mitigate threats from natural disasters by reducing their potential impact on future development and responding efficiently to disasters and hazards after the fact. This particularly includes Section 6: Conservation and Coastal Management, which complies with Florida statutory requirements (F.S. 163.3178) to avoid irreversible and irretrievable loss of coastal zone resources. See details in Section W: Land Use.

b) MITIGATION CONSTRUCTION STANDARDS

Lee County will support high quality, durable, energy efficient, sustainable, and mold resistant construction through the design of standard bid specifications for housing projects. For both housing and infrastructure projects, each bid specification will incorporate best practices for ensuring sustainability. See Section III.E.3. Construction Standards for additional information regarding the Florida Building Code and Lee County's Land Development Code.

Regarding resiliency, climate-related risks including sea level rise, high winds, storm surge, and flooding, Lee County complies with Resilient Florida requirements as outlined in F.S. 380.093 and subsequent rulemaking of the Florida Department of Environmental Protection. Lee County is conducting the state-recommended countywide assessment of risk to critical assets from flooding that results from increases in frequency and duration of rainfall events, storm surge from more frequent and severe weather systems, and sea level rise. Transportation assets, potable water and wastewater systems, debris management systems, electricity production and supply systems, communication facilities, and critical community services and emergency response facilities are among the critical assets being assessed.

Results of this assessment are expected in the summer of 2025 and with emerging rulemaking by DEP may influence construction standards for CDBG-DR projects.

c) LAND USE

Lee County and its political subdivisions make use of building codes and land use ordinances to incorporate mitigation into the built and natural environments. These entities also participate in local and regional planning and engineering projects to study natural phenomena (such as water flow) and its interaction with people, economics, and the built environment. Recommendations

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for additional or revised codes and ordinances come from these efforts, as do proposals and designs for mitigation projects.²¹¹

Lee County's Comprehensive Plan, the [Lee Plan](#), outlines the County's land-use decisions that focus on mitigation of future natural hazard risks, including climate-related risks, and removing people and property from harm's way; and increasing awareness of the hazards in their communities (including underserved communities) through outreach. Lee County's land development regulations aim to reduce the vulnerability of development from the threats of natural and manmade hazards. (Ord. No. [94-30](#), [00-22](#), [07-12](#), [16-07](#), [18-28](#)). Lee County requires additional setbacks in critical erosion areas, conservation and enhancement of dunes and vegetation, flood proofing of utilities, structural wind resistance, and floodplain management. (Ord. No. [18-28](#))²¹²

Lee County's Emergency Management personnel participate in reviews of Community Development Orders in Lee County to ensure residential and healthcare development account for tropical cyclones and sheltering needs and considerations, which includes providing analyses of estimated storm surge in areas considered for development and reviewing emergency preparedness plans.

d) RECOVERY PLANNING

Lee County's Comprehensive Emergency Management Plan (CEMP) and Long-Term Recovery Plan outline how Lee County transitions from emergency response to short-term and long-term recovery planning. These documents consider sound, sustainable long-term recovery planning informed by a post-disaster, multijurisdictional evaluation of the hazard. Lee County's Division of Emergency Management coordinates the adaptable Local Mitigation Strategy approved by the Disaster Advisory Council (DAC). All local governments, tax-supported agencies, private utility services, and non-profit groups integral to emergency response and recovery are represented on the DAC. The Florida Department of Emergency Management (FDEM) oversees the DAC process for approving the LMS and its post-disaster project list, an important requirement for Lee County's receipt of FEMA Hazard Mitigation Grant funding.

All uses of CDBG-DR funds as envisioned in this Action Plan and implemented in its activities will comply with these local and state initiatives for recovery planning.

Specific to Hurricane Ian recovery, the County formed the Resilient Lee Long Term Recovery Task Force to engage municipalities, stakeholders, and residents to develop a long-term recovery and

²¹¹ Lee County's Joint Local Mitigation Strategy

<https://www.leegov.com/publicsafety/Documents/Emergency%20Management/Joint%20Local%20Mitigation%20Strategy%20-%202022.03.pdf>

²¹² The Lee Plan <https://www.leegov.com/dcd/Documents/Planning/LeePlan/LeePlan.pdf>

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resiliency plan based on the FEMA National Disaster Recovery Framework. The Recovery Task Force (RTF) is composed of eight branches that bring together public, private, and non-profit sector subject matter experts. These branches will review research, data, and analysis from initial and ongoing community engagement and confirm findings. Branches will identify solutions and engage key partners who may have insight into how to address issues. The work of that Task Force is on-going and will address planning and capacity, economic recovery, education and workforce, health and social services, housing, infrastructure, national resources, and cultural resources. Task force input is part of the considerations for crafting this Action Plan and future activities.

Lee County's longstanding relationships with FEMA through the Florida Department of Emergency Management and with HUD through its Community Development Block Grant program administered by the Lee County Department of Human and Veteran Services will ensure that this CDBG-DR Action Plan and its future activities, like all future recovery efforts, continue local momentum toward feasible, cost-effective measures to ensure that Lee County is resilient against a future disaster.

e) **MITIGATION SPECIFIC ACTIVITIES**

HUD permits Lee County to fund eligible mitigation activities that respond to the mitigation needs assessment. Lee County will ensure that at least \$144,506,000 is allocated for activities that mitigate the fiscal and human costs of disaster and ensure improved resiliency to future hazards. Applications for proposed mitigation activities under the County's CDBG-DR program must state whether proposed projects respond directly to disaster related risks and impacts or projected hazard risks unrelated to Hurricane Ian.

In compliance with Section II.A.2 of the Federal Register Notice, Lee County will use CDBG-DR funds to support feasible, cost-effective measures that will make communities more resilient against a future disaster. Whenever possible, Lee County will leverage CDBG-DR funds with other federal and state sources to undertake mitigation activities.

This Action Plan accomplishes both objectives by proposing to use CDBG-DR as the required 25 percent local match for FEMA's Hurricane Mitigation Grant Program (HMGP) administered by the Florida Division of Emergency Management. As allowed in Section II C.3 of the Consolidated Notice, this plan allocates approximately \$113,331,195 in CDBG-DR funds to cover the expected need for a 25 percent local match based on the FEMA and FDEM conservative estimate of a more than \$330 million HMGP award to Lee County jurisdictions.

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Lee County will document that CDBG-DR funds have been used for the eligible, actual costs incurred and have been accurately accounted for in duplication of benefits calculations according to Section II.C.3 of the May 18, 2023, Notice. The matched HMGP projects must also meet a national objective or other applicable CDBG requirements. HMGP match projects may address an unmet recovery need or mitigation need identified in the mitigation needs assessment. Wherever possible, Lee County will encourage applicants to propose match projects that have a tie-back to Hurricane Ian. If no tieback exists, applications will be evaluated for funding through HUD's mitigation set-aside.

Section II.A.2.c of the Consolidated Notice requires grantees to establish resilience performance metrics for mitigation activities, particularly for construction, reconstruction, or rehabilitation of residential or non-residential structures. Lee County has also incorporated resilience and hazard mitigation performance metrics into all CDBG-DR funded projects wherever possible to increase resilience from future disasters. Specifically for mitigation projects, Lee County will:

1. Forecast the projected risk to the completed activity from natural hazards, including those hazards that are influenced by climate change.
2. Identify the mitigation measures that will address the projected risks, for example:
 - Housing: Residential elevations, replacements, and new construction will be completed to at least 2 feet above base flood elevation;
 - Housing: Structures acquired through voluntary buyouts in the Special Flood Hazard area will be demolished and the parcel may be used only for surface water management or open space with limited allowable uses, including passive recreation.
3. Assess the benefit of mitigation measures through verifiable data, for example:
 - Housing: Lee County will track the number of dwelling units removed or brought into compliance at least 2 feet above base flood elevations within the Special Flood Hazard Area and specifically within NFIP repetitive loss areas.
 - Housing: Lee County will track the number of new, flood-compliant dwelling units now available as a result of CDBG-DR investment with specific tracking of the number of units outside the Special Flood Hazard Area.
 - Infrastructure: Lee County will track the percentage of funds allocated to projects that increase the number of acres no longer vulnerable to flood events.
 - Infrastructure: Lee County will track the percentage of infrastructure funds expended on projects that improve resiliency of critical infrastructure systems (e.g. bridges,

tunnels, energy, drinking water, buildings necessary for disaster emergency response) and the percentage that specifically provide service to underserved communities, protected classes (in accordance with fair housing and civil rights laws), and vulnerable populations who have historically been marginalized and can be most adversely affected by disaster.

In all categories of metrics, Lee County will include the percentage of the project that specifically serves underserved communities, protected classes (in accordance with fair housing and civil rights laws), and vulnerable populations who have historically been marginalized and can be most adversely affected by the disaster.

F. BROADBAND INFRASTRUCTURE IN HOUSING

As required by [Federal Register, 88 FR 32046, Thursday, May 18, 2023](#), Lee County will ensure that any substantial rehabilitation as defined by [24 CFR 5.100](#), reconstruction, or new construction of a building with more than four rental units includes installation of broadband infrastructure, except where the County documents that:

- (i) the location of the new construction or substantial rehabilitation makes installation of broadband infrastructure infeasible; or
- (ii) the cost of installing broadband infrastructure would result in a fundamental alteration in the nature of the program or activity, or cause an undue financial burden; or
- (iii) the structure of the housing to be substantially rehabilitated makes installation of broadband infrastructure infeasible.

HUD defines broadband infrastructure as cables, fiber optics, wiring, or other permanent (integral to the structure) infrastructure including wireless infrastructure, that can provide access to internet connections in individual housing units.

The installed broadband infrastructure must be designed to reliably meet or exceed symmetrical 100 Mbps download and upload speeds. In cases where it is not practicable, because of the excessive cost of the project or geography or topography of the area to be served by the project, eligible projects may be designed to reliably meet or exceed 100 Mbps download speed and between at least 20 Mbps and 100 Mbps upload speed. This will provide a platform for individuals and families residing in such housing to participate in the digital economy and increase their access to economic opportunities.

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Lee County will require documentation of feasibility for implementing the required broadband infrastructure and will perform on-site inspections during construction and post construction to ensure compliance, where applicable.

Lee County will prioritize multifamily housing projects with five or more rental units that provide new or improved access to high-speed internet service. It is preferred that fixed wire broadband access be provided to each rental unit. An alternate solution is to deliver fixed wire broadband to the building and provide the required high-speed internet service to each rental unit by installing wireless access points (WAPs) throughout the building complex.

G. COST EFFECTIVENESS

Lee County will establish policies and procedures to address the assessment of cost-effectiveness of each proposed project or activity to assist a household under any residential rehabilitation or reconstruction, or other activity funded with CDBG-DR funds. Policies and procedures will also be established to identify the criteria necessary for determining the cost of rehabilitation or reconstruction of a unit relative to other means of assisting a property owner. Contractors and project applicants will be required, as part of their application, to demonstrate cost-effectiveness and a strategy for cost control for their project. Awarded projects will be monitored for compliance related to their adopted cost controls.

1. DEMONSTRABLE HARDSHIP

A demonstrable hardship may be claimed by a program applicant requesting assistance that exceeds program limitations. A demonstrable hardship is defined as experiencing conditions that significantly impact household stability and may include job loss, failure of a business, incarceration of an income providing household member, domestic violence, extraordinary legal expenses associated with insurance claims, divorce, severe medical illness, injury, death of a spouse or other contributing family/household member, unexpected and extraordinary medical bills, disability, substantial income reduction, unusual and excessive amount of debt due to a natural disaster, etc. None of the listed examples above, individually or taken together, automatically establish a demonstrable hardship, nor is the listing above exhaustive as there may be other factors relevant to demonstrate hardship in a particular case.

If an applicant believes they have experienced, or are experiencing, a demonstrable hardship that prevents them from complying with program policies, then evidence of the hardship can be presented to program staff for consideration of an exemption. All households must still meet eligibility requirements of the program and assistance is limited to funding availability and HUD

guidelines.

2. NOT SUITABLE FOR REHABILITATION

The County defines a housing unit that is not suitable for rehabilitation or elevation under one of the following categories:

- The amount needed to bring the unit to housing habitability standards will exceed the program cap.
- The amount needed to bring the unit to housing habitability standards is equal to or greater than 75 percent of the estimated cost of new construction of a comparable unit(s).
- The amount needed to bring the unit to housing habitability standards is greater than 100 percent of the structure's total assessed value.

3. EXCEPTIONS TO MAXIMUM AWARD AMOUNTS

The limited instances of providing exceptions to maximum award amounts will be based on criteria specified in the program policy, such as, reasonable accommodation requests under Section 504 or measures to address program recognized environmental conditions, which can be addressed through construction measures necessary to mitigate the consequences of those conditions. The County will establish policies and procedures for applicants to apply for an exception. All exceptions to maximum award limitations are subject to grant fund availability.

H. DUPLICATION OF BENEFITS

Section 312 of the Stafford Act, as amended, generally prohibits any person, business concern, jurisdiction, or other entity from receiving financial assistance with respect to any part of a loss resulting from a major disaster for which such person, business concern, jurisdiction, or other entity has received financial assistance under any other program or from insurance or any other source.

To comply with Section 312, Lee County will ensure that each activity provides assistance to a person or entity only to the extent that the person or entity has a disaster recovery need that has not been fully met.

CDBG-DR assistance is intended to supplement, not replace, other public, private, and nonprofit sector resources that have already been provided for the same need or loss. For example, if a family's damaged home costs \$250,000 to repair and the homeowner received insurance proceeds in that

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amount, the homeowner could not also receive federal disaster recovery funds to repair the home. To ensure that CDBG-DR funding is spent on eligible activities, the County is responsible for verifying that each project provides assistance to a person or entity only to the extent that the person or entity has a disaster recovery need that has not been fully met by funds that have already been, or will be, paid from another source.

A Duplication of Benefit occurs when:

- A beneficiary receives assistance; and
- The assistance is from multiple sources; and
- The assistance amount exceeds the need for a particular recovery purpose.

The Duplication of Benefit Policy, available on <https://www.leegov.com/recovery/cdbg-dr>, outlines the process by which the County will verify that all applications for assistance from the projects funded by the County (both housing and non-housing), as well as all projects implemented by contractors and subrecipients, will be reviewed for possible duplication of benefits. The procedures described in the policy are also applicable to all grantees and subrecipients and must be incorporated in the design and administration of projects undertaken by subrecipients.

Lee County is subject to the requirements in Federal Register notice(s) explaining the duplication of benefit requirement (84 FR 28836 and 84 FR 28848, published June 20, 2019, or other applicable notices).

IV. GRANTEE PROPOSED USE OF FUNDS

A. OVERVIEW

Lee County's Office of Strategic Resources and Government Affairs is the lead and responsible entity for administering \$1,107,881,000 in CDBG-DR funds allocated for disaster recovery.

Based on the unmet needs assessment and input from impacted communities and stakeholders, Lee County has prioritized programs that will assist in meeting short- and long-term recovery needs and programs that will increase resiliency. Lee County's analysis indicates that the most severe recovery needs are housing and infrastructure. To address these needs, the County plans to use CDBG-DR funds to support the following programs:

- Housing
- Voluntary Residential Buyouts and Relocation Assistance
- Public Facilities and Infrastructure
- Public Services
- Planning
- Administration

Lee County has determined that the most impactful means by which to support overall economic recovery are included in housing and infrastructure programs. However, the County will continue to evaluate information related to the unmet needs of the business community and collaborate with municipal partners and other stakeholders to assess the feasibility of CDBG-DR programs to support economic revitalization. Consequently, an economic revitalization program could be incorporated into the Action Plan through a substantial amendment.

1. HOUSING

The largest portion of funding, \$660,000,000, has been allocated to address disaster impacts to affordable housing, as these were the largest needs identified in the unmet needs assessment. In the wake of the Covid-19 pandemic, national inflation for housing and essentials, and Hurricane Ian, there is a significant deficit in the availability of and access to affordable housing in Lee County. While the impacts of Hurricane Ian caused overwhelming damage to the already struggling affordable housing market, it also created an incredible opportunity to re-imagine how, where, and for whom housing development occurs. The vision outlined within this plan encapsulates this unique time and opportunity by emphasizing the County's intention to

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restructure the housing environment.

The development housing is intended to reflect the County's priority to create and re-create housing units that are safe and resilient to future disasters. Beyond hardened and elevated structures, safe housing is also intended to encompass design elements that contribute to the physical and mental well-being of the resident. This includes the following priorities for all new and redeveloped housing units:

- Integration of green and smart building innovations;
- Co-location with outdoor facilities, such as parks, sidewalks, bike paths, etc.;
- On-site supportive services, such as mental health support, case management, physical health clinics, and wellness services;
- Access to educational services, such as job training, after-school and summer programs, colleges, technical training, college readiness, GED programs, etc.; and
- Access to tools to expand economic mobility, such as job placement assistance, job fairs, banking programs, and investment assistance, etc.

Stable housing units are those where the residents intend to stay for long periods of time. Housing tenure is an important element in developing a sense of community. In communities with high rates of rental properties and high annual turnover of those units, residents do not often get the opportunity to engage with their neighbors and build the sense of community.

Stability in housing is not only beneficial for the community but also for residents. "Housing insecurity in all its forms can negatively affect human health. Whether it's difficulty paying rent, overcrowded living conditions, eviction, or homelessness, housing insecurity exposes individuals and families to increased stress and mental and physical health problems."²¹³ Stable housing environments create a solid foundation for residents to expand their economic mobility, create a sense of community, and a consistent tax base for the provision of essential public services.

Lee County understands that one housing type or location is not the solution for all households. For this reason, the projects identified within this plan are intended to provide a diverse array of housing opportunities including:

- Owner-Occupied Housing Rehabilitation, Reconstruction, and Elevation
- Rental Rehabilitation, Reconstruction, and Elevation
- New Construction, Acquisition, and/or Rehabilitation of Multi-Family Housing

²¹³ <https://www.huduser.gov/portal/pdredge/pdr-edge-trending-053122.html>

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- New Construction, Acquisition, and/or Rehabilitation of Single-Family Housing
- Home Purchase Assistance

2. VOLUNTARY RESIDENTIAL BUYOUTS

Hurricane Ian destroyed more than 9,900 residential structures and left more than 13,000 with major damage. The unmet needs assessment indicates that many of the destroyed and significantly damaged homes were in special flood hazard areas, and some in repetitive loss areas. To increase resiliency and create opportunities for additional flood control, Lee County has allocated \$75,000,000 to allow for voluntary residential buyout programs.

The optimal outcome of the buyout program is to return the property to a natural or favorably engineered state that delivers community benefits including:

- Restoration of mangroves, dunes, and sea grass to enhance protections against coastal surge;
- Restoration of natural flow-ways or engineering of new flow-ways for improved surface water management during storm events;
- Enhancements to improve water quality, particularly in compliance with Florida Department of Environmental Protection requirements for Basin Management Action Plans (BMAPS) and recommended total maximum daily loads (TMDLs) for nutrients and other pollutants; and
- Creation of permanent open space, passive recreation, and beach access areas that allow NFIP Communities to claim Community Rating System points toward flood insurance discounts for NFIP policy holders.

Preferred buyout activities would also deliver the following outcomes:

- Aggregation of multiple, adjacent parcels to avoid disadvantages of acquiring isolated parcels that present long-term maintenance expense, insurance liability, and loss of ad valorem tax revenue for local governments;
- Acquisition of sites that are useful for planned surge protection, surface water management, and water quality initiatives; and
- Acquisition of sites that can be merged with existing federal, state, and non-profit preservation and passive recreation parks and other programs.

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Funds allocated for this project will be used to acquire repetitive loss properties. A repetitive loss property is defined as an NFIP-insured structure that has had at least 2 paid flood losses of more than \$1,000 each in any 10-year period since 1978. The sale of residential housing units to the County is completely voluntary and initiated by the property owner. Once a property has been acquired through a buyout, the land can only be used as open “green” space, recreational, or floodplain or wetland management with the goal of reducing risk of property damage from future hazards. Buyouts and safe housing incentives will be prioritized to include sites in a repetitive loss area.

3. CRITICAL INFRASTRUCTURE AND HMGP MATCH

An infrastructure activity includes any activity or group of activities (including acquisition of site or other improvements), whether carried out on public or private land, that assist the development of the physical assets that are designed to provide or support services to the public.

The second largest portion of funding, \$352,486,950, has been allocated to address disaster impacts to infrastructure, as this was the second largest need identified in the unmet needs assessment.

As required by the applicable federal register notice (88 FR 32046), Lee County will use at least \$144,506,000 toward mitigation activities. It is estimated that Lee County will exceed this set-aside as, where possible, housing and infrastructure projects will be designed with resiliency in mind.

CDBG-DR funds will be used as match for HMGP. Lee County, local municipalities, and partners have submitted more than \$330 million in HMGP mitigation project requests through the Florida Division of Emergency Management. As allowed in Section II.C.3 of the Consolidated Notice, approximately \$113,331,195 in CDBG-DR funds is being allocated in this plan to be used as match for funded HMGP projects that do not have another source for the required 25 percent match. Some projects proposed for infrastructure and HMGP match are anticipated to have a direct tie-back to Hurricane Ian. The projects that do not are expected to meet the criteria of a Mitigation (MIT) project. Lee County will document the CDBG-DR funds used for actual costs incurred and for costs that are eligible, meet a national objective, or meet other applicable CDBG-DR requirements.

4. PUBLIC SERVICES

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The funding allocated for public services, \$15,000,000, will be available to fund the provision of services for persons who are low- and moderate- income, as well as those who are generally presumed to be principally LMI. This presumption covers abused children, battered spouses, elderly persons, adults meeting the Census Bureau definition of severely disabled persons*, homeless persons, illiterate adults, persons living with AIDS, and migrant farm workers, in accordance with §570.208(a)(2)(i)(A).

Definition of Severely Disabled

Persons are considered severely disabled if they:

- Use a wheelchair or another special aid for 6 months or longer; are unable to perform one or more functional activities (seeing, hearing, having one's speech understood, lifting and carrying, walking up a flight of stairs, and walking);
- Need assistance with activities of daily living (getting around inside the home, getting in or out of bed or a chair, bathing, dressing, eating, and toileting) or instrumental activities or daily living (going outside the home, keeping track of money or bills, preparing meals, doing light housework, and using the telephone);
- Are prevented from working at a job or doing housework;
- Have a selected condition including autism, cerebral palsy, Alzheimer's disease, senility, dementia, or mental retardation; or
- Are under 65 years of age and are covered by Medicare or receive Supplemental Security Income (SSI).

https://www.hud.gov/sites/documents/DOC_16472.PDFhttps://www.hud.gov/sites/document/s/DOC_16472.PDFhttps://www.hud.gov/sites/documents/DOC_16472.PDF

* Census Bureau definition of severely disabled persons checklist:

<https://www.census.gov/content/dam/Census/library/visualizations/2010/demo/figure-1.pdf>

To ensure the provision of services to address unmet needs because of Hurricane Ian, Lee County will be allocating \$5 million in public services to fund the Unmet Needs Long Term Recovery Group. The Lee County Unmet Needs Coordination Lead Organization, Catholic Charities, was selected as the lead agency via a competitive application process held in February 2023. Catholic Charities is responsible for the coordination and delivery of recovery services and case management that is provided through local relief funds, Volunteer Florida, FEMA, HUD, and other philanthropic sources. Approximately \$5 million in CDBG-DR funding will be provided to Catholic Charities through a subrecipient agreement. Funds will allow them to remain fully staffed to continue matching unmet needs with available resources.

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Consistent with the unmet needs assessments, Lee County is allocating \$10,000,000 for the provision of behavioral health services and the implementation of a coordinated system of care. Funds may be made available through a competitive application process after the associated planning effort has been completed. It is anticipated that the gaps and solutions identified in the behavioral health planning effort, described in this Action Plan, will provide the framework for future activities to be carried out during this project.

5. PLANNING

A total of \$25,000,000 is being allocated for planning activities; \$21,550,000 will be available via competitive application processes for units of local government to fund studies, analyses, and additional planning efforts that may result in the establishment of additional recovery and resiliency priorities and activities or support the design and implementation of the currently described CDBG-DR programs. The funding allocated across these activity line items will include reimbursement for otherwise allowable recovery costs incurred on or after the incident date of the covered disaster.

Approximately \$2,250,000 will be provided to support the efforts of the Long-Term Recovery Task Force, which has been working to develop a community-wide recovery plan. The Task Force is anticipated to develop a strategic plan which fulfills the following objectives:

- Survey the immediate, short-term, and long-term needs of Lee County.
- Identify and engage key partners to address the needs of the community.
- Develop viable, feasible, desirable, and actionable solutions to meet those needs.
- Maximize funding resources available and recommend policies necessary to implement those solutions.

Additionally, \$1 million will be administered by Lee County through a contracted vendor to develop a strategic plan for the implementation of improved behavioral health services and a coordinated system of care. It is anticipated that the gaps and solutions identified in the behavioral health planning effort will provide the framework for future activities to be carried out through the public services project, described herein.

The remaining \$200,000 has been allocated to support the development of the unmet needs assessment portion of this Action Plan.

6. ADMINISTRATION

Up to five percent of the overall grant, \$55,394,050, will be used for administration of the grant. Funding has been allocated to planning and administration to fund the necessary costs of planning for, setting up, and managing the CDBG-DR recovery programs including application intake, compliance monitoring, performance tracking, management of the Disaster Recovery Grant Reporting system, and quarterly reports, as well as general administration.

B. PROGRAM BUDGET

Program Category	Project	Budget	% of Allocation	Maximum Award (per project)	National Objective	Estimated Outcome	
Housing (\$660,000,000 Total Allocation)	Affordable Multifamily Housing Development and Preservation	\$350,000,000	31.59%	\$20,000,000 (Max \$200,000 per unit subsidy)	Low/Mod Income Housing (LMH)	1,750	Households
	Affordable Single Family Housing Development	\$50,000,000	4.51%	\$5,000,000 (Max \$300,000 per unit subsidy)	Low/Mod Income Housing (LMH)	167	Households
	Individual Housing Rehabilitation, Reconstruction & Elevation – Owner-Occupied	\$145,000,000	13.09%	\$250,000 (Rehabilitation)	Low/Mod Income Housing (LMH) Urgent Need (URG)	365 (Approx 70% of Applications)	Households
				\$450,000 (Reconstruction & Elevation)		87 (Approx 30% of Applications)	Households
	Individual Housing Rehabilitation, Reconstruction & Elevation - Renter Occupied	\$30,000,000	2.71%	\$250,000 (Rehabilitation)	Low/Mod Income Housing (LMH) Urgent Need (URG)	76 (Approx 70% of Applications)	Households
				\$450,000 (Reconstruction & Elevation)		18 (Approx 30% of Applications)	Households
	Home Purchase Assistance	\$10,000,000	0.90%	\$75,000	Low/Mod Income Housing (LMH) Urgent Need (URG)	120	Households
	Voluntary Residential Buyout	\$75,000,000	6.77%	\$525,000	Low/Mod Income Housing (LMH) Urgent Need (URG)	129	Households
Public Facilities & Infrastructure (\$352,486,950 Total Allocation)	HMGP Infrastructure Match	\$113,331,195	10.23%	\$25,000,000	Low/Mod Benefit Urgent Need (URG)	5,000	Households
	Critical Infrastructure	\$239,155,755	21.59%	\$50,000,000	Low/Mod Benefit Urgent Need (URG)		
Public Services (\$15,000,000 Total Allocation)	Unmet Needs Long Term Recovery Group	\$5,000,000	0.45%	\$5,000,000	Urgent Need (URG)	500	Individuals Annually
	Behavioral Health Services and System of Care Implementation	\$10,000,000	0.90%	\$5,000,000	Low/Mod Income Clientele (LMC)	1,000	Individuals
Planning (\$25,000,000 Total Allocation)	Recovery and Resiliency Planning	\$21,550,000	1.95%	\$3,000,000	Not Applicable		
	CDBG-DR Action Plan	\$200,000	0.02%	\$200,000	Not Applicable		
	Long Term Recovery Task Force	\$2,250,000	0.20%	\$2,250,000	Not Applicable		
	Behavioral Health System of Care Implementation Plan	\$1,000,000	0.09%	\$1,000,000	Not Applicable		
Administration (5% Cap \$55,394,050)	Lee County Program Administration Costs	\$55,394,050	5.00%	\$55,394,050	Not Applicable		
	Total Allocation	\$1,107,881,000	100.00%				

C. CONNECTION TO UNMET NEEDS

As required by 88 FR 32046, Lee County will allocate at least 80 percent of the funds to address unmet needs for low- and moderate-income households within HUD-identified "most impacted and distressed" areas. The remaining 30 percent of the allocation may be used to address unmet needs as a result of Hurricane Ian (DR-4673-FL), which received a presidential major disaster declaration. To meet the overall benefit requirement, Lee County has established prioritization criteria for each program area. Through these criteria, the County will ensure that at least 70 percent of funds are expended for projects and activities that benefit low- or moderate-income households.

Lee County also completed a disaster impact and unmet needs assessment to identify the impacts, long-term needs, and priorities for more than \$1.1 billion of Community Development Block Grant-Disaster Recovery (CDBG-DR) funding allocated as a result of the 2022 Hurricane Ian event. That assessment identified more than \$8 billion in unmet needs among housing, infrastructure, and economic revitalization. More than 94 percent of the overall need is housing and infrastructure.

Housing was identified as the most significant need in the unmet needs assessment. The most impacted populations were owner-occupied (64.59 percent of total FEMA IA applicants) and single-family and duplex housing (66.26 percent of all units damaged). To address remaining unmet need for homeowners, Lee County will undertake housing rehabilitation, reconstruction, and elevation projects to assist owner- and renter-occupied households to repair and maintain their housing. For households that may be interested in relocating to a safer location within the County or who have lost their homes completely, the County will undertake home purchase assistance and voluntary residential buyout projects.

Prior to the storm, affordable housing stock in Lee County was limited. That challenge was further exacerbated by the widespread destruction of residential properties by Hurricane Ian. To address the remaining unmet need for additional affordable housing units, the County will undertake affordable housing development and preservation activities.

The unmet needs analysis identified a total housing unmet recovery need of \$4,598,352,445.

FEMA real property damage estimates indicate that there are approximately 18,473 (79.87 percent) owner-occupied units and 4,655 (20.13 percent) renter-occupied units that suffered major-high or severe damage. Insurance data indicates that there are an estimated 49.08 percent

of homeowners without insurance. By adding the number renter and owner-occupied units, then dividing by the percent estimated to be uninsured, the County estimates that approximately 11,351 households may need some assistance to fully recover from Hurricane Ian. The County further estimates, based on the overall LMI population, that 4,742 (41.78 percent) of these households may be income qualified for CDBG-DR programs.

Lee County will implement the following housing recovery projects to address the unmet housing need in Lee County:

- Affordable Multifamily Housing Development and Preservation
- Affordable Single Family Housing Development
- Individual Housing Rehabilitation, Reconstruction & Elevation – Owner and Renter Occupied
- Home Purchase Assistance
(i.e., downpayment, closing cost, and mortgage buydown assistance)
- Voluntary Residential Buyout

The housing programs together will receive \$660,000,000 of the allocated CDBG-DR funds from HUD. This represents approximately 60 percent of the CDBG-DR unmet needs funds allocated to Lee County. Approximately 2,800 households will be provided assistance through the projects listed above.

For individual housing projects, households will be income qualified through one of the following methods:

- Annual income defined in 24 CFR 5.609;
- Annual income as reported on the Census long form for the most recent decennial census;
or
- Adjusted gross income as defined by the Internal Revenue Service (IRS) Form 1040 series for individual Federal annual income tax reporting purposes.

Applicants with a total household income at or below 80 percent AMI will be prioritized for funding.

For new construction and preservation of rental housing programs, all activities are required to ensure that at least 51 percent of all housing units within the activity are leased to households

with a total income at or below 80 percent AMI. New single family housing construction activities will be leased or sold to households with a total income at or below 80 percent AMI.

The unmet needs assessment indicates that more than 37 percent of the unmet needs are infrastructure related. To address this need, the County will undertake HMGP match and critical infrastructure activities that will make necessary repairs to hurricane impacted roads, bridges, water, sewer, and other public facilities. Infrastructure improvements that mitigate the risk of future disasters will also be undertaken within the infrastructure projects.

The unmet needs analysis identified a total infrastructure unmet recovery need of \$3,040,625,610.

The infrastructure systems affected by Hurricane Ian's widespread damage included damage to energy systems, roadways, bridges, traffic controls, water and wastewater treatment systems, septic systems, cell towers, and voice and data services. Transportation was hazardous as water and debris, including many boats, blocked roads; there were downed trees and power lines, and traffic lights were out. Both the Sanibel Causeway (see [Figure 33](#)) and the Matlacha Pass Bridge were severely damaged during the storm; until repairs were made those barrier island areas were inaccessible by car.

Lee County will implement the following infrastructure recovery projects to address the unmet infrastructure need in Lee County:

- Hurricane Mitigation Grant Program (HMGP) Infrastructure Match Funding
- Critical Infrastructure

The infrastructure programs together will receive \$352,486,950 of the allocated CDBG-DR funds from HUD. This represents approximately 32 percent of the CDBG-DR unmet needs funds allocated to Lee County. Mitigation funds are included in Lee County's total infrastructure budget and will be used to make improvements to infrastructure that was not impacted by Hurricane Ian.

Infrastructure service areas will be defined during the application process. Projects will be prioritized for funding if the defined service area contains 51 percent or more households who have a household income that does not exceed 80 percent AMI.

The unmet needs analysis identified a total economic unmet recovery need of \$440,320,907.

Lee County has determined that the most impactful means by which to support overall economic recovery are included in housing and infrastructure programs. However, the County will continue to evaluate information related to the unmet needs of the business community and collaborate with municipal partners and other stakeholders to assess the feasibility of CDBG-DR programs to support economic revitalization. Consequently, an economic revitalization program could be incorporated into the Action Plan through a substantial amendment.

D. LEVERAGING FUNDS

Lee County, its municipalities, and other government and non-profit agencies will leverage multiple sources of federal, state, and private funding to complement the CDBG-DR allocation for Hurricane Ian recovery.

This Action Plan specifically proposes using CDBG-DR funding as the local match for Lee County's direct allocation of \$330 million from FEMA through the Stafford Act Section 404 – Hazard Mitigation Grant Program.

Lee County has experience and capacity to both find new, and manage existing, sources of funding to avoid primary reliance on HUD CDBG-DR funding. Sources include:

FEMA – Assistance under the Stafford Act allocations for individuals is approximately \$800 million. Assistance is also available under both Section 406 – Public Assistance for infrastructure and general mitigation, and Section 404 – Hazard Mitigation Grant Program. In addition, Lee County is prepared to explore funding options through the Building Resilient Infrastructure and Communities (BRIC) program.

National Flood Insurance Program – Policy holders have claims options for both flood damages and for Increased Cost of Compliance up to \$250,000 per residential and \$500,000 per commercial structure.

Small Business Administration (SBA) – Loans have been made for \$800 million for homes repairs, \$183 million for business repairs, and \$15 million for economic injury loans.

Housing and Urban Development (HUD) – Lee County and its municipalities continue to optimize regular and disaster funding for housing-related assistance for homeowners, renters, and the homeless.

Federal Highway Administration (FHWA) – Significant assistance to repair transportation

infrastructure, particularly for bridges and highways servicing barrier islands and along evacuation routes has been made available to Lee County.

Federal Transit Administration – LeeTran, Lee County’s public transit program, has applied for an \$8.4 million award under the FY2023 Emergency Relief Grant.

American Rescue Plan Act – Lee County has budgeted more than \$64 million of its direct allocation for emergency response and resiliency efforts including expansion of the Lee County Emergency Operations Center and replacement of the Big Carlos Pass bridge on a critical evacuation route.

State of Florida Legislative Appropriations – Lee County received more than \$70 million in direct appropriations for Hurricane Ian recovery projects. The County has additional options for requesting funding for competitive statewide emergency grant programs of \$700 million.

Florida Division of Emergency Management (FDEM) – Lee County will continue to manage approximately \$20 million in existing grants funded from both federal and state sources and seek additional assistance as it becomes available.

Florida Department of Environmental Protection – Lee County will optimize opportunities under the State’s Resilient Florida and Wastewater Grant programs for resiliency and mitigation efforts.

Florida Department of Economic Opportunity – Lee County will continue to manage approximately \$20 million in existing grants funded from both federal and state sources.

State Housing Initiative Program – Lee County has \$10 million available in the estimated FY 23/24 allocation and 22/23 Ian recovery efforts already encumbered.

Lee County Housing Authority and the Housing Authority of the City of Fort Myers, other non-profit organizations, and housing developers, working in partnership with other housing programs including the Lee County Homeless Continuum of Care, these groups are leveraging state, federal and private funding to provide housing and services. Funding sources may include SAIL, SHIP, Low Income Housing Tax Credits, HOME, CDBG Entitlement, and other funding sources.

E. PROGRAM PARTNERS

Lee County may engage program partners through formal agreements such as subrecipient agreements and interagency agreements. Lee County will select program partners through competitive application processes that ensure that potential subrecipients and other partners have the capacity and expertise required to administer the proposed project or activity. Lee County will provide technical assistance and training to partners on program requirements, applicable federal cross-cutting requirements, and reporting and performance requirements.

At the time of the submission of this plan, Catholic Charities is the only identified program partner. Catholic Charities will be serving as Lee County's program partner as the lead agency for the Unmet Needs Long Term Recovery Group. Catholic Charities was selected as the lead agency via a competitive application process held in February 2023. Catholic Charities is responsible for the coordination and delivery of recovery services and case management that is provided through local relief funds, Volunteer Florida, FEMA, HUD, and other philanthropic sources. Approximately \$5 million in CDBG-DR will be provided to Catholic Charities through a subrecipient agreement. Funds will allow them to remain fully staffed to continue matching unmet needs with available resources.

Catholic Charities Diocese of Venice (CCDOV) is a recognized relief agency to provide services during a disaster. CCDOV is a member in good standing with the Florida Voluntary Organizations Active in Disasters (FLVOAD) and is part of the State of Florida's Emergency Support Function 15 (ESF 15). The agency has a history of responding to natural disasters over the last several years and to the Covid-19 pandemic. After Hurricane Irma, in 2017, CCDOV provided relief to thousands of Hurricane victims with direct assistance, home repairs, case management, and mental health services. The agency is a trusted provider for non-English-speaking, Hispanic residents, and those in the community who are unable to access FEMA assistance.

CCDOV has launched a robust effort to respond to the unmet needs of Hurricane Ian survivors. Immediately after Hurricane Ian landed in southwest Florida, CCDOV established 10 emergency centers throughout the region to distribute tarps, food, water, and other supplies. CCDOV's logistics staff organized warehousing, transport, and delivery of supplies to the various CCDOV distribution sites. CCDOV quickly acquired, transported, and deployed emergency relief supplies due to established networks and staff experience. Some sites were assisted by National Guard efforts. In the first six weeks after Hurricane Ian made landfall, CCDOV assisted 112,546 people, distributed 127 semi-trucks worth of supplies, and mobilized 2,064 volunteers.

F. DISTRIBUTION OF FUNDS

Lee County has developed this plan to ensure the equitable distribution of funds. The plan for distribution of funds targets assistance to residents in underserved communities, protected classes (in accordance with fair housing and civil rights laws), and vulnerable populations who have historically been marginalized and can be most adversely affected by disaster.

The programs outlined in Section I. Program Details will be implemented by Lee County unless otherwise noted in the program descriptions. It is anticipated that continued unmet needs, mitigation needs, and additional funding sources will emerge over time. Lee County may shift allocations and planned subrecipients to address those needs as they become evident. Those changes would be reflected in future Action Plan amendments. The programs, projects, and activities established in this Action Plan are subject to all HUD requirements and limited to funding availability.

The programs are based on the unmet needs assessment and input from impacted stakeholders and residents. The programs are prioritized to address short- and long-term unmet needs. As required by the federal register notice, all CDBG-DR funded activities address an impact of Hurricane Ian, unless specifically designated as a mitigation activity and part of the mitigation set-aside allocation. CDBG-DR regulations require that each activity:

- Be CDBG eligible (or receive a waiver);
- Meet a national objective as defined by 24 Code of Federal Regulations (CFR) 570.483; and
- Addresses a direct or indirect disaster impact in presidentially declared area. A disaster impact can be addressed through several eligible CDBG activities listed in Section 105(a) of the Housing and Community Development Act (HDCA) of 1974, as amended.

The recovery activities described herein will make use of the HUD national objectives under 24 CFR 570.483 which include benefitting low- and moderate-income persons, preventing or eliminating slums or blight, and meeting urgent needs.

As required by the Federal Register, Lee County will spend at least 70 percent of the overall grant on activities that will benefit persons who are low- and moderate- income. Because the whole of Lee County has been identified by HUD as a most impacted and distressed area (MID), 100 percent of CDBG-DR funds will be spent in the MID. Up to five percent of the overall grant will be used by Lee County to ensure the compliant and timely administration of CDBG-DR funds.

1. PRE-AGREEMENT COSTS

Lee County has incurred and plans to incur additional pre-agreement costs and will seek reimbursement for these costs after the effective date of the grant agreement. Pre-agreement costs could include the costs for salaries, benefits, and direct operating expenses of Lee County's Strategic Resources and Government Affairs team and the vendors providing technical support for the planning of the CDBG-DR programs. Other pre-agreement costs, which Lee County will fund with this grant, could include activity delivery and project costs associated with eligible disaster recovery programs identified within this Action Plan.

Lee County may request reimbursement for certain eligible pre-award costs necessary for the efficient and timely implementation of its recovery programs. These costs may include environmental review, damage assessment, and other costs necessary for determining eligibility of housing related projects. Lee County will also work with non-governmental entities working to fund housing recovery through short term, private, and philanthropic loan funds intended to jump start critical housing recovery programs for at risk populations.

G. PROGRAM INCOME

Lee County expects that certain CDBG-DR-funded projects will generate income. Any program income earned as a result of CDBG-DR-funded projects will be subject to the rules outlined in Federal Register Notice FR 6393-N-01. In the May 18, 2023, Notice, HUD provides grantees the option of transferring program income to their annual CDBG entitlement grant (if applicable) or using it as CDBG-DR funds until grant closeout. The County will apply program income received from the CDBG-DR projects in accordance with the applicable Action Plan with the final determination of end use made by the County's Office of Strategic Resources and Government Affairs. To the maximum extent feasible, HUD requires that program income shall be used or distributed before additional withdrawals from the U.S. Treasury are made.

In accordance with 24 CFR 570.503, each written agreement between Lee County and its subrecipients will specify that the subrecipient will be required to report and remit to Lee County all program income as defined at 24 CFR 570.500. All program income generated by activities carried out with CDBG-DR funds will be remitted to Lee County from the subrecipient prior to contract close-out. Lee County will allocate and utilize the program income in compliance with the requirements set forth at 24 CFR 570.504, and the applicable federal register notice.

General policies and procedures defining and governing the use of program income can be found in Lee County's CDBG-DR Timely Expenditures Procedure. Each program will have specific policies and procedures detailing the collection, maintenance, and use of program income. Programs funded with CDBG-DR have been structured similarly to entitlement programs to allow for easy transition to long term monitoring and collection of program income after CDBG-DR closeout.

H. RESALE AND RECAPTURE

Lee County has elected to use "Recapture" as the primary method of ensuring affordability for low-to-moderate income homeowners and renters. The County's CDBG-DR housing programs will use a soft second mortgage or restrictive covenant recorded in the official records of Lee County, Florida for this purpose. The affordability period and amortization (if any) will vary based on the program, and the timeframes summarized in *Table 75*.

A written agreement between Lee County and a subrecipient or homebuyer for projects funded with CDBG-DR will include the recapture provision that will be used to ensure continued affordability and will accurately reflect the recapture provisions, requirements that must be imposed on the housing, the sales price, or the basis upon which the sales price will be

determined, and the disposition of the sales proceeds. Written agreements with subrecipients will be executed when funds are initially committed to the project. A Restrictive Covenant will be executed and recorded in the official records of Lee County, Florida, at the time of acquisition.

For individual housing projects, written agreements with homebuyers and property owners will be executed before, or at the time of closing, for each activity. In addition, a mortgage and promissory note will be executed and recorded in the official records of Lee County, Florida before or at the time of closing.

Under recapture provisions, financial assistance must be repaid if direct subsidy is provided to the subrecipient, homebuyer, or property owner. Upon resale the seller may sell to any willing buyer at any price. Once the CDBG-DR funds are repaid to the County, the property is no longer subject to any CDBG-DR restrictions. Funds returned to Lee County under the recapture provision are considered program income must be used for CDBG-DR eligible activities, unless CDBG-DR program income has been transferred to the CDBG entitlement program, in which case the program income must be used for CDBG eligible activities.

Table 75 – Program Affordability Period and Amortization

CDBG-DR Program	Affordability Period	Amortization
Home Purchase Assistance	5 years	20% per year
Homeowner Rehabilitation, Reconstruction or Elevation	5 years	20% per year
Rental Rehabilitation <i>(less than 5 units)</i>	5 years	20% per year
Rental Rehabilitation <i>(greater than 5 units)</i>	20 years	None
New Housing Development <i>(Includes acquisition/rehabilitation, new construction)</i> <i>(single family or multi-family)</i>	20 years	None

I. PROGRAM DETAILS

1. CRITICAL INFRASTRUCTURE

a) Program Description

The Critical Infrastructure program will provide CDBG-DR funds to eligible municipalities to carry out eligible improvements or repairs to publicly owned physical assets that are designed to provide or support services to the public. Examples of such assets include:

- Surface transportation, including roadways, bridges, railroads, and transit;
- Water resources projects;
- Energy production and generation, including from fossil, renewable, nuclear, and hydro sources;
- Electricity transmission;
- Broadband;
- Pipelines;
- Stormwater and sewer infrastructure; and
- Drinking water infrastructure.

b) Long-Term Resilience

All CDBG-DR funded infrastructure activities must be designed and constructed in a resilient manner to withstand extreme weather events and the impacts of climate change. Infrastructure projects undertaken through CDBG-DR will be focused on reducing the risks associated with high flood water and storm surge by including engineered or non-engineered solutions to retain, detain, divert, or convey excess water to lower the risk of flooding. Mitigation funds are included in Lee County's total infrastructure budget and will be used to support improvements to infrastructure that was not impacted by Hurricane Ian. Mitigation improvements will aim to create more resilient infrastructure systems and increase the municipality's ability to ensure continuous operation of indispensable services during a future hazard event.

c) Competition Overview

Critical Infrastructure grants will be awarded to eligible applicants for eligible activities based on a competitive application process to the extent that funds are available. Lee County will use Notice of Funding Availability (NOFA) packages to gather the information necessary to assess each project and potential subrecipient. Potentially eligible applicants will be notified through a direct mailing/emailing and by NOFAs posted on the County's CDBG-DR website.

Lee County staff will review each application to ensure the following threshold criteria are met. Applications must meet all criteria to be considered for scoring:

- Proposal is submitted by published deadline.
- Applicant is an eligible entity and has capacity to understand the proposed activity.
- Proposed activity is CDBG-DR eligible and meets a national objective.
- Proposed activity is feasible and complies with CDBG-DR construction and elevation standards.
- Proposed activity restores, repairs, or improves a community lifeline. *
- Applicant has been in operation for a minimum of 12 months prior to application deadline.
- Applicants may not be presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in federal programs, as indicated by System for Award Management (www.sam.gov).
- Application is signed by an agency official designated to execute contracts.
- The applicant is a legally formed entity qualified to do business in the State of Florida.
- The applicant has provided evidence of ownership or other legal control providing for its use/development of the project site.

Applicants who do not meet one or more of the above threshold requirements will have a maximum of five business days to cure any deficiency. Any applications with noncured deficiencies will not be considered for scoring.

Lee County staff will then review all application packages, assign applications to the appropriate prioritization phase, and score each application.

Award Phases		Phase I	Phase II	Phase III
Low Income Benefit**	Yes	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
	No			<input checked="" type="checkbox"/>
Hurricane Ian Tie-Back	Yes	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
	No		<input checked="" type="checkbox"/>	
	No			

Staff will score projects based on technical evaluation criteria. When ranking infrastructure projects for CDBG-DR funding, it is important to consider various criteria to ensure fair and objective evaluation. The criteria below are subject to change and are not necessarily listed in

order of priority. Specific point values for each criterion will be defined during the NOFA process.

Technical Evaluation Criteria	Criteria Description
Project Design/Approach	The extent to which the proposed activity design/approach is reasonable, efficient, durable, and addresses an unmet need or mitigation need. The extent to which the proposed activity utilizes alternative materials and innovative design options.
Sustainability and Resilience Measures	The extent to which the proposed activity integrates the adaptable and reliable technologies to prevent premature obsolescence of infrastructure. The extent to which the proposed activity will integrate mitigation measures and strategies to reduce natural hazard risks, including climate related risks.
Timeliness and Urgency	The proposed activity will be completed within the grant performance period and indicates a reasonable timeline for completion and drawdown of funds. The proposed activity is urgent in nature, if not completed will result in new or more significant damages over the coming months/years.
Alignment with Local Plans and Priorities	The extent to which the proposed activity will achieve objectives outlined in regionally or locally established plans and policies that are designed to reduce future risk to the jurisdiction.
Cost-Effectiveness and Controls	The proposed activity is cost reasonable. The applicant has conducted a cost benefit analysis and comparison of proposed activity costs to current market rates. The activity budget includes cost-effective measures that will make communities more resilient against a future disaster.
Leveraged Funds	The proposed activity leverages other federal state and local funding sources and uses CDBG-DR funds as a funding of last resort.
Public Input and Community Engagement	The applicant has engaged the community and gathered public input regarding the proposed activity. The applicant considered public feedback when designing the activity.
Proposal Presentation	The proposal is complete, has required attachments, and provides a clear demonstration of organizational capacity, activity details, and budget requirements.

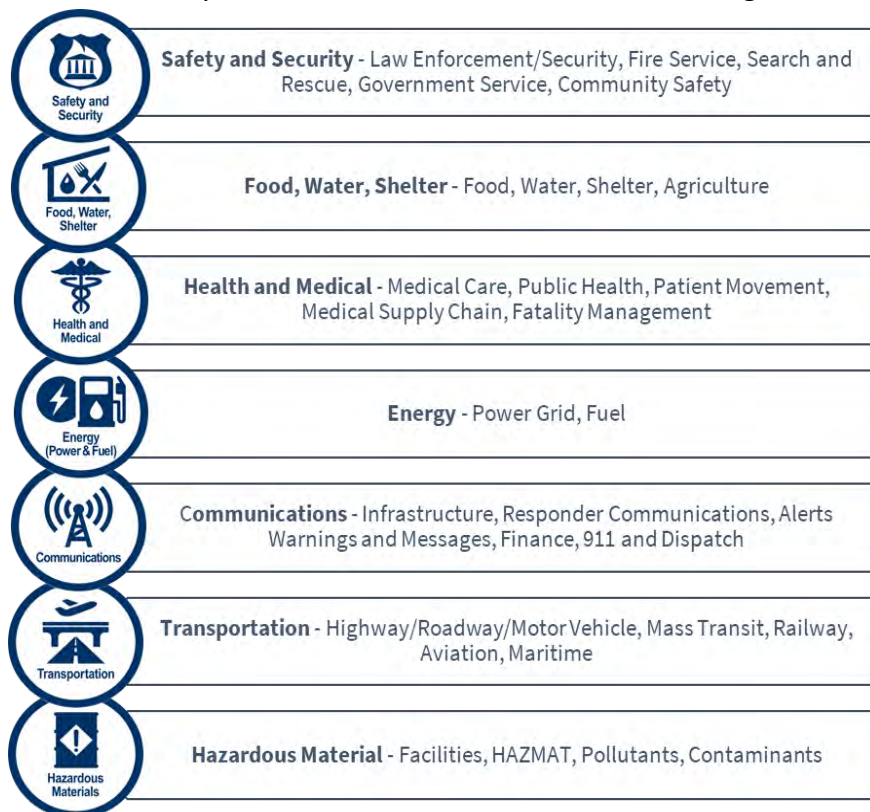
Application packets that include the results of staff reviews will be submitted to an Evaluation Committee, which will review and rank projects. Committee recommendations will be presented to the BoCC for final evaluation. The BoCC has final authority to award project funding. The entities/agencies awarded projects will become subrecipients under the Lee County CDBG-DR program.

***FEMA Community Lifelines**

“Efforts to protect lifelines, prevent and mitigate potential impacts to them, and building back stronger and smarter during recovery will drive overall resilience of the nation.

Community lifelines were tested and validated by federal, state, local, tribal and territorial partners in the aftermath of hurricanes Michael (Oct. 2018), Florence (Sept. 2018) and Dorian (Aug. 2019), Super Typhoon Yutu (Oct. 2018), the Alaska earthquake (Dec. 2018) and the coronavirus (COVID-19) pandemic (2020). They were formalized in the National Response Framework, 4th Edition.”

In Lee County, rebuilding and mitigating for future impacts to Community Lifelines may include a variety of infrastructure activities, including reducing the risks associated with high flood water and storm surge by including engineered or non-engineered solutions to retain, detain, divert, or convey excess water to lower the risk of flooding.



****Benefit to Low- to Moderate-Income Individuals:** The Evaluation Committee will assess the project's ability to benefit low- to moderate-income individuals and households. Consideration will be given to how the infrastructure project will restore infrastructure within historically underserved communities that lack adequate investments in housing, transportation, water, and wastewater infrastructure prior to the disaster and how the project will improve quality of life, accessibility to essential services, and housing opportunities. To meet these criteria, at least 51 percent of the service area of the proposed project will have an income of at or below 80 percent of the AMI.

See HUD's Guidebook – Appendix D for determining service areas:

<https://www.hudexchange.info/sites/onecpd/assets/File/CDBG-National-Objectives-Eligible-Activities-Appendices.pdf>

d) Total Budget

The estimated total budget for critical infrastructure projects is \$239,155,755.

e) Eligible Entities/Applicants

- City of Bonita Springs
- City of Cape Coral
- Village of Estero
- City of Fort Myers
- Town of Fort Myers Beach
- City of Sanibel
- Lee County

Eligible applicants should consider partnering with local utility providers, special taxing districts, etc., to submit applications that address critical infrastructure needs within each jurisdiction.

f) Funding Award Guidelines

Minimum Award: \$5,000,000

Maximum Award: \$50,000,000

Exceptions to minimum award guidelines may be considered on a case-by-case basis for high priority projects of critical public importance.

g) Eligible and Ineligible Activities

Eligible activities must be undertaken in Lee County, Florida.

An infrastructure activity includes any activity or group of activities (including acquisition of site or other improvements), whether carried out on public or private land, that assists the development of the physical assets that are designed to provide or support services to the public.

For purposes of this requirement, an activity that falls within this definition is an infrastructure activity regardless of whether it is carried out under sections 105(a)(2), 105(a)(14), or another section of the HCD Act, a waiver, or an alternative requirement established by HUD.

Infrastructure that is assisted by CDBG-DR must be designed and constructed in a resilient manner to withstand extreme weather events and the impacts of climate change. Proposed activities shall include sustainable planning, and design methods that promote adaptation and resilience, including the use of adaptable and reliable technologies to prevent premature obsolescence of infrastructure.

Typical infrastructure activities include the repair, replacement, relocation, or improvements to publicly owned facilities.

Ineligible activities are defined in 24 CFR 570.207, and include, but are not limited to, buildings or portions thereof used for conduct of government; general government expenses; political activities; purchase of equipment (except as provided for in 24 CFR 570.201(c)); operating and maintenance expenses; and income payments.

h) Application period

Lee County will establish an application timeframe for each project, and this timeframe shall be established within the NOFA. Applications will be accepted for at least 30 days.

i) National Objectives

All eligible activities will be required to meet a national objective in accordance with HUD guidelines in 24 CFR 570.208. Applications submitted for critical infrastructure funding must include a description of the nature of the activity, the specific area and populations served, and the intended national objective for the proposed activity.

Eligible national objectives must align with HUD guidelines based on the eligible activity type. A matrix detailing the national objective by activity type should be reviewed here: <https://files.hudexchange.info/resources/documents/Matrix-Code-National-Objective-Table.pdf>.

Urgent need may be used as an eligible national objective for critical infrastructure activities that

are of particularly critical nature to the recovery or resiliency of a community, but do not meet the criteria for other national objectives. Such activities must demonstrate urgency and impact on recovery.

j) Citation for Eligibility

Statutory Citations | Section 105(a)(2);

Regulatory Citations | 24 CFR 570.201(c); 24 CFR 570.207; 24 CFR 570.208

k) Tieback

Activities funded under this project may address an unmet recovery need or a mitigation need.

Disaster related tieback or mitigation need will be documented in each activity application.

2. HMGP INFRASTRUCTURE MATCH FUNDING

a) Program Description

The HMGP Infrastructure match program will provide CDBG-DR funds to meet the local match requirement for CDBG-DR eligible, Tier 1 awarded Hurricane Mitigation Grant Program funds. Activities include mitigation projects that will result in protection of public or private property from natural hazards. Eligible activities include, but are not limited to, the following:

- Acquisition or relocation of hazard-prone structures;
- Retrofitting of existing buildings and facilities that will result in increased protection from hazards;
- Elevation of flood-prone structures;
- Infrastructure protection measures;
- Stormwater management improvements;
- Minor structure flood control;
- Flood diversion and storage; or
- Floodplain and stream restoration.

b) Long-Term Resilience

All CDBG-DR funded infrastructure activities must be designed and constructed in a resilient manner to withstand extreme weather events and the impacts of climate change. Infrastructure projects undertaken through CDBG-DR will be focused on reducing the risks associated with high flood water and storm surge by including engineered or non-engineered solutions to retain, detain, divert, or convey excess water to lower the risk of flooding. Mitigation funds are included in Lee County's total infrastructure budget and will be used to support improvements to infrastructure that was not impacted by Hurricane Ian. Mitigation improvements will aim to create more resilient infrastructure systems and increase the municipality's ability to ensure continuous operation of indispensable services during a future hazard event.

c) Competition Overview

Matching grants for CDBG-DR eligible, Tier 1, Hazard Mitigation Grant Program (HMGP) activities will be awarded CDBG-DR funds. A request for funding form will be made available to eligible applicants.

Matching grants for Tier 2, CDBG-DR eligible, HMGP activities may be requested through competitive application process for Critical Infrastructure activities, as detailed above.

Recommendations for funding will be presented to the BoCC for final evaluation. The BoCC has final authority to award project funding. The entities/agencies awarded projects will become subrecipients under the Lee County CDBG-DR program.

d) Total Budget

The estimated total budget for HMGP infrastructure match projects is \$113,331,195.

e) Eligible Entities/Applicants

All applicants must have written documentation supporting a Tier 1 award of HMGP funds through Florida Division of Emergency Management (FDEM) Notice of Funding Availability for DR-4673.

f) Funding Award Guidelines

Minimum Award: Minimum required 25 percent match for Tier 1 HMGP activity.

Maximum Award: \$25,000,000

g) Eligible and Ineligible Activities

As provided by the Housing and Community Development Act (HCDA), grant funds may be used to satisfy a match requirement, share, or contribution for any other federal program when used to carry out an eligible CDBG–DR activity. (87 FR 6364, p. 32064)

Eligible activities must be undertaken in Lee County, Florida. An infrastructure activity includes any activity or group of activities (including acquisition of site or other improvements), whether carried out on public or private land, that assist the development of the physical assets that are designed to provide or support services to the public.

For purposes of this requirement, an activity that falls within this definition is an infrastructure activity regardless of whether it is carried out under sections 105(a)(2), 105(a)(14), or another section of the HCD Act or a waiver or alternative requirement established by HUD.

Additionally, all newly constructed infrastructure that is assisted by a CDBG-DR funded infrastructure activity must be designed and constructed in a resilient manner to withstand extreme weather events and the impacts of climate change.

Ineligible activities are defined in 24 CFR 570.207, and include, but are not limited to, buildings or portions thereof used for conduct of government; general government expenses; political activities; purchase of equipment (except as provided for in 24 CFR 570.201(c)); operating and maintenance expenses; and income payments.

h) Application Period

Lee County will establish an application timeframe. Applications will be posted for at least 30 days.

i) National Objectives

All eligible activities will be required to meet a national objective in accordance with HUD guidelines in 24 CFR 570.208. Applications submitted for HMGP infrastructure funding must include a description of the nature of the activity, the specific area and populations served, and the intended national objective for the proposed activity.

Eligible national objectives must align with HUD guidelines based on the eligible activity type. A matrix detailing the national objective by activity type should be reviewed here: <https://files.hudexchange.info/resources/documents/Matrix-Code-National-Objective-Table.pdf>.

Urgent need may be used as an eligible national objective for critical infrastructure activities that are of particularly critical nature to the recovery or resiliency of a community, but do not meet the criteria for other national objectives. Such activities must demonstrate urgency and impact on recovery.

j) Citation for eligibility

Statutory Citations | Section 105(a)(2);

Regulatory Citations | 24 CFR 570.201(c); 24 CFR 570.207; 24 CFR 570.208

k) Tieback

Activities funded under this project may address an unmet recovery need or a mitigation need. Disaster related tieback or mitigation need will be documented in each activity application.

3. AFFORDABLE HOUSING DEVELOPMENT AND PRESERVATION

a) Program Description

Funds allocated for this program will provide for the construction and preservation of quality, affordable multi-family housing units and the development of new, affordable single-family housing units. The rehabilitation of rental units under this program is limited to large scale rental properties (5 units or more).

b) Long-Term Resilience

All CDBG-DR funded housing development and preservation activities must, at a minimum, incorporate hazard mitigation measures and green building standards into design and construction. The use of alternative, more resilient construction materials and methods is also encouraged. These measures aim to reduce impacts of future disasters and increase long-term affordability of the housing units.

c) Competition Overview

Funding for affordable housing development and preservation will be awarded to eligible applicants for eligible activities based on a competitive selection process to the extent that funds are available. Lee County will establish deadlines for submitting applications and will notify all eligible applicants through a direct mailing/emailing and posting on the Lee County CDBG-DR website. Lee County will use a Notice of Funding Availability (NOFA) package to gather the information necessary to assess each project and potential subrecipient.

Lee County staff will review each application to ensure the following threshold criteria are met. Applications must meet all criteria to be considered for scoring:

- Proposal is submitted by published deadline.
- Applicant is an eligible entity and has capacity to undertake the proposed activity.
- Proposed activity is CDBG-DR eligible and meets a national objective.
- Proposed activity is feasible and complies with CDBG-DR construction and elevation standards.
- For multi-family housing units, at least 51 percent will be occupied by households with 80 percent AMI or less.
- For single-family housing units, 100 percent will be occupied by households with 80 percent AMI or less.
- Applicant has been in operation for a minimum of 12 months prior to application deadline.

- Applicants may not be presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in federal programs, as indicated by System for Award Management (www.sam.gov).
- Application is signed by the agency official designated to execute contracts.
- The applicant is a legally formed entity qualified to do business in the State of Florida.
- The applicant has provided evidence of ownership or other legal contract providing for its use/development of the project site.

Applicants who do not meet one or more of the above threshold requirements will have a maximum of five business days to cure any deficiency. Any applications with noncured deficiencies will not be considered for scoring.

Lee County staff will then review and score each application based on technical evaluation criteria. When ranking affordable housing development and preservation projects for CDBG-DR funding, it is important to consider various criteria to ensure fair and objective evaluation. The criteria below are subject to change and are not necessarily listed in order of priority. Specific point values for each criterion will be defined during the NOFA process.

Technical Evaluation Criteria	Criteria Description
Project Design/Approach	The extent to which the proposed activity design/approach is reasonable, efficient, and durable. The extent to which the proposed activity utilizes alternative materials and innovative design options, including designing with broadband in mind.
Sustainability and Resilience Measures	The extent to which the proposed activity integrates adaptable and reliable technologies to prevent displacement and protect tenants/owners, specifically for vulnerable populations. The extent to which the proposed activity will integrate mitigation measures and strategies to reduce natural hazard risks, including climate related risks.
Timeliness and Urgency	Number of months estimated to complete and lease/sell units.
Cost-Effectiveness	Overall cost per unit and cost to CDBG-DR per unit.
Leveraged Funds	Percent of leveraged funds allocated to the activity.
Public Input and Community Engagement	The applicant has engaged the community and gathered public input regarding the proposed activity. The applicant considered public feedback when designing the activity.
Proposal Presentation	The proposal is complete, has required attachments, and provides a clear demonstration of organizational capacity, activity details, and budget requirements.

Application packets that include the results of staff reviews will be submitted to an Evaluation Committee, which will review and rank projects. Committee recommendations will be presented to the BoCC for final evaluation. The BoCC has final authority to award project funding. The entities/agencies awarded projects will become subrecipients under the Lee County CDBG-DR program.

d) Total Budget

The estimated total budget for affordable housing development and preservation is \$400,000,000.

e) Eligible Applicants

All private non-profit or for-profit agencies that have developed housing through new construction or acquisition/rehabilitation within the last 36 months prior to the date of application are eligible to apply.

The applicant must be a legally formed entity (e.g., limited partnership, limited liability company, etc.) qualified to do business in the state of Florida as of the application deadline. *Evidence from the Florida Department of State, Division of Corporations that the applicant satisfies the foregoing requirements will be required as an application attachment.*

Applicant must also meet all the following requirements:

- Independent certified audited financial statement of the most recent or immediate prior fiscal year, including the management letter and written response (exceptions may be considered on an individual basis); or most recent single audit if the entity is a non-Federal entity that expends \$750,000 or more during the non-Federal entity's fiscal year in federal awards, in accordance with 24 CFR 200.501.
- Current CPA's Peer Review letter of Monthly Financial Statements (within last 60 days).
- Any applicant on the excluded parties list (www.sam.gov) will be considered ineligible for funding.
- Applicants should have previous experience administering projects of a similar size and scope and/or working with federal or state housing grant funds.

f) Funding Award Guidelines

Minimum Project Award: \$4,000,000

Maximum Project Award: \$20,000,000

Maximum per unit subsidy may not exceed \$200,000 for multi-family units.

Maximum per unit subsidy may not exceed \$300,000 for single-family units.

g) Eligible and Ineligible Activities

Eligible activities must be undertaken in Lee County, Florida.

Housing activities eligible within this project may include the following:

- Acquisition and/or Rehabilitation of Multi-Family Housing
- New Construction of Multi-Family Housing
- New Construction of Single-Family Housing (*applications must include the new construction of at least 10 new single family housing units*)

For the purposes of CDBG-DR funds, single family housing means four units or less per structure, and multifamily housing is five or more units per structure.

Ineligible activities are defined in 24 CFR 570.207, and include, but are not limited to, buildings or portions thereof used for conduct of government; general government expenses; political activities; purchase of equipment (except as provided for in 24 CFR 570.201(c)); operating and maintenance expenses; and income payments.

h) Application Period

Lee County will establish an application timeframe. Applications will be posted for at least 30 days.

i) National Objectives

Low- and Moderate-Income Housing (LMH)

j) Citation for eligibility

Statutory Citation: Section 105(a)

Regulatory Citation: 24 CFR 570.201, 24 CFR 570.202

Per Federal Register Notice 88 FR 32046, Section 105(a) and 24 CFR 570.207(b)(3) are waived to permit new housing construction.

k) Tieback

Provides affordable housing units which addresses the current lack of affordable rental units as a direct and indirect result of Hurricane Ian.

4. INDIVIDUAL HOUSING REHABILITATION, RECONSTRUCTION, AND ELEVATION

a) Program Description

Funds allocated for this project will provide for the rehabilitation, reconstruction and/or elevation of single-family, owner-occupied housing and rental housing (less than 5 units) that was damaged by Hurricane Ian. All newly constructed or rehabilitated housing units must incorporate disaster resilience measures to provide better outcomes in a major storm. Activities funded under this program may include:

- Rehabilitating existing structures, including substantial rehabilitation to bring the property up to local codes and standards;
- Making energy efficiency improvements through insulation, new windows and doors, and other similar improvements;
- Installing handicapped accessibility aids, such as grab bars and ramps;
- Repairing or replacing hurricane damaged roofs, windows, water systems, septic tanks, air conditioning, wells, windows, electrical and plumbing systems;
- Demolishing and re-building a unit in substantially the same manner; or
- Elevating damaged homes in special flood hazard areas.

Due to the amount of time that has elapsed since Hurricane Ian, Lee County has recognized that homeowners are in varied stages of their rebuilding process and has designed a program that will assist eligible homeowners at different points in their recovery. Lee County will reimburse homeowners for eligible costs for the repair, replacement, or elevation of storm damaged homes subject to all eligibility criteria and availability of funds.

b) Long-Term Resilience

All CDBG-DR funded housing rehabilitation, reconstruction, and elevation activities carried out by Lee County must incorporate hazard mitigation measures and green building standards into design and construction. The use of alternative, more resilient construction materials and methods is also encouraged. These measures aim to reduce impacts of future disasters and increase long-term affordability of the housing units.

c) Competition Overview

Funding for individual housing rehabilitation, reconstruction, and elevations will be awarded to eligible applicants through a phased application process to the extent that funds are available. Lee County will establish deadlines for submitting applications and will notify the public through

a direct mailing/emailing and posting on the Lee County CDBG-DR website. Lee County will use a pre-application package to gather the information necessary to assess each activity, then request an intake application and supporting documentation after an initial eligibility review. To serve the most vulnerable populations in Lee County most effectively, individuals will be prioritized for assistance in alignment with federal guidance. Lee County, through specific targeted outreach events, will attempt to reach vulnerable populations with information and available resources regarding available assistance.

The prioritization of eligible applicants will be based on income, age, and whether any member of the household has a disability. Income level will affect the phase in which a homeowner is invited to complete the intake application. All activity funding will be awarded according to a phased priority system. The phases of awards are as follows:

Application Phases		Phase I	Phase II	Phase III	Phase IV	Phase V
Household Income	Less than 50% AMI	<input checked="" type="checkbox"/>				
	Between 50% and 80% AMI		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
	Between 80% and 120% AMI*				<input checked="" type="checkbox"/>	
	Between 120% and 140% AMI*					<input checked="" type="checkbox"/>
Homeowner 62+ and/or Household Member with Disability	Yes		<input checked="" type="checkbox"/>			
	No			<input checked="" type="checkbox"/>		

* Funding awards to eligible applicants that have a household income greater than 80 percent of AMI will be made only after Lee County has allocated 70 percent of all CDBG-DR funds for projects benefiting low- and moderate-income households, or in the case of a HUD-approved waiver.

Lee County will establish deadlines for submitting applications and will notify the public when applications are made available through press release, email newsletters, social media, and posting on the Lee County CDBG-DR website. Lee County will use a pre-application and subsequent intake application process to gather the information necessary to assess income and property eligibility.

Lee County and its implementation vendors will manage and complete the construction process for the rehabilitation or reconstruction of damaged homes on behalf of homeowners. Lee County and its implementation vendors will procure contractors in accordance with the requirements of 2 CFR 200 on behalf of the property owner and ensure the contractors repair or reconstruct damaged properties in a resilient manner. Lee County and its implementation vendors will require contractors to provide property owners with a one-year warranty on construction.

d) Total Budget

The estimated total budget for housing projects is \$175,000,000.

e) Eligible Applicants

Owner-Occupied Housing

- Owned and occupied the damaged property at the time of disaster and still own the damaged home.
- Properties that served as second homes at the time of the disaster, or following the disaster, are not eligible for rehabilitation, reconstruction or elevation assistance.
- Must not have received or expect to receive insurance, FEMA, or other payments for housing repair or replacement that are collectively equal to or greater than \$250,000.
- Applicants living in a Special Flood Hazard Area (SFHA) who receive federal assistance under these programs must obtain and maintain flood insurance for rehabilitated, reconstructed, or elevated properties.

Renter-Occupied Housing (less than 5 units)

- Owned and had a lease with a renter residing in the damaged property at the time of disaster and still own the damaged property.
- Must not have received or expect to receive insurance, FEMA, or other payments for housing repair or replacement that are collectively equal to or greater than \$250,000.
- Applicants living in a Special Flood Hazard Area (SFHA) who receive federal assistance under these programs must obtain and maintain flood insurance for rehabilitated, reconstructed, or elevated properties.

f) Funding Award Guidelines

Minimum Award for an individual housing activity is: \$3,000.

As determined by the scope of work based on standard grade building materials as calculated by

the program using national building standard estimating software, less any duplication of benefits (e.g., NFIP, FEMA or SBA) the County has determined a maximum award for rehabilitation of an individual housing unit to be: \$250,000, excluding any project delivery costs.

As determined by the scope of work based on standard grade building materials as calculated by the program using national building standard estimating software, less any duplication of benefits (e.g., NFIP, FEMA or SBA) the County has determined a maximum award for reconstruction and/or elevation of an individual housing unit to be: \$450,000, excluding any project delivery costs.

Lee County may assist with interim housing, including, temporary assistance for rental housing or long-term hotel/efficiency stays during a period when a household is unable to reside in their home during rehabilitation, reconstruction, or elevation. The maximum amount of assistance will be identified in the County's Residential Anti-displacement and Relocation Assistance Plan (RARAP).

Owner-Occupied Housing

Homeowners must agree to occupy the property as their principal residence, maintain a homestead exemption, and maintain required insurance coverage during the 5-year mortgage term.

If the property is occupied as a primary homesteaded residence for the 5-year term, a satisfaction of mortgage will be given, and the mortgage will not have to be repaid. If, during the 5-year term, the property is sold, transferred, leased, or first mortgage is refinanced, or is not owner-occupied and homesteaded, then the prorated balance of the mortgage will be due and payable. Future requests for subordination will be considered on a case-by-case basis. Annual monitoring of properties will take place during the mortgage term including random site checks to ensure that properties are still owner-occupied.

Renter Occupied Housing (less than 5 units)

Property owner must agree to lease the property at an affordable rate to an income qualified (80 percent or below AMI) tenant and maintain required insurance coverage during the 5-year mortgage term.

If the property is occupied by an income qualified (80 percent or below AMI) tenant for the 5-year term, a satisfaction of mortgage will be given, and the mortgage will not have to be repaid. If, during the 5-year term, the property is sold, transferred, leased to a non-qualified tenant, or

first mortgage is refinanced, then the prorated balance of the mortgage will be due and payable. Future requests for subordination will be considered on a case-by-case basis. Annual monitoring of properties will take place during the mortgage term including random site checks.

Exceptions to Maximum Award Amounts: *The limited instances of providing exceptions to maximum award amounts will be based on criteria specified in the program policy, such as, reasonable accommodation requests under Section 504 or measures to address program recognized environmental conditions, which can be addressed through construction measures necessary to mitigate the consequences of those conditions. The County will establish policies and procedures for applicants to apply for an exception. All exceptions to maximum award limitations are subject to grant fund availability.*

g) Eligible and Ineligible Activities

Eligible activities must be undertaken in Lee County, Florida.

Housing activities eligible within this project may include the following:

- Rehabilitation of Single-Family Owner-Occupied Housing Units
- Reconstruction of Single-Family Owner-Occupied Housing Units
- Elevation of Single-Family Owner-Occupied Housing Units
- Rehabilitation of Rental Housing Units (less than 5 units)
- Reconstruction of Rental Housing Units (less than 5 units)
- Elevation of Rental Housing Units (less than 5 units)

Only properties damaged by Hurricane Ian are considered for eligibility.

Ineligible activities are defined in 24 CFR 570.207, and include, but are not limited to, buildings or portions thereof used for conduct of government; general government expenses; political activities; purchase of equipment (except as provided for in 24 CFR 570.201(c)); operating and maintenance expenses; and income payments. For this project, the following are also ineligible activities:

- Forced mortgage payoffs.
- Funding for owner-occupied second homes (other than buyout programs).
- Assistance for those who previously received federal flood disaster assistance and did not maintain flood insurance where required (other than buyout programs).
- Compensation payments.

h) Application Period

Applications will be accepted as soon as possible after grant agreement execution and will remain open until funds have been exhausted or the performance period ends, whichever comes first. Lee County will establish deadlines for submitting applications and will notify the public when applications are made available through press release, email newsletters, social media, and posting on the Lee County CDBG-DR website.

i) National Objectives

Low- or Moderate-Income Housing (LMH)

Urgent Need (URG): Hurricane Ian's impacts on housing were widespread, with significant residential damage in areas that typically have household incomes exceeding 80 percent of the AMI. To prevent displacement of persons and property, the urgent need national objective may be used to address the housing rehabilitation, reconstruction, and/or elevation needs for households that exceed 80 percent AMI. Funding awards to eligible applicants that have a household income greater than 80 percent of AMI will be made only after Lee County has allocated 70 percent of all CDBG-DR funds for projects benefiting low- and moderate-income households, or in the case of a HUD-approved waiver.

j) Citation for eligibility

Statutory Citations | Section 105(a);

Regulatory Citations | 24 CFR 570.202

k) Tieback

The program assists to rehabilitate, reconstruct, and/or elevate homes that were damaged or destroyed as a direct result of Hurricane Ian.

5. HOME PURCHASE ASSISTANCE

a) Program Description

Funds allocated for this project will provide for the home purchase assistance for households up to 120 percent of AMI. The project provides homeownership assistance to low- and moderate-income homebuyers by providing soft second mortgages for closing costs and down payment assistance to acquire homes outside the Special Flood Hazard Area.

b) Long-Term Resilience

CDBG-DR Home Purchase Assistance is designed to aid households seeking housing outside of the special flood hazard areas. Housing located outside of the hazard areas is more resilient to future disaster impacts.

c) Competition Overview

Funding for home purchase assistance will be awarded to eligible applicants through a phased application process, and to the extent that the funds are available. Lee County will establish deadlines for submitting applications and will notify all eligible applicants through a direct mailing/emailing and posting on the Lee County CDBG-DR website. Additionally, Lee County, through specific targeted outreach events, will attempt to reach vulnerable populations with information and available resources regarding available assistance.

To serve the most vulnerable populations in Lee County most effectively, individuals will be prioritized for assistance, in alignment with federal guidance. The prioritization of eligible applicants will be based on household income, homeowner age, and whether any member of the household has a disability. Income level will affect the phase in which a homeowner is invited to complete the intake application. All activity funding will be awarded according to a phased priority system. The phases of awards are as follows:

Application Phases		Phase I	Phase II	Phase III	Phase IV	Phase V
Household Income*	Less than 50% AMI	<input checked="" type="checkbox"/>				
	Between 50% and 80% AMI		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
	Between 80% and 120% AMI				<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Application Phases	Phase I	Phase II	Phase III	Phase IV	Phase V
Homeowner 62+ and/or Household Member with Disability	Yes		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
	No		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>

* Funding awards to eligible applicants that have a household income greater than 80 percent of AMI will be made only after Lee County has allocated 70 percent of all CDBG-DR funds for projects benefiting low- and moderate-income households, or in the case of a HUD-approved waiver.

d) Total Budget

The estimated total budget for home purchase assistance is \$10,000,000.

e) Eligible Applicants

- Homebuyer must be able to obtain a commitment for a new first mortgage (not an assumption) from a lending institution (30-year, fixed rate; no ARM or balloon mortgage and no prepayment penalties allowed). Property taxes and homeowner's insurance must be escrowed.
- Homebuyer must be purchasing a residential unit in Lee County, Florida.
- Homebuyer does not need to be a first-time homebuyer but cannot own any other homes at the time of application.
- Homebuyer must have a household income at or below 120 percent of the Area Median Income.

f) Funding Award Guidelines

Minimum Award: Lee County will determine the minimum amount of assistance based on applicant need. The intent of the Homeownership Assistance Program is to provide what is needed and not to provide a standard subsidy amount.

Maximum Award: Lee County will determine the amount of assistance based on applicant need and may provide up to 100 percent of the lender required minimum down payment plus reasonable closing costs. Additional subsidy may be given (if needed) to ensure the projected housing payment will be no more than 35 percent of the household's gross monthly income. In no case will the assistance given by Lee County's CDBG-DR Homeownership Assistance Program exceed \$75,000.

For the purpose of recapture, a 5-year second mortgage will be placed on the property being purchased. Zero percent interest and no monthly payments will be due. The second mortgage is self-amortizing and will reduce at a rate of 20 percent per year. Homebuyers must agree to occupy the property as their principal residence, maintain a homestead exemption, and maintain required insurance coverage during the 5-year second mortgage term.

If the property is occupied as a primary homesteaded residence for the 5-year term, a satisfaction of mortgage will be given, and the second mortgage will not have to be repaid. If, during the five-year term, the property is sold, transferred, leased, or first mortgage is refinanced, or is not owner-occupied and homesteaded, then the prorated balance of the second mortgage will be due and payable. Future requests for subordination will be considered on a case-by-case basis. Annual monitoring of properties will take place during the second mortgage term including random site checks to ensure that properties are still owner-occupied.

g) Eligible and Ineligible Activities

Eligible activities must be undertaken in Lee County, Florida.

Eligible costs for home purchase assistance may include the following:

- Up to 100 percent of any lender required down payment;
- Reasonable closing costs (normally associated with the purchase of a home);
- Subsidized interest rates and mortgage principal amounts.

Ineligible activities are defined in 24 CFR 570.207, and include, but are not limited to:

- Buildings or portions thereof used for conduct of government; general government expenses; political activities; purchase of equipment (except as provided for in 24 CFR 570.201(c)); operating and maintenance expenses; and income payments. For this project type the following area also ineligible:
- Non-occupying co-borrowers/co-signers are NOT allowed. Any borrower not on Lee County's mortgage and note cannot be on the deed; and
- The purchase of second homes.

h) Application period

Applications will be accepted as soon as possible after grant agreement execution and will remain open until funds have been exhausted or performance period ends, whichever comes first. Lee

County will establish deadlines for submitting applications and will notify the public when applications are made available through press release, email newsletters, social media, and posting on the Lee County CDBG-DR website.

i) National Objectives

Low- and Moderate-Income Housing (LMH)

Urgent Need (URG): Hurricane Ian's impacts on housing were widespread, with significant residential damage in areas that typically have household incomes exceeding 80 percent of the AMI. To prevent displacement of persons and property, the urgent need national objective may be used to assist households that exceed 80 percent AMI to purchase a home outside of the special flood hazard area in Lee County. Funding awards to eligible applicants that have a household income greater than 80 percent of AMI will be made only after Lee County has allocated 70 percent of all CDBG-DR funds for projects benefiting low- and moderate-income households, or in the case of a HUD-approved waiver.

j) Citation for eligibility

Statutory Citations | Section 105(a)

Regulatory Citations | 24 CFR 570.201(n)

k) Tieback

The program transitions LMI households from rental based housing to affordable home ownership, which is a component of addressing the impact of the disasters on availability of affordable rental housing.

6. VOLUNTARY RESIDENTIAL BUYOUTS

a) Program Description

Funds allocated for this project will be used to acquire repetitive loss properties. A repetitive loss property is defined as an NFIP-insured structure that has had at least two paid flood losses of more than \$1,000 each in any 10-year period since 1978. The sale of residential housing units to the County is completely voluntary and initiated by the property owner. Once a property has been acquired through a buyout, the land can only be used as open “green” space, recreational, or floodplain or wetland management with the goal of reducing risk of property damage from future hazards. Buyouts and safe housing incentives will be prioritized to include sites that were damaged by Hurricane Ian and are repetitive loss properties.

b) Long-Term Resilience

Buyout activities are acquisitions for the purpose of reducing risk of property damage from future hazards. Properties acquired through buyout will be maintained for use only as open “green” space, recreational, floodplain or wetland management, or other disaster-risk reduction practices.

c) Competition Overview

Funding for Voluntary Residential Buyouts will be awarded to eligible applicants for eligible activities through an application process, based on the geographic prioritization outlined below, and to the extent that the funds are available. Lee County will establish deadlines for submitting applications and will notify potentially eligible applicants through mail, email, and posting on the Lee County CDBG-DR website. Lee County will use a pre-application package to gather the information necessary to assess each activity, then request an intake application and supporting documentation after an initial eligibility review.

To serve the most vulnerable populations in Lee County most effectively, individuals will be prioritized for assistance in alignment with federal guidance. Additionally, Lee County, through specific targeted outreach events, will attempt to reach vulnerable populations with information and available resources regarding available assistance.

The prioritization of eligible applicants will be based on household income and the location of the property being voluntarily sold to the county. Income level will affect the phase in which a homeowner is invited to complete the intake application. All activity funding will be awarded according to a phased priority system. The phases of awards are as follows:

Application Phases		Phase I	Phase II	Phase III
Household Income*	Less than 80% AMI	<input checked="" type="checkbox"/>		
	Between 80% and 120% AMI		<input checked="" type="checkbox"/>	
	Between 120% and 140% AMI			<input checked="" type="checkbox"/>
Repetitive Flood Loss Property	Yes	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

* Funding awards to eligible applicants that have a household income greater than 80 percent of AMI will be made only after Lee County has allocated 70 percent of all CDBG-DR funds for projects benefiting low- and moderate-income households, or in the case of a HUD-approved waiver.

Lee County and their implementation vendors will manage and complete the acquisition, demolition, and transition of property to an acceptable risk-reducing use. Lee County and their implementation vendors will procure contractors in accordance with the requirements of 2 CFR 200 to transition the acquired property to an acceptable use. Lee County or the designated municipality will ensure the management of the property in accordance with land use restrictions in perpetuity. The County and its implementation vendors will provide relocation assistance for citizens in conjunction with the buyout as appropriate and in accordance with all applicable guidelines and this Action Plan.

d) Total Budget

The estimated total budget for voluntary residential buyouts is \$75,000,000.

e) Eligible Applicants

To be eligible for assistance under this program, an applicant must have owned a repetitive loss property at the time of disaster and still own the damaged home. *A repetitive loss property is defined as an NFIP-insured structure that has had at least 2 paid flood losses of more than \$1,000 each in any 10-year period since 1978. Owned property must have been damaged by Hurricane Ian.*

f) Funding Award Guidelines

The County has established a maximum award for the acquisition of a property as: \$450,000, excluding any program project delivery costs, including safe housing incentives, temporary relocation assistance, and the cost to transition the site to a use that is compatible with open space, recreational, floodplain and wetlands management practices, or other disaster-risk reduction practices.

Lee County will determine the amount of safe housing incentive provided to homeowners based on need. Safe housing incentives may be given (if needed) to ensure the projected housing payment at the homeowner's new residence will be no more than 35 percent of the household's gross monthly income. In no case will the safe housing incentive given for this purpose exceed \$75,000.

Lee County may assist with interim housing, including, temporary assistance for rental housing or long-term hotel/efficiency stays during a period when a household is unable to reside in their home. The maximum amount of assistance will be identified in the County's Residential Anti-displacement and Relocation Assistance Plan (RARAP).

Exceptions to Maximum Award Amounts: *The limited instances of providing exceptions to maximum award amounts will be based on criteria specified in the program policy, such as, reasonable accommodation requests under Section 504 or measures to address program recognized environmental conditions, which can be addressed through construction measures necessary to mitigate the consequences of those conditions. The County will establish policies and procedures for applicants to apply for an exception. All exceptions to maximum award limitations are subject to grant fund availability.*

g) Eligible and Ineligible Activities

Eligible activities must be undertaken at repetitive loss properties within Lee County, Florida.

Activities eligible within this project may include the following:

- Assistance paid to a homeowner as a housing incentive for the purpose of incentivizing the homeowner to sell the home to Lee County (e.g., in conjunction with a buyout).
- Interim housing (e.g., temporary assistance for rental housing during a period when a household is unable to reside in its home).
- Costs associated with the transition of an acquired property from a residence to a use that is compatible with open space, recreational, floodplain and wetlands management practices, or other disaster-risk reduction practices.
- Purchase of repetitive loss properties.

HUD is instituting an alternative requirement to the rehabilitation provisions at 42 U.S.C. 5305(a)(4) as follows: properties that served as second homes at the time of the disaster, or following the disaster, are not eligible for safe housing incentives. A second home is defined for purposes of the Consolidated Notice as a home that is not the primary residence of the owner, a

tenant, or any occupant at the time of the disaster or at the time of application for CDBG–DR assistance. Grantees can verify a primary residence using a variety of documentation including, but not limited to, voter registration cards, tax returns, homestead exemptions, driver's licenses, and rental agreements. Acquisition of second homes at post-disaster fair market value is not prohibited.

Ineligible activities are defined in 24 CFR 570.207, and include, but are not limited to, buildings or portions thereof used for conduct of government; general government expenses; political activities; purchase of equipment (except as provided for in 24 CFR 570.201(c)); operating and maintenance expenses; and income payments.

h) Application period

Applications will be accepted as soon as possible after grant agreement execution and will remain open until funds have been exhausted or performance period ends, whichever comes first. Lee County will establish deadlines for submitting applications and will notify the public when applications are made available through press release, email newsletters, social media, and posting on the Lee County CDBG-DR website.

i) National Objectives

Low- and Moderate-Income Housing (LMH)

Urgent Need (URG): Hurricane Ian's impacts on housing were widespread, with significant residential damage in areas that typically have household incomes exceeding 80 percent of the AMI. To improve community resiliency, the urgent need national objective may be used to facilitate the voluntary residential buyouts of properties owned by households with incomes that exceed 80 percent AMI. Funding awards to eligible applicants that have a household income greater than 80 percent of AMI will be made only after Lee County has allocated 70 percent of all CDBG-DR funds for projects benefiting low- and moderate-income households, or in the case of a HUD-approved waiver.

j) Citation for eligibility

Statutory Citations | Section 105(a)(1);

Regulatory Citations | 24 CFR 570.201(a), 24 CFR 570.208(a)(3)

k) Tieback

The program assists to relocate households who were impacted by Hurricane Ian to safer housing and reduces future hazard risk to residential properties designated as repetitive loss properties.

7. PLANNING

a) Program Description

Funds allocated for this project will be provided to eligible applicants to carry out planning activities. Plans created through this program should focus on resilience and recovery whenever possible.

b) Competition Overview

Funding for planning activities will be made available to eligible applicants within Lee County. Applicants will apply through a competitive process, and funds will be awarded based on the criteria below, to the extent that the funds are available. Lee County will establish deadlines for submitting applications and will notify potentially eligible applicants through email and posting on the Lee County CDBG-DR website. Lee County will use a Notice of Funding Availability (NOFA) package to gather the information necessary to assess each project and potential subrecipient.

Lee County staff will review each application to ensure the following threshold criteria are met. Applications must meet all criteria to be considered for scoring:

- Proposal is submitted by published deadline.
- Applicant is an eligible entity and has capacity to undertake the proposed activity.
- Proposed activity is CDBG-DR eligible.
- Proposed activity is feasible.
- Applicant has been in operation for a minimum of 12 months prior to application deadline.
- Applicants may not be presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in federal programs, as indicated by System for Award Management (www.sam.gov).
- Application is signed by the agency official designated to execute contracts.
- The applicant is a legally formed entity qualified to do business in the State of Florida.
- The applicant has provided evidence of ownership or other legal contract providing for its use/development of the project site.

Applicants who do not meet one or more of the above threshold requirements will have a maximum of five business days to cure any deficiency. Any applications with noncured deficiencies will not be considered for scoring.

Lee County staff will then review and score each application based on technical evaluation criteria. When ranking activities for CDBG-DR funding, it is important to consider various criteria to ensure fair and objective evaluation. The criteria below are subject to change and are not

necessarily listed in order of priority. Specific point values for each criterion will be defined during the NOFA process.

Technical Evaluation Criteria	Criteria Description
Project Design/Approach	The extent to which the proposed activity design/approach is reasonable, efficient, durable, and addresses an unmet need or mitigation need.
Sustainability and Resilience Measures	The extent to which the proposed activity integrates mitigation measures and strategies to reduce natural hazard risks, including climate-related risks.
Timeliness and Urgency	The proposed activity will be completed within the grant performance period and indicates a reasonable timeline for completion and drawdown of funds.
Cost-Effectiveness and Controls	The proposed activity is cost reasonable. The applicant has conducted a cost benefit analysis.
Proposal Presentation	The proposal is complete, has required attachments, and provides a clear demonstration of organizational capacity, activity details, and budget requirements.

Application packets that include the results of staff reviews will be submitted to an Evaluation Committee, which will review and rank projects. Committee recommendations will be presented to the BoCC for final evaluation. The BoCC has final authority to award project funding. The entities/agencies awarded projects will become subrecipients under the Lee County CDBG-DR program.

Lee County has also identified three planning efforts of community-wide benefit that are specifically included for funding in this Action Plan and are listed below:

- **Long-Term Recovery Task Force – Recovery and Resiliency Plan**
 - \$2,250,000 is being allocated for the work of the task force.
 - The Recovery Task Force is composed of eight branches that bring together public, private, and non-profit sector subject matter experts. These branches will review research, data, and analysis from initial and ongoing community engagement and confirm findings. Branches will identify solutions and engage key partners who may have insight into how to address issues. The work of the Task Force is ongoing but will result in a strategic plan to increase resiliency in the areas of planning and capacity, economic recovery, education and workforce, health and social services, housing, infrastructure, national resources, and cultural resources.
- **Behavioral Health System of Care Plan**
 - \$1,000,000 is being allocated for the development of a strategic plan for behavioral health services in Lee County.
 - The Behavioral Health System of Care Plan will provide the framework necessary to spearhead the development and implementation of a comprehensive system of care for behavioral health services in Lee County. This planning effort will result in a written strategic plan that is actionable to improve access to and availability of comprehensive and high-quality behavioral health services in Lee County.
- **Unmet Needs Assessment for Community Development Block Grant – Disaster Recovery Action Plan**
 - \$200,000 is being allocated for the development of the unmet needs assessment portion of the CDBG-DR Action Plan.
 - The costs associated with data gathering, analysis, and the development of the impact and unmet needs assessment, mitigation needs assessment, and fair housing assessment for the CDBG-DR Action Plan are eligible Planning costs in accordance with 24 CFR 570.205.

c) Total Budget

The estimated total budget for planning activities is \$25,000,000; \$21,550,000 will be made available to potential subrecipients through a competitive application process.

d) Eligible Entities/Applicants

Local municipalities, independent special districts, public utility providers, public housing authorities, and public school districts.

e) Funding Award Guidelines

Minimum Award: \$100,000 per activity

Maximum Award: \$3,000,000 per activity

f) Eligible and Ineligible Activities

Plans must benefit programs, services, or communities in Lee County, Florida. General planning to assist with recovery and resiliency, determine community needs, or comprehensive plans may be eligible. Planning activities which consist of all costs of data gathering, studies, analyses, and preparation of plans and the identification of actions that will implement such plans, including, but not limited to those listed in 24 CFR 570.205 may also be eligible.

Ineligible activities are defined in 24 CFR 570.207, and include, but are not limited to, buildings or portions thereof used for conduct of government; general government expenses; political activities; purchase of equipment (except as provided for in 24 CFR 570.201(c)); operating and maintenance expenses; and income payments.

g) Application period

Lee County will establish an application timeframe. Applications will be posted for at least 30 days.

h) National Objectives

None Required

i) Citation for eligibility

Statutory Citations | Section 105(a)(12), and 105(a)(15);

Regulatory Citations | 24 CFR 570.483(b)(5)

j) Tieback

CDBG-DR funds expended for eligible planning costs will consider recovery and resiliency, whenever possible.

8. PUBLIC SERVICES

a) Program Description

Funds allocated for this project will support the delivery of essential services to households impacted by Hurricane Ian. The services provided will include behavioral health services, case management, and resource navigation.

b) Long-Term Resilience

CDBG-DR funded public service activities are designed to create more resiliency within individual households. The provision of case management through the Unmet Needs Long Term Recovery group will provide individuals with tools to make them more resilient and better prepared for future disasters. The design and implementation of a behavioral health system of care will ensure long-term resiliency in a critical service field by preventing future service interruptions like those experienced during Hurricane Ian. The implementation of the system will provide greater access to essential behavioral health systems, equipping residents with personal resiliency tools that will assist them to better prepare for and recover from future disasters.

c) Competition Overview

Lee County has identified two public service efforts of community-wide benefit that are specifically identified below:

- **Unmet Needs Long Term Recovery Group**
 - \$5,000,000 is being allocated for the implementation of case management and resource navigation for persons who were impacted by Hurricane Ian.
 - The subrecipient for these funds will be Catholic Charities. This subrecipient was selected through a NOFA process in February 2023.
 - Catholic Charities is lead organization for Lee County's Unmet Needs Long Term Recovery Group. An Unmet Needs Long-term Recovery Group is made up of faith-based, nonprofit, community-based, private sector, and voluntary agencies, who have a shared goal to help affected families access resources for their recovery.
 - Catholic Charities is coordinating public information on housing recovery services, supporting service providers and case managers in assessing the needs of displaced persons and vulnerable populations, identifying available resources, analyzing and providing information to impacted households, identifying gaps in services, and advocating for timely resolutions to evolving issues for those with disaster-caused or disaster-aggravated housing needs.

- The Unmet Needs Long-Term Recovery Group provides services for vulnerable populations, including those who have extremely low income.
- **Behavioral Health Services and System of Care Implementation**
 - \$10,000,000 is being allocated for the implementation of services and a comprehensive system of care for behavioral health in Lee County.
 - Funds will be used to support the implementation of the framework developed in the Behavioral Health System of Care Plan and will result in improved access to and availability of comprehensive and high-quality behavioral health services in Lee County.
 - Subrecipient(s) for implementation of behavioral health services and the system of care will be selected via competitive application process, as detailed below.

Funding for the implementation of services and a comprehensive system for behavioral health care will be made available to providers through a competitive process. Funds will be awarded based on the criteria below, to the extent that the funds are available. Lee County will establish deadlines for submitting applications and will notify potentially eligible applicants through email and posting on the Lee County CDBG-DR website. Lee County will use a Notice of Funding Availability (NOFA) package to gather the information necessary to assess each project and potential subrecipient.

Lee County staff will review each application to ensure the following threshold criteria are met. Applications must meet all criteria to be considered for scoring:

- Proposal is submitted by published deadline.
- Applicant is an eligible entity and has capacity to understand the proposed activity.
- Proposed activity is CDBG-DR eligible and meets a national objective.
- Proposed activity is feasible.
- Applicant has been in operation for a minimum of 12 months prior to application deadline.
- Applicants may not be presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in federal programs, as indicated by System for Award Management (www.sam.gov).
- Application is signed by the agency official designated to execute contracts.
- The applicant is a legally formed entity qualified to do business in the State of Florida.
- The applicant has provided evidence of ownership or other legal contract providing for its use/development of the project site.

Applicants who do not meet one or more of the above threshold requirements will have a maximum of five business days to cure any deficiency. Any applications with noncured deficiencies will not be considered for scoring.

Lee County staff will then review and score each application based on technical evaluation criteria. When ranking activities for CDBG-DR funding, it is important to consider various criteria to ensure fair and objective evaluation. The scoring criteria below are subject to change and are not necessarily listed in order of priority. Specific point values for each criterion will be defined during the NOFA process.

Technical Evaluation Criteria	Criteria Description
Project Design/Approach	The extent to which the proposed activity design/approach is reasonable, efficient, durable, addresses an unmet need or mitigation need.
Sustainability and Resilience Measures	The extent to which the proposed activity integrates mitigation measures and strategies to reduce natural hazard risks, including climate related risks.
Timeliness and Urgency	The proposed activity will be completed within the grant performance period and indicates a reasonable timeline for completion and drawdown of funds.
Alignment with Local Plans and Priorities	The extent to which the proposed activity will create new, meaningful, actionable plans, and does not duplicate existing regionally or locally established plans and policies.
Cost-Effectiveness and Controls	The proposed activity is cost reasonable. The applicant has conducted a cost benefit analysis.
Proposal Presentation	The proposal is complete, has required attachments, and provides a clear demonstration of organizational capacity, activity details, and budget requirements.

Application packets that include the results of staff reviews will be submitted to an Evaluation Committee, which will review and rank projects. Committee recommendations will be presented to the BoCC for final evaluation. The BoCC has final authority to award project funding. The entities/agencies awarded projects will become subrecipients under the Lee County CDBG-DR program.

d) Total Budget

The estimated total budget for public service activities is \$15,000,000.

e) Eligible Entities/Applicants

Lee County will oversee the subrecipient agreements for the public services projects identified within this plan. Subrecipients that are not already identified will be non-profit agencies that have provided direct behavioral health services for a least 12 months prior to the date of application.

The applicant must be a legally formed non-profit entity qualified to do business in the state of Florida as of the Application deadline. *Evidence from the Florida Department of State, Division of Corporations that the Applicant satisfies the foregoing requirements will be required as an application attachment.*

Applicant must also meet all the following requirements:

- Independent certified audited financial statement of the most recent or immediate prior fiscal year, including the management letter and written response (exceptions may be considered on an individual basis) or most recent single audit, if the entity is a non-federal entity that expends \$750,000 or more during the non-Federal entity's fiscal year in federal awards, in accordance with 24 CFR 200.501.
- Current CPA's Peer Review letter of Monthly Financial Statements (within last 60 days).
- Any applicant on the excluded parties list (www.sam.gov) will be considered ineligible for funding.
- Applicants with previous experience administering projects of a similar size and scope and/or working with federal or state housing grant funds will be provided additional points in the scoring process.

f) Funding Award Guidelines

Minimum Award: \$1,000,000 per activity

Maximum Award: \$10,000,000 per activity

g) Eligible and Ineligible Activities

Eligible activities must be undertaken in Lee County, Florida.

The CDBG-DR regulations allow the use of grant funds for a wide range of public service activities, including, but not limited to:

- Employment services (e.g., job training);
- Crime prevention and public safety;
- Childcare;
- Health services;

- Substance abuse services (e.g., counseling and treatment);
- Fair housing counseling;
- Education programs;
- Energy conservation;
- Services for senior citizens;
- Services for homeless persons;
- Welfare services (excluding income payments);
- Down payment assistance (also refer to Chapter 4); and
- Recreational services.

CDBG-DR funds may be used to pay for labor, supplies, and material as well as to operate and/or maintain the portion of a facility in which the public service is located. This includes the lease of a facility, equipment, and other property needed for the public service.

To utilize CDBG-DR funds for a public service, the service must be either: a new service; or a quantifiable increase in the level of an existing service which has been provided by the local government funds in the 12 months preceding the submission of the Action Plan to HUD.

Ineligible activities are defined in 24 CFR 570.207, and include, but are not limited to, buildings or portions thereof used for conduct of government; general government expenses; political activities; purchase of equipment (except as provided for in 24 CFR 570.201(c)); operating and maintenance expenses; and income payments.

h) Application period

Lee County will establish an application timeframe. Applications will be posted for at least 30 days.

i) National Objectives

Low- and Moderate-Income Clientele – Behavioral Health Services

Urgent Need – Unmet Needs Long Term Recovery Group

j) Citation for eligibility

Statutory Citations | Section 105(a)(8)

Regulatory Citations | 24 CFR 570.201(e)

k) Tieback

The **Unmet Needs Long Term Recovery Group**, led by Catholic Charities, is coordinating public information on housing recovery services, supporting service providers and case managers to

assess the needs of displaced persons, identifying available resources, analyzing and providing information to impacted households, identifying gaps in services, and advocating for timely resolutions to evolving issues for those with disaster-caused or disaster-aggravated housing needs.

Behavioral Health Services and System of Care Implementation, Hurricane Ian brought significant loss of life and traumatic tales of survival, taking a significant mental toll on most Lee County residents, and creating an increased demand for behavioral health care. Physical damage was also considerable. The County's only Crisis Stabilization Unit suffered water intrusion and roof damage that rendered the facility non-operational until May 2023. A estimated 2,400 patients were forced to seek care elsewhere, stretching the local healthcare system beyond its capacity. Care paths available to patients after discharge remain scarce. Individuals who have just been stabilized following a mental health crisis like a suicide attempt, often return to their homes, or even the streets, while waiting for a follow up outpatient appointment. With so many homes damaged and lost as a result of Hurricane Ian, and increasing housing costs, many households are facing becoming unhoused for the first time in their lives.

V. APPENDICES

A. FEMA PA PROJECT LIST

The attached list of FEMA Public Assistance projects was used to determine the unmet need for infrastructure within Lee County. This list does not reflect actual projects or activities that will be funded with CDBG-DR funds. Applications for CDBG-DR funded projects will be made available after approval of the initial Action Plan.

https://www.leegov.com/recovery/Documents/Action_Plan_APPENDIX_A.pdf

B. CERTIFICATIONS

- a. The grantee certifies that it has in effect and is following a residential anti-displacement and relocation assistance plan (RARAP) in connection with any activity assisted with CDBG—DR grant funds that fulfills the requirements of Section 104(d), 24 CFR part 42, and 24 CFR part 570, as amended by waivers and alternative requirements.
- b. The grantee certifies its compliance with restrictions on lobbying required by 24 CFR part 87, together with disclosure forms, if required by part 87.
- c. The grantee certifies that the Action Plan for disaster recovery is authorized under state and local law (as applicable) and that the grantee, and any entity or entities designated by the grantee, and any contractor, subrecipient, or designated public agency carrying out an activity with CDBG-DR funds, possess(es) the legal authority to carry out the program for which it is seeking funding, in accordance with applicable HUD regulations as modified by waivers and alternative requirements.
- d. The grantee certifies that activities to be undertaken with CDBG-DR funds are consistent with its Action Plan.
- e. The grantee certifies that it will comply with the acquisition and relocation requirements of the URA, as amended, and implementing regulations at 49 CFR part 24, as such requirements may be modified by waivers or alternative requirements.
- f. The grantee certifies that it will comply with section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and implementing regulations at 24 CFR part 75.
- g. The grantee certifies that it is following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.115 or 91.105 (except as provided for in waivers and alternative requirements). Also, each local government receiving assistance from a state grantee must

follow a detailed citizen participation plan that satisfies the requirements of 24 CFR 570.486 (except as provided for in waivers and alternative requirements).

- h. State grantee certifies that it has consulted with all disaster-affected local governments (including any CDBG entitlement grantees), Indian tribes, and any local public housing authorities in determining the use of funds, including the method of distribution of funding, or activities carried out directly by the state.
- i. The grantee certifies that it is complying with each of the following criteria:
 - 1. Funds will be used solely for necessary expenses related to disaster relief, long-term recovery, restoration of infrastructure and housing, economic revitalization, and mitigation in the most impacted and distressed areas for which the President declared a major disaster pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974 (42 U.S.C. 5121 et seq.).
 - 2. With respect to activities expected to be assisted with CDBG-DR funds, the Action Plan has been developed so as to give the maximum feasible priority to activities that will benefit low- and moderate-income families.
 - 3. The aggregate use of CDBG-DR funds shall principally benefit low- and moderate-income families in a manner that ensures that at least 70 percent (or another percentage permitted by HUD in a waiver) of the grant amount is expended for activities that benefit such persons.
 - 4. The grantee will not attempt to recover any capital costs of public improvements assisted with CDBG—DR grant funds, by assessing any amount against properties owned and occupied by persons of low- and moderate-income, including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless:
 - a. Disaster recovery grant funds are used to pay the proportion of such fee or assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than under this title; or
 - b. for purposes of assessing any amount against properties owned and occupied by persons of moderate income, the grantee certifies to the Secretary that it lacks sufficient CDBG funds (in any form) to comply with the requirements of clause (a).

- j. State and local government grantees certify that the grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), the Fair Housing Act (42 U.S.C. 3601-3619), and implementing regulations, and that it will affirmatively further fair housing. An Indian tribe grantee certifies that the grant will be conducted and administered in conformity with the Indian Civil Rights Act.
- k. The grantee certifies that it has adopted and is enforcing the following policies, and, in addition, state grantees must certify that they will require local governments that receive their grant funds to certify that they have adopted and are enforcing: (1) A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations; and (2) A policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location that is the subject of such nonviolent civil rights demonstrations within its jurisdiction.
- l. The grantee certifies that it (and any subrecipient or administering entity) currently has or will develop and maintain the capacity to carry out disaster recovery activities in a timely manner and that the grantee has reviewed the requirements applicable to the use of grant funds.
- m. The grantee certifies to the accuracy of its Financial Management and Grant Compliance Certification Requirements, or other recent certification submission, if approved by HUD, and related supporting documentation as provided in section III.A.1. of the Consolidated Notice and the grantee's implementation plan and related submissions to HUD as provided in section III.A.2. of the Consolidated Notice.
- n. The grantee certifies that it will not use CDBG-DR funds for any activity in an area identified as flood prone for land use or hazard mitigation planning purposes by the state, local, or tribal government or delineated as a Special Flood Hazard Area (or 100-year floodplain) in FEMA's most current flood advisory maps, unless it also ensures that the action is designed or modified to minimize harm to or within the floodplain, in accordance with Executive Order 11988 and 24 CFR part 55. The relevant data source for this provision is the state, local, and tribal government land use regulations and hazard mitigation plans and the latest-issued FEMA data or guidance, which includes advisory data (such as Advisory Base Flood Elevations) or preliminary and final Flood Insurance Rate Maps.
- o. The grantee certifies that its activities concerning lead-based paint will comply with the requirements of 24 CFR part 35, subparts A, B, J, K, and R.

- p. The grantee certifies that it will comply with environmental requirements at 24 CFR part 58.
- q. The grantee certifies that it will comply with the provisions of title I of the HCDA and with other applicable laws.

Warning: Any person who knowingly makes a false claim or statement to HUD may be subject to civil or criminal penalties under 18 U.S.C. 287, 1001, and 31 U.S.C. 3729.

Authorized Responsible Entity's Signature:

Chair, Lee County Board of County Commissioners

Date

C. WAIVERS

Upon the initial submission of the CDBG-DR Action Plan, Lee County is not requesting any waivers outside of those waivers and flexibilities that are provided in the applicable federal register (88 FR 32046).

The Appropriations Act(s) authorizes the Secretary of HUD to waive or specify alternative requirements for any provision of any statute or regulation. For each waiver and alternative requirement, the Secretary of HUD has determined that good cause exists, and the waiver or alternative requirement is not inconsistent with the overall purpose of the HCD Act. The waivers and alternative requirement provide flexibility to support full and swift recovery. Waivers cannot conflict with cross-cutting requirements of:

- Equal Opportunity
- Fair Housing
- Environmental Review
- Davis Bacon Labor Standards

Should Lee County request and receive approval for waivers in the future, those will be listed in this section, including a description of the approved waiver, date and federal register notice the waiver was approved in, or if approved by letter, and the applicable Federal Register page citation.

D. DATA SOURCES AND METHODOLOGIES

Owner-Occupied Households:

- Minor-Low:
 - Less than \$3,000 of FEMA inspected real property damage.
- Minor-High:
 - \$3,000 to \$7,999 of FEMA inspected real property damage.
- Major-Low:
 - \$8,000 to \$14,999 of FEMA inspected real property damage.
- Major-High:
 - \$15,000 to \$28,800 of FEMA inspected real property damage.
- Severe:
 - Greater than \$28,800 of FEMA inspected real property damage.

Renter Occupied Households:

- Minor-Low:
 - Less than \$1,000 of FEMA inspected personal property damage.
- Minor-High:
 - \$1,000 to \$1,999 of FEMA inspected personal property damage.
- Major-Low:
 - \$3,500 to \$4,999 of FEMA inspected personal property damage.
- Major-High:
 - \$5,000 to \$8,999 of FEMA inspected personal property damage.
- Severe:
 - Greater than \$9,000 of FEMA inspected personal property damage.

E. IMPORTANT DEFINITIONS AND TERMS

AMI: Area Median Income

CBDO: Community Based Development Organization

CDBG: Community Development Block Grant

CDBG-DR: Community Development Block Grant- Disaster Recovery

CFR: Code of Federal Regulations

CO: Certifying Officer

CPP: Citizen Participation Plan

DOB: Duplication of Benefits

DRGR: Disaster Recovery and Grant Reporting System

FEMA: Federal Emergency Management Agency

HCD Act: Housing and Community Development Act of 1974, as amended.

HMGP: Hazard Mitigation Grant Program

IA: (FEMA) Individual Assistance

LIHTC: Low-Income Housing Tax Credit

LMI: Low and moderate-income

NFIP: National Flood Insurance Program

PA: (FEMA) Public Assistance

RE: Responsible Entity

RFP: Request for Proposals

SBA: U.S. Small Business Administration

SFHA: Special Flood Hazard Area

UGLG: Unit of general local government

URA: Uniform Relocation Assistance and Real Property Acquisition Act of 1970, as amended.

USACE: U.S. Army Corps of Engineers

F. SUMMARY AND RESPONSE OF PUBLIC COMMENTS

The following section provides a summary of public comments received for the Action Plan in response to Hurricane Ian during the public comment period of August 1, 2023, through August 31, 2023. Lee County catalogued and summarized all comments received in the submission of the Action Plan to HUD.

Comments were received via phone, mail, online form submissions, email, and during public hearings. Responses to public comment below are organized by comment subject.

1. General

a) Summary of Comments:

Written public comments were received in support of making a waiver request to HUD to reduce the total LMI benefit of CDBG-DR funds from 70% to 50%. Additional comments were received requesting that certain geographic areas receive direct allocation or prioritization for funding awards.

b) County Response:

The County has received clear direction from HUD that such a waiver request will not be considered until the County has made reasonable efforts to assist income qualified households. As explained by HUD's grant manager, Lee County's CDBG-DR allocation is primarily based on the identified unmet needs of the County's LMI population. The County will regularly evaluate program outcomes and consult with HUD personnel and CDBG-DR experts to determine when a LMI waiver may profitably be requested. The County fully intends to submit such a request after reasonable efforts have been made to meet the 70% low- and moderate-income threshold.

While specific geographies are not being prioritized because significant impacts were distributed throughout HUD's designated Most Impacted and Distressed Area, the Public Action Plan prioritizes projects that have a tie-back to the impacts of Hurricane Ian. Moreover, project urgency will be considered as part of the technical evaluation criteria. Applicants will be responsible for demonstrating the urgency and need for specific projects during the NOFA process.

2. Housing

a) Summary of Comments:

Forty-five written public comments received; housing was discussed during all public meetings. Many comments reflected a continued need for individual housing repairs, specifically for homeowners. Others demonstrated need for permanent housing solutions, specifically for those residing in temporary living situations since Hurricane Ian. Specific comments were received regarding creating affordable housing, repairing mobile homes, and preserving affordable housing for the elderly, persons with a disability, and the County's workforce. Input regarding

increasing the maximum purchase price for voluntary residential buyouts was also received.

b) County Response:

Lee County intends to support individual households to make necessary repairs, reconstruct, or elevate their homes, as outlined in the Action Plan. The County has developed priority phasing for individual housing assistance programs to ensure that those who are elderly, disabled, or have the lowest incomes will be prioritized for assistance. While specific solutions for mobile homeowners have not yet been identified, Lee County anticipates that individual housing programs will include provisions for the replacement and/or elevation of mobile home units. Lee County is also committed to the development of new affordable housing using CDBG-DR funds and has imposed a 20-year affordability period on any new or rehabilitated multi-family affordable units. After evaluation, Lee County has determined that increasing the maximum purchase price allowable under the voluntary residential buyout program is necessary to align with current market conditions.

3. Public Facilities and Infrastructure

a) Summary of Comments:

Thirty-one written public comments were received regarding infrastructure. Public facilities and infrastructure were also discussed during many public meetings. Specific interest was expressed regarding the repair of roadways, park facilities, water systems, electrical infrastructure, and drainage systems that were damaged during Hurricane Ian. Additional comments were received regarding the need for sewer systems to replace septic tanks.

b) County Response:

Lee County intends to support the repair and improvement of infrastructure and public facilities throughout the County, as outlined in the Action Plan. Municipalities and the County are identified as eligible applicants for infrastructure and public facilities funding. These applicants may partner with utility providers, non-profits, or other community partners to submit applications, once available, for CDBG-DR funding. Funded projects may include the repair, replacement or improvement of roadways, utility systems, flood plain management, drainage, park facilities and other publicly owned infrastructure. Most projects funded with CDBG-DR funds must have a tie-back to Hurricane Ian. For this reason, the conversion of septic to sewer systems may not be eligible for CDBG-DR funds. The mitigation portion of CDBG-DR funds may be used to support projects that do not have a Hurricane Ian tie-back but improve the resiliency of the community. This portion of funds is anticipated to be used to support local match requirements for HMGP projects. The list of HMGP projects that may be supported is attached to the Action Plan. All HMGP match projects must meet CDBG-DR eligibility.

4. Economic Revitalization

a) Summary of Comments:

Seven written public comments were received regarding economic revitalization. Comments

from the City of Fort Myers, Town of Fort Myers Beach and the City of Sanibel also expressed interest in the inclusion of economic revitalization programs within the Action Plan. Comments focused on providing assistance to businesses and the workforce and creating opportunities for diversification of the economy in Lee County.

b) County Response:

Lee County stated in the draft Action Plan that housing and infrastructure programs were anticipated to be the most impactful means by which to support businesses. Based on feedback from residents and officials Lee County will continue to evaluate information related to the unmet needs of the business community and collaborate with stakeholders to identify the most impactful programs to support economic revitalization. Consequently, an economic revitalization program may be incorporated into the Action Plan through a substantial amendment.

5. Planning

c) Summary of Comments:

Fifteen written public comments were received regarding planning, in addition to a few comments received during public meetings. Comments included interest in planning for healthcare facilities, community areas, sheltering, and water quality. One comment was received regarding the inclusion of public housing authorities as an eligible applicant for planning funds.

d) County Response:

Lee County intends to support planning efforts, as outlined in the Action Plan. Municipalities, the County, special districts, and the school district were identified as eligible applicants for planning funds in the draft Action Plan. In response to public comment the County has also added public housing authorities as eligible applicants for planning funds. These applicants may partner with utility providers, non-profits, or other community partners to submit applications, once available, for CDBG-DR funding. Planning for resiliency and recovery will be prioritized for CDBG-DR funds.

6. Public Services

e) Summary of Comments:

Seven written public comments were received regarding public services, in addition to a few comments received during public meetings. Comments included interest supporting the provision of behavioral health services and services for persons with disabilities. One comment requested an increase in the amount of public service funds allocated within the Action Plan.

f) County Response:

Lee County intends to support behavioral health services through both planning and public service allocations. The County will continue to evaluate public service needs that were exacerbated due to Hurricane Ian, and will make amendments to the Action Plan if additional need is identified.

G. STANDARD FORM 424

Application for Federal Assistance SF-424*** 1. Type of Submission:**

- ☐ Preapplication
☒ Application
☐ Changed/Corrected Application

*** 2. Type of Application:**

- ☒ New
☐ Continuation
☐ Revision

*** If Revision, select appropriate letter(s):***** Other (Specify):***** 3. Date Received:**

05/18/2023

4. Applicant Identifier:**5a. Federal Entity Identifier:**

B-23-UN-12-0002

5b. Federal Award Identifier:**State Use Only:****6. Date Received by State:****7. State Application Identifier:****8. APPLICANT INFORMATION:***** a. Legal Name:**

Lee County

*** b. Employer/Taxpayer Identification Number (EIN/TIN):**

59-6000702

*** c. UEI:**

SS8JCN35XH77

d. Address:*** Street1:**

2115 Second Street

Street2:*** City:**

Fort Myers

County/Parish:*** State:**

FL: Florida

Province:*** Country:**

USA: UNITED STATES

*** Zip / Postal Code:**

33901-3102

e. Organizational Unit:**Department Name:**

Strategic Resources

Division Name:**f. Name and contact information of person to be contacted on matters involving this application:****Prefix:***** First Name:**

Glen

Middle Name:*** Last Name:**

Salyer

Suffix:**Title:**

Assistant County Manager

Organizational Affiliation:*** Telephone Number:**

239-533-2221

Fax Number:*** Email:**

gsalyer@leegov.com

Application for Federal Assistance SF-424*** 9. Type of Applicant 1: Select Applicant Type:**

B: County Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

* Other (specify):

*** 10. Name of Federal Agency:**

U.S. Department of Housing and Urban Development

11. Catalog of Federal Domestic Assistance Number:

14.218

CFDA Title:

Community Development Block Grants/Entitlement Grants

*** 12. Funding Opportunity Number:**

N/A

* Title:

This is not a federal competition. Lee County received a direct allocation of CDBG-DR Funding through Federal Register 88 FR 32046.

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Add Attachment

Delete Attachment

View Attachment

*** 15. Descriptive Title of Applicant's Project:**

Lee County CDBG-DR Action Plan

Attach supporting documents as specified in agency instructions.

Add Attachments

Delete Attachments

View Attachments

Application for Federal Assistance SF-424

16. Congressional Districts Of:

* a. Applicant

19

* b. Program/Project

19

Attach an additional list of Program/Project Congressional Districts if needed.

Add Attachment

Delete Attachment

View Attachment

17. Proposed Project:

* a. Start Date:

11/01/2023

* b. End Date:

10/31/2029

18. Estimated Funding (\$):

* a. Federal

1,107,881,000.00

* b. Applicant

* c. State

* d. Local

* e. Other

* f. Program Income

* g. TOTAL

1,107,881,000.00

* 19. Is Application Subject to Review By State Under Executive Order 12372 Process?

☐ a. This application was made available to the State under the Executive Order 12372 Process for review on☐ b. Program is subject to E.O. 12372 but has not been selected by the State for review.☒ c. Program is not covered by E.O. 12372.

* 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)

☐ Yes☒ No

If "Yes", provide explanation and attach

Add Attachment

Delete Attachment

View Attachment

21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 18, Section 1001)

☒ ** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix:

Mr.

* First Name:

Brian

Middle Name:

* Last Name:

Hamman

Suffix:

* Title:

Chair, Board of County Commissioners

* Telephone Number:

239-533-2226

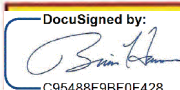
Fax Number:

* Email:

dist4@leegov.com

* Signature of Authorized Representative:

DocuSigned by:



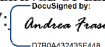
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DS

* Date Signed:

9/19/2023 | 12:05 PM E

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY:

BY: 
0780A132435E418



ATTEST: CLERK OF THE CIRCUIT COURT

BY: 
872C1630219C46A

Applicant and Recipient Assurances and Certifications

U.S. Department of Housing
and Urban Development

OMB Number: 2501-0017
Expiration Date: 01/31/2026

Instructions for the HUD-424-B Assurances and Certifications

As part of your application for HUD funding, you, as the official authorized to sign on behalf of your organization or as an individual, must provide the following assurances and certifications, which replace any requirement to submit an SF-424-B or SF-424-D. The Responsible Civil Rights Official has specified this form for use for purposes of general compliance with 24 CFR §§ 1.5, 3.115, 8.50, and 146.25, as applicable. The Responsible Civil Rights Official may require specific civil rights assurances to be furnished consistent with those authorities and will specify the form on which such assurances must be made. A failure to furnish or comply with the civil rights assurances contained in this form may result in the procedures to effect compliance at 24 CFR §§ 1.8, 3.115, 8.57, or 146.39.

By submitting this form, you are stating that all assertions made in this form are true, accurate, and correct.

As the duly representative of the applicant, I certify that the applicant:

*Authorized Representative Name:

Prefix: Mr. *First Name: Brian
Middle Name:
*Last Name: Hamman
Suffix:
*Title: Chair, Board of County Commissioners
*Applicant Organization: Lee County

1. Has the legal authority to apply for Federal assistance, has the institutional, managerial and financial capability (including funds to pay the non-Federal share of program costs) to plan, manage and complete the program as described in the application and the governing body has duly authorized the submission of the application, including these assurances and certifications, and authorized me as the official representative of the application to act in connection with the application and to provide any additional information as may be required.

2. Will administer the grant in compliance with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000(d)) and implementing regulations (24 CFR part 1), which provide that no person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or otherwise be subject to discrimination under any program or activity that receives Federal financial assistance OR if the applicant is a Federally recognized Indian tribe or its tribally designated housing entity, is subject to the Indian Civil Rights Act (25 U.S.C. 1301-1303).

3. Will administer the grant in compliance with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), as amended, and implementing regulations at 24 CFR part 8, the American Disabilities Act (42 U.S.C. §§ 12101 et seq.), and implementing regulations at 28 CFR part 35 or 36, as applicable, and the Age Discrimination Act of 1975 (42 U.S.C. 6101-07) as amended, and implementing regulations at 24 CFR part 146 which together provide that no person in the United States shall, on the grounds of disability or age, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity that receives Federal financial assistance; except if the grant program authorizes or limits participation to designated populations, then the applicant will comply with the nondiscrimination requirements within the designated population.

4. Will comply with the Fair Housing Act (42 U.S.C. 3601-19), as amended, and the implementing regulations at 24 CFR part 100, which prohibit discrimination in housing on the basis of race, color, religion sex (including gender identity and sexual orientation), disability, familial status, or national origin and will affirmatively further fair housing; except an applicant which is an Indian tribe or its instrumentality which

is excluded by statute from coverage does not make this certification; and further except if the grant program authorizes or limits participation to designated populations, then the applicant will comply with the nondiscrimination requirements within the designated population.

5. Will comply with all applicable Federal nondiscrimination requirements, including those listed at 24 CFR §§ 5.105(a) and 5.106 as applicable.

6. Will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601) and implementing regulations at 49 CFR part 24 and, as applicable, Section 104(d) of the Housing and Community Development Act of 1974 (42 U.S.C. 5304(d)) and implementing regulations at 24 CFR part 42, subpart A.

7. Will comply with the environmental requirements of the National Environmental Policy Act (42 U.S.C. 4321 et seq.) and related Federal authorities prior to the commitment or expenditure of funds for property.

8. That no Federal appropriated funds have been paid, or will be paid, by or on behalf of the applicant, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, and officer or employee of Congress, or an employee of a Member of Congress, in connection with the awarding of this Federal grant or its extension, renewal, amendment or modification. If funds other than Federal appropriated funds have or will be paid for influencing or attempting to influence the persons listed above, I shall complete and submit Standard Form-LLL, Disclosure Form to Report Lobbying. I certify that I shall require all subawards at all tiers (including sub-grants and contracts) to similarly certify and disclose accordingly. Federally recognized Indian Tribes and tribally designated housing entities (TDHEs) established by Federally-recognized Indian tribes as a result of the exercise of the tribe's sovereign power are excluded from coverage by the Byrd Amendment, but State-recognized Indian tribes and TDHs established under State law are not excluded from the statute's coverage.

I/We, the undersigned, certify under penalty of perjury that the information provided above is true and correct.

WARNING: Anyone who knowingly submits a false claim or makes a false statement is subject to criminal and/or civil penalties, including confinement for up to 5 years, fines, and civil and administrative penalties. (18 U.S.C. §§287, 1001, 1010, 1012, 1014; 31 U.S.C. §3729, 3802).

*Signature:

DocuSigned by:

C95488F9BF0F428...

*Date:

9/19/2023 | 12:05 PM DS
EDT

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY:

DocuSigned by:
BY: 
07B0A132435E418...

ATTEST: CLERK OF THE CIRCUIT COURT

DocuSigned by:
BY: 
872C182D219C164
DEPUTY CLERK



ASSURANCES - NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.

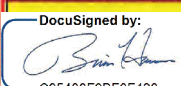
PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee- 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.
19. Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL  <small>DocuSigned by: C95488F9BF0F428...</small>	TITLE Chair, Board of County Commissioners
APPLICANT ORGANIZATION Lee County	DATE SUBMITTED 9/19/2023 12:05 PM EDT

Standard Form 424B (Rev. 7-97) Back

APPROVED AS TO FORM FOR THE
RELIEF OF LEE COUNTY ONLY:

BY: 
DocuSigned by: 0780A13233E418...

ATTEST: CLERK OF THE CIRCUIT COURT

BY: 
DocuSigned by: 872C1E3D219C4E4...
 DEPUTY CLERK



ASSURANCES - CONSTRUCTION PROGRAMS

OMB Number: 4040-0009
Expiration Date: 02/28/2025

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0042), Washington, DC 20503.

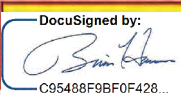
PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the Awarding Agency. Further, certain Federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure non-discrimination during the useful life of the project.
4. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.
5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.
6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
8. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards of merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
9. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
10. Will comply with all Federal statutes relating to non-discrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681 1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

11. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal and federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
12. Will comply with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
13. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333) regarding labor standards for federally-assisted construction subagreements.
14. Will comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
15. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
16. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
17. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
19. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.
20. Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL		TITLE	
 C95488F9BF0F428...		Chair, Board of County Commissioners	
APPLICANT ORGANIZATION		DATE SUBMITTED	
Lee County		9/19/2023 12:05 PM EDT	

SF-424D (Rev. 7-97) Back

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY:

BY: 
07B0A132335E418

ATTEST: CLERK OF THE CIRCUIT COURT

BY: 
972C1B2D19C8E4
DEPUTY CLERK

DS



ITEM 1.
RECAP**AGENDA ITEM REPORT**

A-4

DATE: September 19, 2023
DEPARTMENT: County Manager
REQUESTER:
TITLE: Recap - September 19, 2023 Regular Meeting

I. MOTION REQUESTED**II. ITEM SUMMARY****REVISIONS & CORRECTIONS**

Item: C10

Title: Direct to Public Hearing an Ordinance to Repeal Ordinances Regarding Art in Public Places

Action: Remove from Agenda

Requested by: County Administration

Item: A4 - Hurricane Recovery Item

Title: Approve Submission of Required CDBG-DR Action Plan to HUD

Actions:

- Addition to Motion:

o G) Authorize staff to make non-substantial amendments and administrative revisions to the CDBG-DR Action Plan as necessary, or as directed by HUD.

- Revise page 174 of Action Plan to reflect changes requested by the U.S. Department of Housing and Urban Development (HUD).

Requested by: County Administration

COMMISSIONERS' ITEMS

Commissioner Pendergrass

- Ask for Board consensus for staff to review County Towing Ordinance for changes to the fee structure.

Commissioner Hamman

- Discuss letter of support for Housing Choice vouchers.

WORKSHOP INFORMATION

- No Workshop scheduled.
- Final Budget Public Hearing
 - Time: 5:05 p.m.
 - Location: Commission Chambers, 2120 Main Street

III. BACKGROUND AND IMPLICATIONS OF ACTIONA) Board Action and Other HistoryB) Policy IssuesC) BoCC GoalsD) AnalysisE) Options**IV. FINANCIAL INFORMATION**

A)	Current year dollar amount of item:	
B)	Is this item approved in the current budget?	
C)	Is this a revenue or expense item?	
D)	Is this Discretionary or Mandatory?	
E)	Will this item impact future budgets? If yes, please include reasons in III(D) above.	
F)	Fund: Program:	

	Project:	
	Account Strings:	
G)	Fund Type?	
H)	Comments:	

V. RECOMMENDATION**VI. TIMING/IMPLEMENTATION****VII. FOLLOW UP****ATTACHMENTS:**

Description	Upload Date	Type
09-19-23 Agenda Recap	9/15/2023	Backup Material
Action Plan p174 Revisions	9/15/2023	Backup Material
LCHA Emergency Housing Voucher	9/15/2023	Letter

REVIEWERS:

Department	Reviewer	Action	Date
County Manager	Westen, Samantha	Approved	9/15/2023 - 3:15 PM

Certificate Of Completion

Envelope Id: AEF2B83000814BFB9240FAB72A204BFC

Status: Completed

Subject: CDBG-DR HUD Certifications and Action Plan

Source Envelope:

Document Pages: 279

Signatures: 15

Envelope Originator:

Supplemental Document Pages: 4

Initials: 0

Sandra Ryan

Certificate Pages: 5

AutoNav: Enabled

Stamps: 5

2115 Second St, First Floor

Enveloped Stamping: Enabled

Fort Meyers, FL 33901

Time Zone: (UTC-05:00) Eastern Time (US & Canada)

sryan@leegov.com

IP Address: 208.89.76.203

Record Tracking

Status: Original

Holder: Sandra Ryan

Location: DocuSign

9/18/2023 8:13:06 AM

sryan@leegov.com

Signer Events

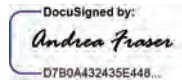
Andrea Fraser

afraser@leegov.com

Deputy County Attorney

Security Level: Email, Account Authentication (None)

Signature

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Signed: 9/19/2023 10:58:11 AM

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Accepted: 9/19/2023 10:57:35 AM

ID: 4a05ac25-3682-4720-ac79-e41efb29ce43

Brian Hamman

dist4@leegov.com

Commissioner & Chairman

Lee County BoCC

Signing Group: District 4 - Chairman

Security Level: Email, Account Authentication (None)

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Melissa Butler

mbutler@leeclerk.org

Deputy Clerk

Lee County Clerk of Courts

Signing Group: Minutes

Security Level: Email, Account Authentication (None)

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 Using IP Address: 198.184.170.4

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Signed: 9/19/2023 12:09:38 PM

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In Person Signer Events**Signature****Timestamp****Editor Delivery Events****Status****Timestamp****Agent Delivery Events****Status****Timestamp**

Intermediary Delivery Events	Status	Timestamp
Certified Delivery Events	Status	Timestamp
Carbon Copy Events	Status	Timestamp
<p>Erica Temerario etemerario@leegov.com Lauren Schaefer lschaefer@leegov.com Tina Boone tboone@leegov.com Legal Administrative Specialist, Sr Lee County BoCC Signing Group: County Attorney's Office Security Level: Email, Account Authentication (None) Electronic Record and Signature Disclosure: Not Offered via DocuSign</p>	COPIED	Sent: 9/19/2023 10:55:11 AM
<p>Laurel Chick lchick@leegov.com Internal Services Manager Lee County BoCC Security Level: Email, Account Authentication (None) Electronic Record and Signature Disclosure: Not Offered via DocuSign</p>	COPIED	Sent: 9/19/2023 12:09:51 PM
<p>Sandra Ryan sryan@leegov.com Strategic Support Analyst Lee County Board of County Commissioners Security Level: Email, Account Authentication (None) Electronic Record and Signature Disclosure: Not Offered via DocuSign</p>	COPIED	Sent: 9/19/2023 12:09:52 PM Resent: 9/19/2023 12:10:01 PM Viewed: 9/19/2023 12:11:33 PM
Witness Events	Signature	Timestamp
Notary Events	Signature	Timestamp
Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	9/19/2023 10:51:37 AM
Certified Delivered	Security Checked	9/19/2023 12:07:37 PM
Signing Complete	Security Checked	9/19/2023 12:09:38 PM
Completed	Security Checked	9/19/2023 12:09:52 PM
Payment Events	Status	Timestamps
Electronic Record and Signature Disclosure		

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From time to time, Lee County BOCC-Procurement Management (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through the DocuSign system. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to this Electronic Record and Signature Disclosure (ERSD), please confirm your agreement by selecting the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

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At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. You will have the ability to download and print documents we send to you through the DocuSign system during and immediately after the signing session and, if you elect to create a DocuSign account, you may access the documents for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

Withdrawing your consent

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

All notices and disclosures will be sent to you electronically

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact Lee County BOCC-Procurement Management:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: mpatterson@leegov.com

To advise Lee County BOCC-Procurement Management of your new email address

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at mpatterson@leegov.com and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

If you created a DocuSign account, you may update it with your new email address through your account preferences.

To request paper copies from Lee County BOCC-Procurement Management

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to mpatterson@leegov.com and in the body of such request you must state your email address, full name, mailing address, and telephone number. We will bill you for any fees at that time, if any.

To withdraw your consent with Lee County BOCC-Procurement Management

To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an email to mpatterson@leegov.com and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

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The minimum system requirements for using the DocuSign system may change over time. The current system requirements are found here: <https://support.docusign.com/guides/signer-guide-signing-system-requirements>.

Acknowledging your access and consent to receive and sign documents electronically

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

By selecting the check-box next to 'I agree to use electronic records and signatures', you confirm that:

- You can access and read this Electronic Record and Signature Disclosure; and
- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and
- Until or unless you notify Lee County BOCC-Procurement Management as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by Lee County BOCC-Procurement Management during the course of your relationship with Lee County BOCC-Procurement Management.

CDBG-DR INTERGOVERNMENTAL MEMORANDUM OF AGREEMENT

The following information is provided pursuant to 2 CFR 200.332(a)(1)

Federal Award Identification Number (FAIN)/ HUD CDBG-DR Grant No.:	B-23-UN-12-0002
Assistance Listing Number (formerly CFDA #):	14.218 Community Development Block Grants/Entitlement Grants
Federal Register Notice & Public Law:	FR-6393-N-01: PL-117-328
Federal Award (HUD Grant Agreement) Date:	11/20/2023
Agreement No.:	DRMOA106
Responsible Entity (RE):	Lee County
Lead and Responsible Department:	Office of Strategic Resources and Government Affairs
CDBG-DR Funding Source/Program:	US Department of Housing and Urban Development
Subrecipient Department Name:	Human and Veteran Services
Subrecipient ID (Unique Entity Identifier via SAM.gov):	SS8JCN35XH77 (TIN: 59-6000702)
Period of Performance (Start Date):	August 1, 2024
Period of Performance (End Date):	July 31, 2026
Total Amount Obligated via Agreement:	\$1,000,000.00
Total CDBG-DR Obligation to Department (all Agreements, including this obligation):	\$1,000,000.00
Project/Activity ID(s):	300034
Federal Award Program/Project/Activity Description:	Lee County CDBG-DR Behavioral Health System of Care Plan
Does the Federal award include an Indirect Cost Rate?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, is the Indirect Cost Rate a:	<input type="checkbox"/> Negotiated Rate _____ % <input type="checkbox"/> De Minimis Rate

Official County Contact for Award: Glen Salyer, Assistant County Manager; 2115 Second St., Fort Myers, FL 33901; Phone: (239) 533-2315; Email: GSalyer@leegov.com

INTERGOVERNMENTAL MEMORANDUM OF AGREEMENT
between
LEE COUNTY STRATEGIC RESOURCES AND GOVERNMENT AFFAIRS
and
LEE COUNTY DEPARTMENT OF HUMAN AND VETERAN SERVICES (HVS)
for the administration of the
BEHAVIORAL HEALTH SYSTEM OF CARE IMPLEMENTATION PLAN

THIS MEMORANDUM OF AGREEMENT (MOA) entered into this 1st day of August, 2024, between the Lee County Department of Human and Veteran Services (HVS) hereafter referred to as **DEPARTMENT**, and **LEE COUNTY**. The Office of Strategic Resources and Government Affairs (SRGA), hereafter to be known as the **LEAD AGENCY** will be administering the grant funds and will outline the parties' terms of implementation, responsibilities, and requirements for the Behavioral Health System of Care Implementation Plan.

FUNDING OVERVIEW

The U.S. Department of Housing and Urban Development (HUD) awarded the **LEAD AGENCY** \$1,107,881,000 in funding to support long-term recovery efforts following Hurricane Ian (FEMA – 4673 – DR) through the Office of Disaster Recovery (ODR) within the Office of Community Planning and Development. Community Development Block Grant-Disaster Recovery (CDBG-DR) funding is designed to address needs that remain after all other assistance has been exhausted. The **LEAD AGENCY'S** Office of Strategic Resources and Government Affairs administers the **LEAD AGENCY'S** CDBG-DR award.

RECITAL

WHEREAS, the **DEPARTMENT** desires to administer the Behavioral Health System of Care Implementation Plan through the delivery of a written, strategic plan that will provide the framework to spearhead the development and implementation of a comprehensive system of care for behavioral health services in Lee County in the **LEAD AGENCY**, Florida and has therefore applied for CDBG-DR funds through the **LEAD AGENCY** to support such activity(ies); and

WHEREAS, upon review of the **DEPARTMENT'S** application, the **LEAD AGENCY** determined that the proposed activities align with the purpose of CDBG-DR funding and the **LEAD AGENCY'S** Action Plan for use of the funds; and

WHEREAS, the **DEPARTMENT** is willing and able to provide a description of current behavioral health systems and resources, an analysis of best practices for coordinated care systems and design a desired future, integrated system approach to delivering behavioral health services in Lee County, Florida for the purpose of the development of a strategic plan to design and implement a behavioral health services system of care; and

WHEREAS, the **LEAD AGENCY** agrees to allocate CDBG-DR funds to reimburse the **DEPARTMENT** for designated expenses specified in the projects budget; and

WHEREAS, the **LEAD AGENCY** and the **DEPARTMENT** are required to enter into a written agreement specifying the terms and conditions of the relationship of the **LEAD AGENCY** and **DEPARTMENT**.

NOW, THEREFORE, the **LEAD AGENCY** and **DEPARTMENT** in consideration of the mutual covenants contained herein, do agree to the responsibilities, terms and conditions below.

1. LEAD AGENCY'S Responsibilities

- a. Abide by all State and Federal guidelines, specifically those statutes governing execution of the program/project and the use of CDBG-DR funds.

- b. Conduct all environmental studies in accordance with all applicable rules and regulations of SRGA and HUD.
- c. Ensure compliance with all applicable rules and regulations of HUD, including those specifically found at 2 CFR Part 200, 24 CFR 570, and Federal Register 88 FR 32046.
- d. Provide technical assistance to the **DEPARTMENT** as needed.
- e. Provide operational and financial oversight including receiving regular reports from the **DEPARTMENT** for required HUD reporting and payment processing.
- f. Conduct risk-based monitoring (in person or by desk audit) of programmatic and financial operations and information for compliance as it pertains to the **DEPARTMENT'S** project/program.
- g. Provide the required infrastructure and access for project documentation and record management.
- h. Provide the **DEPARTMENT** detail reporting requirements including method and frequency. The **DEPARTMENT** will be responsible for project related reporting to the **LEAD AGENCY**.

2. **DEPARTMENT'S Responsibilities**

- a. Provide project management oversight for the program/project including project planning, financial management, alignment of staff resources, project initiation, ongoing execution, reporting, records keeping, and closure of the funded project.
- b. Furnish project operational, financial, and progress reports as required by the **LEAD AGENCY** including ad-hoc requested reports, as required.
- c. Comply with and enforce with the **DEPARTMENT'S** staff and partners all applicable rules and regulations of HUD for the administration of CDBG-DR funding, including those specifically found at 2 CFR Part 200, 24 CFR 570, and Federal Register 88 FR 32046. Additionally, the **DEPARTMENT** shall be responsible for ensuring compliance with crosscutting requirements related to this **MOA**.
- d. The **DEPARTMENT** is subject to all applicable program guidelines as detailed in ATTACHMENT A: Community Development Block Grant-Disaster Recovery Program Guidelines and ATTACHMENT B: Compliance and Other Requirements.
- e. Comply with the recordkeeping requirements of 2 CFR 200.334, 24 CFR 570.490(a) and Fla. Stat. Chap. 119.0701, specifically:
 - i. Keep and maintain adequate records and supporting documentation applicable to all services, work, information, expense, costs, invoices, and materials provided and performed pursuant to the requirements of this Agreement. Said records and documentation will be readily available and/or copied for **LEAD AGENCY** review and will be retained by the **DEPARTMENT** for a minimum of FIVE (5) years from the date of closeout of the CDBG-DR program, or for such period as required by law. If any litigation, claim negotiation, audit or other action involving the records has been initiated before the expiration of the eight-year period, the records shall be retained for one (1) year after the final resolution of the action and final resolution of all issues that arise from such action.
 - ii. Keep and maintain public records that ordinarily and necessarily would be required by the **LEAD AGENCY** in order to perform the services required under this **MOA**.
 - iii. Provide the public with access to public records on the same terms and conditions that the **LEAD AGENCY** would provide the records and at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes, or as otherwise provided by law.
 - iv. Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed, except as authorized by law.
 - v. Meet all requirements for retaining public records and transfer, at no cost to the **LEAD AGENCY**, all public records in possession of **DEPARTMENT** upon termination of this

Agreement and destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. All records stored electronically must be provided to the **LEAD AGENCY** in a format that is compatible with the information technology system of the **LEAD AGENCY**.

IF THE DEPARTMENT HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE DEPARTMENT'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THE CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT 239-533-2221, 2115 SECOND STREET, FORT MYERS, FL 33901, <http://www.lee.gov.com/publicrecords>.

- f. The **DEPARTMENT** agrees that any duly authorized representative of **LEAD AGENCY**, HUD and/or the Controller General of the United States shall, at all reasonable times, have access to and the right to inspect, copy, audit, and examine all such records related to project related expenditures and job generation as a result of the above described project until the completion of all close-out procedures, thru recordkeeping deadlines respecting the grant, and until the final settlement and conclusions of all issues arising out of the grant.
- g. The **DEPARTMENT** agrees to collaborate with **LEAD AGENCY** to permit project monitoring. The **DEPARTMENT** agrees to allow the **LEAD AGENCY**, persons duly authorized by the **LEAD AGENCY** and the Federal or State grantor agency (if applicable) or any representatives to inspect all grant-related records, papers, documents, facility, goods and services of the **DEPARTMENT** and/or interview any subcontractors and employees of the **DEPARTMENT** to be assured of satisfactory performance of the terms and conditions of this contract to the extent permitted by the law after giving the **DEPARTMENT** reasonable notice. The monitoring is a limited scope review of the **MOA**, CDBG-DR, project management, and related requirements; monitoring does not relieve the **DEPARTMENT** of its obligation to manage the grant in accordance with applicable rules and sound management practices.

PROGRAM BUDGET/TERMS OF PAYMENT

1. Funding for this agreement is through Hurricane Ian related HUD CDBG-DR allocated to Lee County, Florida. The **DEPARTMENT** agrees to accept as full compensation the total amount not to exceed **\$1,000,000.00**.
2. If for any reason whatsoever, the **DEPARTMENT** does not adhere to the commitments as contemplated in this agreement, the **LEAD AGENCY'S** sole remedy, and the limit of the **DEPARTMENT'S** liability under this agreement, will be for the **DEPARTMENT** to reimburse the **LEAD AGENCY** the amount contemplated by this agreement.
3. The **DEPARTMENT** will provide expenditure projection for the project to form a basis for project budget. The **DEPARTMENT** is encouraged to estimate expenditure projections for three major activity categories—Housing, Non-Housing, and Planning & Administration, including program income, as necessary. The budget should represent the annual estimated expenditures for each year of the project. Estimates can be chosen from among the activity expense categories below. The **DEPARTMENT** is permitted to adjust its approved budget between category lines up to 10%, with the total budget remaining unchanged. Budget changes must be reported within 30 days by providing a revised budget along with a written justification for the budget adjustment.

Planning & Administration - DRGR Activity Types Include:

- Planning

Behavioral Health System of Care Plan

	Most Impacted and Distressed (MID)
Activity Funds (Direct Project Costs)	\$1,000,000.00
Activity Delivery Funds	\$0.00
TOTAL	\$1,000,000.00

4. The **LEAD AGENCY** will make payments on a reimbursement basis to the **DEPARTMENT**. Reimbursement payments are contingent upon the **DEPARTMENT** having complete and accurate reports and achieving the MOA specified deliverables/outcomes.
5. **Payment Request:** The **DEPARTMENT** will submit to the **LEAD AGENCY** a Payment Request form as shown in the system of record, with an original authorized signature and supporting documentation.

Request for payment shall be according to the guidelines specified by the **LEAD AGENCY**. The **DEPARTMENT'S** submission for reimbursement shall indicate one of the **LEAD AGENCY** approved budget categories for each expense submitted on the request for reimbursement.

REPORTING AND AGREEMENT DELIVERABLES

The **DEPARTMENT** shall provide the **LEAD AGENCY** with all reports and information set forth in the **LEAD AGENCY'S** approved system, including monthly performance reports and documentation outlined in all applicable exhibits to enable the Grantee to submit the required reporting to HUD within the Disaster Recovery Grant Reporting (DRGR) system.

The **DEPARTMENT'S** monthly reports, including administrative activity, financial activity, and program activity, must include sufficiently detailed summaries of the current status, progress, and completed work. The **DEPARTMENT** is responsible for all reporting of work of all contractors, subcontractors, and other entities under contract or agreement related to this Agreement.

At a minimum the following information will be required to be submitted in the system of record by the **DEPARTMENT**. Upon request from the **LEAD AGENCY**, the **DEPARTMENT** shall provide additional program or activity updates and information. If all required reports and copies are not sent to the **LEAD AGENCY** within the agreed-upon submission schedule or are otherwise not completed in a manner acceptable to the **LEAD AGENCY**, payments may be withheld in accordance with SUBSECTION V.B. DEFERRED PAYMENTS AND RETURN OF FUNDS (RECAPTURE FOR DISALLOWED COSTS) until the reports are completed. If the **LEAD AGENCY** withholds such payments, it shall notify the **DEPARTMENT** in writing of its decision, reasons for withholding payment, and the remedy for corrective action the **DEPARTMENT** must follow. The **LEAD AGENCY** may also take other action as stated within this Agreement or allowable by law.

The **DEPARTMENT'S** reporting deliverables include, but are not limited to, the following information:

1. **Project Schedule and Milestones:** A table or description of the work task, project start and end dates, other significant milestones (e.g., 50% complete), and timelines for the **DEPARTMENT** to submit outputs or deliverables to the **LEAD AGENCY**.
2. **Project Budget and Expense (Sources and Uses) Worksheet:** The **DEPARTMENT** must provide budget narratives and tables to describe all funding sources and the potential uses of those funding sources for the purposes of completing the project. This narrative will include, but may not be limited to, (a) a description and justification of the proposed costs, (b) a description of project implementation support with **DEPARTMENT** or vendor staff, (c)

sources of leveraged funds committed by the **DEPARTMENT** to the project, and (d) timelines for the projected expenditure of CDBG-DR funds.

3. **Payment Request Form:** The means by which the **LEAD AGENCY** and the **DEPARTMENT** document project and activity expenses and requests for payment. The **SUBRECEIPT** shall utilize this form when submitting or requesting any costs for payment and the form must be accompanied by legible supporting documentation to indicate the reasonableness, allowability, and appropriate procurement of the expense(s).

As noted, all payments are reimbursements for eligible expenses or services defined as uncompensated expenses rendered during the Agreement term and paid prior to the final payment request due date. Copies of supporting documentation are required as part of the Payment Request for review of grant compliance and before payment will be authorized by the **LEAD AGENCY** to the **DEPARTMENT**. Reimbursement for eligible expenses will be made after review and authorization of a correct and complete Payment Request Form and required back up documentation. In accordance with the Federal Register Guidance, the **LEAD AGENCY** must be payor of last resort, meaning that if services are eligible to be billed to any other entity or funding source, including but not limited to, Medicaid, third party insurance or any other entity or funding source, the **LEAD AGENCY** will not pay for that service.

Appropriate back-up/supporting documentation may include cancelled checks, vendor invoices, authorized purchase orders, attendance/service logs, other funder invoices, expenditure spreadsheets or other original documentation, as well as a copy of the **DEPARTMENT'S** check issued with authorized signature. For construction contracts, inspection reports from qualified officials should be submitted with the appropriate monthly payment request.

The **DEPARTMENT** must submit the Payment Request Form with an authorized signature. Cancelled checks, paystubs, payroll reports, bank statements, and/or other documentation from vendors that expenses have been paid or services provided may be verified.

As applicable, processing of payment requests is also subject to the requirements and conditions as set forth within the **LEAD AGENCY'S Hurricane Ian CDBG-DR Manual**.

4. **Monthly Activity Report:** The **DEPARTMENT** must identify information for this report that ties actual, real-time project and expenditure status to the approved activity budget, scope of work, and projected outcomes. Narratives on budget activity, project progress or delays, and performance measures are included within this report.
5. **Demographics and Beneficiary Report:** The **DEPARTMENT** must report on data and include documentation, such as maps detailing service areas, number of individual persons benefitting from the project, and other demographic information on households, where applicable, to indicate the public benefit of the project and activity.
6. **Project Amendment Request:** As referenced under SECTION IV. AGREEMENT MODIFICATIONS AND AMENDMENTS, the **DEPARTMENT** must notify the **LEAD AGENCY** and provide information on any project or activity changes within a project amendment request for the **LEAD AGENCY** to determine whether the request rises to the level of an amendment to the Agreement.

7. **Single Audit Certification Form:** The **DEPARTMENT**, if a nonprofit or governmental organization, must complete a form to certify whether it has expended \$750,000 in federal and/or state funding within the **DEPARTMENT'S** given Fiscal Year.
8. **Davis-Bacon and Related Acts (DBRA) Labor Standards Reports (as applicable):** When an activity triggers DBRA requirements, the **DEPARTMENT** must report and submit information on assigned labor compliance staff, labor compliance review processes and outcomes, bid and contract requirements documentation, work classification and minimum prevailing wage rates, written clearance of labor compliance issue resolutions, file maintenance plans, and payroll review plans.
9. **Section 3 Reports (as applicable):** When an activity triggers Section 3 requirements, the **DEPARTMENT** is required to submit data and information on Targeted Section 3 worker labor hours, Section 3 worker labor hours, total worker labor hours, and other qualitative efforts which the **DEPARTMENT** and their vendors took in an attempt to reach or achieve Section 3 goals.
10. **Closeout Report:** The **DEPARTMENT** must report project completion data and provide documentation of closeout processes in relation to this project and activity(ies).

The **DEPARTMENT'S Agreement deliverables (as identified within "Exhibits")**, which the **DEPARTMENT** must follow, include, but are not limited to, the following information:

11. **Exhibit A: Scope of Work and Activities – Program/Project Activity Overview:** Brief description on the identified and agreed-upon CDBG-DR Program eligible activity, National Objective to be achieved for the activity and measures, as applicable, the number of individuals benefitting as a result of the project and its activities, and the appropriate CDBG-DR storm tie-back or resilience need being met, in accordance with SECTION II. SCOPE OF WORK AND ACTIVITIES.
12. **Exhibit B: Scope of Work and Activities – Project Activity Scope of Work Description:** Detailed scope of work defining the plan, design, and approach for the activity.
13. **Exhibit C: Financial/Grant Management System Budget Worksheet:** The high level, official budget for the project as approved under SECTION V.A. AGREEMENT PAYMENT. Any adjustments to this budget will require an amendment in accordance with SECTION IV. AGREEMENT MODIFICATIONS AND AMENDMENTS.
14. **Exhibit D: Indirect Cost Rate Allocation Plan (as applicable):** As identified within the Award process for the Recovery and Resiliency Planning Program, the **DEPARTMENT** has the option for the **LEAD AGENCY** to approve an indirect cost rate allocation plan. Where applicable, the plan and approval of the indirect cost rate for this Agreement is established under this Exhibit.
15. **Exhibit E: Projected Performance Measures and Outcomes Form:** The **COUNTY** will utilize the **DEPARTMENT'S** detailed scope of work to establish and project out specific performance metrics which the **DEPARTMENT** is required to meet to as a condition of project completion and closeout. The **COUNTY** will select the performance measure based on the eligible activity and proposed scope of work approved within the Award process for the Recovery and Resiliency Planning Program.

16. **Exhibit F: Application:** The **DEPARTMENT'S** approved application is attached to this Agreement for identification and understanding of **DEPARTMENT'S** responses to critical project components.
17. **Exhibit K: CDBG-DR Program Subrogation Agreement:** As noted under SUBSECTION XIII.E. DUPLICATION OF BENEFITS and the Federal Register Guidance, the **DEPARTMENT**, as a recipient of federal assistance, must sign a Subrogation Agreement before the **COUNTY** can disburse CDBG-DR assistance to the **DEPARTMENT**.

PROJECT TERM

Terms of this **MOA** shall be effective and binding upon approval and award of a grant from the **LEAD AGENCY** to the **DEPARTMENT** and continue for a period of 24 months.

AMENDMENTS

In the event that there are proposed changes to the project scope by the **DEPARTMENT** or **LEAD AGENCY**, the **DEPARTMENT** must submit in writing a request for an amendment to the **MOA** that details the nature of proposed change, justification, and the desired effective date of the change(s). The **LEAD AGENCY** will review the change and if appropriate, approve the change. The **LEAD AGENCY** reserves the right to approve or deny all **MOA** amendments. An approved amendment shall be documented on the **MOA** amendment form and signed by both parties. The **LEAD AGENCY** may not assume and act upon proposed changes without a written and executed change to the **MOA**.

The Assistant **LEAD AGENCY** Manager over the **LEAD AGENCY**, the BoCC, or their designee may approve amendments to the Agreement, in accordance with the **LEAD AGENCY'S** *Internal Grant Management Manual*. As noted within the Manual, the **LEAD AGENCY** reserves the right to review the request from the **DEPARTMENT** and determine whether an amendment is required or whether **LEAD AGENCY** Manager or BOCC approval is needed.

CONFLICT OF INTEREST

The **DEPARTMENT** agrees that it presently has no interest and shall acquire no interest, either direct or indirect, which would conflict in any manner with the deliverance of services required in this **MOA**. The **DEPARTMENT** further agrees that no person having any such interest shall be employed or engaged in the delivery of the services of this **MOA**. The **DEPARTMENT** agrees that no employee, officer, agent of the **DEPARTMENT** or its sub-recipients shall participate in the selection, award or administration of a contract or construction bid if a conflict-of-interest, either real or perceived, would be involved. The **DEPARTMENT** or sub-recipient employees, officers and agents should refrain from accepting gratuities, favors or anything of monetary value from contractors or potential contractors based on the understanding that the receipt of such an item of value would influence any action or judgment of the **DEPARTMENT**. For federally funded contracts, conflict-of-interest provisions described in 2 CFR 200 and all other established, applicable HUD regulations must be followed. The **DEPARTMENT** shall notify the **LEAD AGENCY** if it learns of real or perceived conflict of interest related to this **MOA**.

TERMINATION

This MOA shall be in effect during the period provided by 8. Term above and is subject to the availability of HUD CDBG-DR funding. In accordance with 2 CFR 200, enforcement up to and including suspension or termination may occur if the **DEPARTMENT** materially fails to comply with any terms of the award.

In the event HUD CDBG-DR funds to finance the project become unavailable, the obligations of each party hereunder may be terminated upon no less than twenty-four (24) hours' written notice. However, the **DEPARTMENT** or the **LEAD AGENCY** may terminate this MOA without cause upon thirty (30) days' written notice.

The terms of this agreement shall be effective and binding upon project approval, award of a grant and the execution of this **MOA**.

IN WITNESS WHEREOF, the **DEPARTMENT** and the **LEAD AGENCY** have executed this Agreement

this the _____ day of _____, 7/11/2024 | 1:57 PM EDT.

DocuSigned by:
(X) Peter Winton
7D65BF5A02814E0...
CFO, Lee County
(Name and title of authorized LEAD AGENCY Signatory)

DocuSigned by:
(X) Julie Boudreaux
FBB79AA71A3749A...
Director Human and Veteran Services
(Name and title of authorized DEPARTMENT signatory)

Approved as to Form for the Reliance of **LEAD AGENCY** Only

By: Joseph Adams
DCCFD4580467...
Office of the LEAD AGENCY Attorney

7/11/2024 | 8:31 A

Date

ATTEST:
CLERK OF THE CIRCUIT COURT

BY: Chris Jagodzinski
34140A3DDF374A2...
DEPUTY CLERK



EXHIBIT A
SCOPE OF WORK AND ACTIVITIES
PROGRAM/PROJECT ACTIVITY OVERVIEW

The information provided under this Exhibit is retrieved from the Subrecipient's approved application in response to the NOFA 1. In coordination and agreement with the Subrecipient, the County will utilize the information below to inform and update the County's approved System of Record for program and project eligibility with core HUD CDBG-DR requirements. Subrecipients will work with the County to ensure any edits and amendments to this Exhibit are subsequently reviewed and approved within the System of Record.

Program/Project Activity Overview

Project Name: Behavioral Health System of Care Implementation Plan

CDBG-DR Program eligible activity: Planning

The National Objective to be achieved for each activity as a result of this Project: Activities expended for planning and administrative costs under 24 CFR 570.205 and 24 CFR 570.206, which are considered to address the national objectives.

The method of measuring the National Objective, if LMI: Not Applicable – activity will not meet a LMI national objective

The number of individuals benefiting as a result of this Project:

- Total beneficiaries: 0.00
- Total low/mod beneficiaries: 0.00

CDBG-DR storm tie-back and/or Mitigation resilience measure: Lee County experienced significant loss because of Hurricane Ian resulting in widespread damage and unmet need. The Lee County Coordinated Entry line established as an access point for services and support for households impacted by Hurricane Ian receives daily calls and has led to the completion of over 2,000 unmet needs assessments, identifying the need for behavioral health services.

EXHIBIT B
SCOPE OF WORK AND ACTIVITIES
PROJECT ACTIVITY SCOPE OF WORK DESCRIPTION

The information provided under this Exhibit is retrieved from the Subrecipient's approved application in response to the NOFA 1. In coordination and agreement with the Subrecipient, the County will utilize the information below to inform and update the County's approved System of Record for key performance measures and project budget cost eligibility. Subrecipients will work with the County to ensure any edits and amendments to this Exhibit are subsequently reviewed and approved within the System of Record and/or under a formal amendment in accordance with the Agreement.

Project Activity Scope of Work Description ("Work")

Design and Approach: HVS will procure vendor support to carry out the following activities necessary to complete the plan: Phase 1 – Comprehensive Overview: The Vendor will review and analyze local behavioral health strategic plans, needs assessments, and other relevant data sources. Additionally, data will be gathered through surveys, research, consultations, and collaborations with local behavioral health providers. The deliverable is a digital PDF report providing an overview of the behavioral health system of care in Lee County incorporating insights from the reviewed documents and additional data gathered through surveys, research, consultations, and collaborations as listed above. Phase 2 – Analysis and Recommendations: The Vendor will review and analyze the existing local behavioral health system and make recommendations to address capacity issues, enhance access to services, minimize duplication, bridge service gaps, address financial and regulatory concerns, and improve overall outcomes. The deliverable is a digital PDF report that includes a thorough review and analysis of the existing local behavioral health system and recommendations for improvements. The recommendations shall be inclusive of a risk, impact potential and cost threshold matrix that allows for an informed review of possible actions. Phase 3 – Strategic Implementation Plan: The Vendor will build upon Phases 1 and 2 to design an innovative, integrated model for Lee County's Behavioral Health System of Care. This model will address the capacity issues, service enhancement opportunities, duplication mitigation, bridging service gaps, financial and regulatory considerations, and improve overall outcomes for all residents of Lee County. The resulting strategic plan shall not only outline these aspects but also provide clear implementation steps promoting resiliency and recovery-oriented services. In assembling the plan, the vendor shall: develop a strategy to raise community awareness; identify community partners, key positions and roles required for the successful implementation and on-going operation of the system; establish a framework for ongoing data collection and analysis; develop a budget to encompass the initial implementation phase, as well as the ongoing maintenance and operation of the system; and identify and incorporate additional steps necessary for the plans success, as needed. The deliverable is a digital PDF report that includes implementation steps for an integrated system approach. Final Deliverable: A final consolidated report encompassing all three phases into one final report—the Lee County Behavioral Health System of Care Implementation Plan.

Lee County Department of Human and Veteran Services
DRMOA106
Exhibit B
Page 2

EXHIBIT C
FINANCIAL AND GRANT MANAGEMENT SYSTEM BUDGET WORKSHEET

The information provided under this Exhibit is retrieved from the Subrecipient Agreement. In coordination and agreement with the Subrecipient, the County will utilize the information below to set up and encumber budget obligations within the County's financial accounting system for the awarded CDBG-DR funds. Subrecipients will work with the County to ensure any edits and amendments to this Exhibit are subsequently reviewed and approved within the System of Record, financial accounting records, and/or under a formal amendment in accordance with the Agreement.

Financial and Grant Management System Budget Worksheet

As noted within the Agreement, the Subrecipient's allocation of CDBG-DR funding for this project is broken down in the following manner:

	Most Impacted and Distressed (MID)
Activity Funds (Direct Project Costs)	\$1,000,000.00
Activity Delivery Funds	\$0
Total	\$1,000,000.00

EXHIBIT D
INDIRECT COST RATE ALLOCATION PLAN

The information provided under this Exhibit is retrieved from the Subrecipient Agreement and the Subrecipient's approved application in response to the NOFA 1. In coordination and agreement with the Subrecipient, the County will utilize the information below to set up and encumber budget obligations for an indirect cost rate within the County's financial accounting system. Subrecipients will work with the County to ensure any edits and amendments to this Exhibit are subsequently reviewed and approved within the System of Record, financial accounting records, and/or under a formal amendment in accordance with the Agreement.

Indirect Cost Rate Allocation Plan

When applicable, documentation that supports the indirect cost rate and Activity Delivery Cost must be included under this Exhibit. The County is responsible for reviewing and approving the Subrecipient's indirect cost allocation plan or proposal included below. Calculated Modified Total Direct Costs (MTDCs) subject to a: Not applicable – an indirect cost rate will not be utilized or requested from the subrecipient under this Agreement.

See the plan or proposal above for further details and requirements of when the Subrecipient is set to receive indirect costs. The County also identifies financial data and information in Exhibit C for the Subrecipient's use in the submission of Payment Request Forms, Single Audits, and other reports which require the County's accounting of CDBG-DR funding through its financial system.

EXHIBIT E

PROJECTED PERFORMANCE MEASURES AND OUTCOMES FORM

The information provided under this Exhibit is retrieved from the Lee County Planning Programs SOP in response to the 2023 Lee County Action Plan. In coordination and agreement with the Subrecipient, the County will utilize the information below to set up detailed performance management goals for the Subrecipient to meet through implementing and completing the project.

The Subrecipient will report via the monthly activity report on how the project has progressed on reaching the target numbers of the projected performance measure(s). Subrecipients will work with the County to ensure any updates to this Exhibit are subsequently reviewed and approved within the System of Record in accordance with the Agreement.

Projected Performance Measures and Outcomes

When applicable, documentation which supports the performance measure(s) is taken from the Subrecipient's stated project scope of work ("projected outcomes"). The following table provides those measures which the Subrecipient must report performance on related to meeting performance goals:

Lee County Department of Human and Veteran Services
Activity #DRMOA106
Application #300034
Exhibit E
Page 2 of 2

Eligible Activity Type	Possible Performance Measures/Accomplishments (select at least one measure for the eligible activity being met)	Projected Total
Planning	# of planning studies and initiatives completed.	1

Lee County Department of Human and Veteran Services
Activity #DRMOA106
Application #3000034
Exhibit G
Page 1 of 1

EXHIBIT G

CERTIFICATE(S) OF INSURANCE

The information provided under this Exhibit is retrieved from the Subrecipient Agreement or the Subrecipient's approved application in response to the *Recovery and Resiliency Planning NOFA*. In coordination and agreement with the Subrecipient, the County will utilize the information below to confirm that the Subrecipient has sufficient coverage against personal, commercial, or any other liability regarding the spending of CDBG-DR dollars. Subrecipients will work with the County to ensure any edits and amendments to this Exhibit are subsequently updated, reviewed, and/or approved within the System of Record when necessary.

Certificate(s) of Insurance

The Subrecipient has provided the following attached documentation below in an effort to confirm sufficient coverage is in place.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

10/09/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Risk Management Associates, Inc. P. O. Box 2416 Daytona Beach FL 32115	CONTACT NAME: Melody Blake PHONE (A/C, No, Ext): (386) 252-6176 FAX (A/C, No): (386) 239-4049 E-MAIL ADDRESS: Melody.Blake@bbrown.com
INSURER(S) AFFORDING COVERAGE	
INSURER A: Safety National Casualty Corporation	
NAIC # 15105	
INSURED	
Lee County BOCC, DBA: Lee County Board of County Commissioners P.O. Box 398 Fort Myers FL 33902	
INSURER B:	
INSURER C:	
INSURER D:	
INSURER E:	
INSURER F:	

COVERAGES**CERTIFICATE NUMBER:** CL2310691157**REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			As per F.S. 768.28	10/01/2023	10/01/2024	EACH OCCURRENCE \$ 200,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ 300,000 PRODUCTS - COMP/OP AGG \$ \$
A	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY			As per F.S. 768.28	10/01/2023	10/01/2024	COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ 200,000 BODILY INJURY (Per accident) \$ 300,000 PROPERTY DAMAGE (Per accident) \$ \$
A	<input type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$			XPR6676408	10/01/2023	10/01/2024	EACH OCCURRENCE \$ 2,000,000 AGGREGATE \$ 4,000,000 \$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y / N If yes, describe under DESCRIPTION OF OPERATIONS below		N/A	SP 4067333	10/01/2023	10/01/2024	PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
A	Excess Auto Liability			XPR6676408	10/01/2023	10/01/2024	Combined Single Limit 2,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Subject to FS 768.28.

CERTIFICATE HOLDER**CANCELLATION**

Lee County BOCC
 P.O. Box 398

Fort Myers

FL 33902

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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EXHIBIT H (SIGNATURE REQUIRED)

CERTIFICATIONS **CDBG-DR COMPLIANCE PROVISIONS** *Planning and Public Services*

This Exhibit to the Community Development Block Grant Disaster Recovery (“CDBG-DR”) Program Subrecipient Agreement contains supplementary compliance conditions for use with procured contracts and subrecipient agreements that are funded in whole or in part by the U.S. Department of Housing and Urban Development (“HUD”) under Title I of the Housing and Community Development Act of 1974 (Pub. L. 93-383) as amended.

This Exhibit shall be included as part of the terms of the agreement for all procured contracts and subrecipient agreements funded fully or in part by the CDBG-DR Program by Lee County and the selected contractor or subrecipient.

By signing this Exhibit, the applicant certifies they understand that all the below compliance provisions will apply to all projects that are awarded CDBG-DR funds.

1. NATIONAL OBJECTIVES

In accordance with [24 CFR 570.208](#), Section 104(b)(3) of the Housing and Community Development Act of 1974, all CDBG-DR funded activities must meet a National Objective. Under Section 101(c) of the authorizing Act (42 U.S.C. 5301), all CDBG-DR Activities must satisfy one of the named National Objectives.

1. Benefit to Low-to-Moderate Income Persons (LMI)
2. Urgent Need (UN)
3. Elimination of Slum and Blight (SB)

Planning Exemption

Planning activities are presumed to meet a National Objective. HUD’s Federal Register Notice (88 FR 32046) governing the CDBG-DR funds describes planning efforts as addressing the National Objectives without the limitation of any circumstances. In the CDBG Entitlement Program, these more general planning activities are presumed to meet a national objective under the requirements at 24 CFR 570.208(d)(4). HUD notes that almost all effective recoveries in the past have relied on some form of area-wide or comprehensive planning activity to guide overall redevelopment, independent of the ultimate source of implementation funds.

Upon completion of approved activity(ies) funded under this Agreement and prior to the funding expiration date of this Agreement, whichever comes first, the Subrecipient

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must document that the approved activity(ies) met the approved National Objective, as necessary.

For Subrecipients with a National Objective requirement, the County shall review the actual National Objective achievements of the activity. If the Subrecipient does not or cannot satisfactorily document the National Objective achievement of an approved activity(ies), the activity(ies) may be deemed ineligible, and repayment of funds may be required of the Subrecipient.

2. DUPLICATION OF BENEFITS

A Duplication of Benefits (DOB) occurs when a person, household, business, or other entity receives disaster assistance from multiple sources for a cumulative amount that exceeds the total need for a particular recovery purpose. The amount of the duplication is the amount of assistance provided in excess of the total need for the same purpose. It is the County's responsibility to ensure that CDBG-DR programs provide assistance only to the extent that the disaster recovery need has not been fully met by funds that have already been paid, or will be paid, from another source.

The Subrecipient or Contractor must report all funds obtained for the same activity from any source from the date of the disaster until the activity is completed.

The Subrecipient or Contractor agrees to repay to the County, immediately upon demand, any assistance later received for the same purpose as the CDBG-DR funds and that exceeds the total need for the particular recovery purpose.

3. EQUAL EMPLOYMENT OPPORTUNITY

The obligations undertaken by the Subrecipient or Contractor include, but are not limited to, the obligation to comply with all Federal laws and regulations described in Subpart K of 24 CFR Part 570 and specifically with each of the following, among other things, as the same may be amended from time to time:

- a. **Title VI of the Civil Rights Act of 1964**: This act provides that no person shall be excluded from participation, denied program benefits, or subject to discrimination based on race, color, and/or national origin under any program or activity receiving Federal financial assistance.
- b. **Title VII of the Civil Rights Act of 1968 (The Fair Housing Act)**: This act prohibits discrimination in housing on the basis of race, color, religion, sex and/or national origin. This law also requires actions which affirmatively promote fair housing.
- c. **Restoration Act of 1987**: This act restores the broad scope of coverage and clarifies the application of the Civil Rights Act of 1964. It also specifies that an institution which receives Federal financial assistance is prohibited from discriminating on the basis of race, color, national origin, religion, sex, disability

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or age in a program or activity which does not directly benefit from such assistance.

- d. **Section 109 of Title 1 of the Housing and Community Development Act of 1974 [42 U.S.C. 5309]**: This Section of Title 1 provides that no person shall be excluded from participation (including employment), denied program benefits, or subject to discrimination on the basis of race, color, national origin, or sex under any program or activity funded in whole or in part under Title 1 of the Act.
- e. **The Fair Housing Amendment Act of 1988**: This act amended the original Fair Housing Act to provide for the protection of families with children and people with disabilities, strengthen punishment for acts of housing discrimination, expand the Justice Department jurisdiction to bring suit on behalf of victims in federal district courts, and create an exemption to the provisions barring discrimination on the basis of familial status for those housing developments that qualify as housing for persons age 55 or older.
- f. **The Age Discrimination Act of 1975**: This act provides that no person shall be excluded from participation, denied program benefits, or subject to discrimination on the basis of age under any program or activity receiving federal funding assistance. Effective January 1987, the age cap of 70 was deleted from the laws. Federal law preempts any State law currently in effect on the same topic.
- g. **Section 504 of the Rehabilitation Act of 1973**: It is unlawful to discriminate based on disability in Federally assisted programs. This Section provides that no otherwise qualified individual shall, solely by reason of his or her disability, be excluded from participation (including employment), denied program benefits, or subjected to discrimination under any program or activity receiving federal funding assistance.
- h. **The Americans with Disabilities Act of 1990 (ADA)**: This act modifies and expands the Rehabilitation Act of 1973 to prohibit discrimination against "a qualified individual with a disability" in employment and public accommodations. The ADA requires that an individual with a physical or mental impairment who is otherwise qualified to perform the essential functions of a job, with or without reasonable accommodation, be afforded equal employment opportunity in all phases of employment.
- i. **Executive Order 11063**: This executive order provides that no person shall be discriminated against on the basis of race, color, religion, sex, or national origin in housing and related facilities provided with Federal assistance and lending practices with respect to residential property when such practices are connected with loans insured or guaranteed by the Federal government.
- j. **Executive Order 12259**: This executive order provides that the administration of all Federal programs and activities relating to housing and urban development be carried out in a manner to further housing opportunities

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throughout the United States.

- k. **The Equal Employment Opportunity Act:** This act empowers the Equal Employment Opportunity Commission (EEOC) to bring civil action in Federal court against private sector employers after the EEOC has investigated the charge, found "probable cause" of discrimination, and failed to obtain a conciliation agreement acceptable to the EEOC. It also brings Federal, state, and local governments under the Civil Rights Act of 1964.
- l. **The Uniform Guidelines on Employee Selection Procedures adopted by the Equal Employment Opportunity Commission in 1978:** This manual applies to employee selection procedures in the areas of hiring, retention, promotion, transfer, demotion, dismissal, and referral. It is designed to assist employers, labor organizations, employment agencies, licensing, and certification boards in complying with the requirements of Federal laws prohibiting discriminatory employment.
- m. **The Vietnam Era Veterans' Readjustment Act of 1974 (revised Jobs for Veterans Act of 2002):** This act was passed to ensure equal employment opportunity for qualified disabled veterans and veterans of the Vietnam War. Affirmative action is required in the hiring and promotion of veterans.
- n. **Executive Order 11246:** This executive order applies to all Federally-assisted construction contracts and subcontracts. It provides that no person shall be discriminated against on the basis of race

4. **CERTIFICATION OF NONSEGREGATED FACILITIES**
(applicable to contracts and subcontracts over \$10,000)

The Subrecipient or Contractor and its subcontractor(s) certifies that the entity does not maintain or permit employees to perform their services at any location where segregated facilities are maintained. The Subrecipient or Contractor certifies further that it shall not maintain or provide for employees any segregated facilities at any of its establishments and will not permit employees to perform their services at any location under its control where segregated facilities are maintained. The Subrecipient or Contractor and its subcontractor(s) agrees that a breach of this certification is a violation of the equal opportunity clause of this contract.

As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, rest rooms and wash rooms, restaurants and other eating areas, time clocks, locker rooms, and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation and housing facilities provided for employees which are segregated by explicit directive or are, in fact, segregated on the basis of race, color, religion, or national origin because of habit, local custom, or any other reason.

The Subrecipient or Contractor further agrees that (except where it has obtained for

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specific time periods) it will obtain identical certification from proposed subcontractors prior to the award of subcontracts exceeding \$10,000 which are not exempt from the provisions of the equal opportunity clause; that it will retain such certifications in project files; and will provide notice to such proposed subcontractors (except where proposed subcontractors have submitted identical certifications for specific time periods).

5. ENVIRONMENTAL PROTECTION AND ACTS

- a. **National Environmental Protection Act (NEPA):** All Federally funded activities are subject to the National Environmental Policy Act of 1969 (NEPA) and its regulations under 40 CFR 1500 – 1508. Additionally, [24 CFR 58.22](#) prohibits committing or spending HUD or non-HUD funds on any activity that could have an adverse environmental impact or limit the choice of reasonable alternatives prior to completion of an environment review once a project has Federal funding, in full or in part. This prohibition on "choice-limiting actions" prohibits physical activity, including acquisition, rehabilitation, and construction, as well as contracting for or committing to any of these actions, prior to completion of the environmental review. Awarded activities must have completed an environmental review to demonstrate compliance with NEPA, as well as 24 CFR 58.
- b. **Clean Air and Water Acts:** *(applicable to contracts and subcontracts exceeding \$100,000)* The Subrecipient or Contractor and all subcontractors shall comply with the requirements of the Clean Air Act, as amended, 42 USC 1857 et seq., the Federal Water Pollution Control Act, as amended, 33 USC 1251 et seq., and the regulations of the Environmental Protection Agency with respect thereto, at 40 CFR Part 15, as amended.
- c. **Flood Disaster Protection:** The Subrecipient or Contractor shall comply with the requirements of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001). The Subrecipient shall assure that for activities located in an area identified by the Federal Emergency Management Agency (FEMA) as having special flood hazards, that flood insurance under the National Flood Insurance Program is obtained and maintained as a condition of financial assistance for acquisition or construction purposes (including rehabilitation).
- d. **Energy Efficiency:** The Subrecipient or Contractor shall comply with mandatory standards and policies relating to energy efficiency under the Energy Policy and Conservation Act (Public Law 94-163).
- e. **Procurement of Recovered Materials:** Per 2 CFR 200.323, a non-Federal entity that is a state agency or an agency of a political subdivision of a state, and its contractors, must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in

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guidelines of the Environmental Protection Agency (EPA) at [40 CFR part 247](#) that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

6. CONTRACTING WITH SMALL AND MINORITY FIRMS, WOMEN'S BUSINESS ENTERPRISES, AND LABOR SURPLUS AREA FIRMS

The Subrecipient or Contractor will take necessary affirmative steps to assure that minority firms, women's business enterprises, and labor surplus area firms are used in subcontracting when possible. Steps include:

- a. Placing qualified small and minority businesses and women's business enterprises on solicitation lists:
- b. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources:
- c. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority business, and women's business enterprises;
- d. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority business, and women's business enterprises; and
- e. Using the services and assistance of the Small Business Administration, and the Minority Business Development Agency of the Department of Commerce.

7. POLITICAL ACTIVITY

The Subrecipient or Contractor will comply with the provisions of the Hatch Act (5 U.S.C. 1501 et seq.), which limits the political activity of employees.

8. LOBBYING PROHIBITION AND BYRD ANTI-LOBBYING AMENDMENT

The Subrecipient is prohibited from using contracted funds for the following purposes: (1) political activities; (2) lobbying; (3) political patronage; (4) nepotism activities; and (5) inherently religious activities such as worship, religious instruction, or proselytization. The Subrecipient will also comply with Chapter 216.347, Florida Statutes, which prohibits the expenditure of Agreement funds for the purpose of lobbying the legislature, state or county agencies.

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Additionally and in accordance with 24 CFR 87, the Subrecipient certifies that it will not use CDBG-DR funds received from the County to directly or indirectly influence legislation or any other official action by the Florida legislature, any state agency, or other local government and county (BOCC) business, including through the use of Federal appropriated funds being paid to any person for influencing or attempting to influence an office or employee of any agency, a member of Congress, an office or employee of Congress or an employee of a member of Congress in connection with this Federal contract, grant, loan or cooperative agreement. If the County and/or the Subrecipient suspects such action of occurring, the County reserves the right to request that the Subrecipient disclose and certify such activities in accordance with reporting requirements noted within the Agreement.

The Byrd Anti-Lobbying Amendment (31 U.S.C. 1352) requires that Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier, up to the non-Federal award.

The Contractor certifies, to the best of his or her knowledge and belief that:

- 1) No Federally appropriated funds have been paid or will be paid by, or on behalf of, the contractor, to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, or the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- 2) If any funds other than Federally appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the contractor shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

9. CONFLICT OF INTEREST

No officer or employee of the local jurisdiction or its designees or agents, no member of the governing body, and no other public official of the locality during his/her tenure

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or for one year thereafter, shall have any interest, direct or indirect, in any contract or subcontract, or the proceeds thereof, for work to be performed. Further, the Subrecipient or Contractor shall cause to be incorporated in all subcontracts the language set forth in this paragraph prohibiting conflict of interest.

No member of, or delegate to, Congress, or any Resident Commissioner, shall be admitted to any share or part of any contract or to any benefit that may arise therefrom, but this provision shall not be construed to extend to any contract if made with a corporation for its general benefit.

10. DOMESTIC PREFERENCES FOR PROCUREMENTS.

Per [2 CFR 200.322](#), as appropriate and to the extent consistent with law, the non-Federal entity should, to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of this section must be included in all subawards including all contracts and purchase orders for work or products under this award.

For purposes of this section: (1) "Produced in the United States" means, for iron and steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States. (2) "Manufactured products" means items and construction materials composed in whole, or in part, of non-ferrous metals such as aluminum; plastics and polymer-based products such as polyvinyl chloride pipe; or aggregates such as concrete; glass, including optical fiber; and lumber.

11. PROHIBITION ON CERTAIN TELECOMMUNICATIONS AND VIDEO SURVEILLANCE SERVICES OR EQUIPMENT.

Per [2 CFR 200.216](#), Recipients and subrecipients are prohibited from obligating or expending loan or grant funds to (1) Procure or obtain; (2) Extend or renew a contract to procure or obtain; or (3) Enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that use covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system.

As described in Public Law 117–328, section 208, subsection (a), covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities). Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country, is prohibited.

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12. AGREEMENTS BETWEEN SUBRECIPIENTS AND CONTRACTORS

- a. The Subrecipient shall not enter into any agreement, written or oral, with any contractor or other party without the prior determination that the contractor or other party is eligible to receive federal funds and is not listed on the Federal Consolidated List of Debarred, Suspended, and Ineligible contractors.

The terms “other party” is defined as public or private nonprofit agencies or organizations and certain (limited) private for-profit entities who receive grant funds from a Subrecipient to undertake Approved Activities.

- b. An agreement between the Subrecipient and any contractor or other party shall require:
 - 1) Compliance with all State and Federal requirements described in this Agreement including, without limitation, those that pertain to labor standards, nondiscrimination, Americans with Disabilities Act, Equal Employment Opportunity and Drug Free Workplace, and prevailing wages.
 - 2) Maintenance of at least the minimum State required Workers' Compensation Insurance for those employees who will perform the Approved Activities.
 - 3) Maintenance, as required by law, of unemployment insurance, disability insurance and liability insurance, which is reasonable to compensate any person, firm, or corporation, who may be injured or damaged by the contractor, or any subcontractor, in performing the Approved Activities.
 - 4) Compliance with the applicable Equal Opportunity Requirements described in Section 3 of this Exhibit.
- c. Contractors shall:
 - 1) Perform Activities in accordance with Federal, state, and local regulations, as applicable.

13. RIGHTS TO INVENTIONS MADE UNDER A CONTRACT OR AGREEMENT

If a Federal award meets the definition of “funding agreement” under 37 CFR 401.2(a) and the Subrecipient or Contractor wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment, or performance, the Subrecipient or Contractor must comply with requirements of 37 CFR Part 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements,” and any implementing regulation issued by the awarding agency.

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14. PATENTS

- a. The Subrecipient or Contractor shall hold and save the Owner and its officers, agents, servants, and employees harmless from liability of any nature or kind, including cost and expenses for, or on account of any patented or unpatented invention, process, article, or appliance manufactured or used in the performance of the contract including its use by the Owner, unless otherwise specifically stipulated in the Contract Document.
- b. License or Royalty Fees: License and/or Royalty Fees for the use of a process which is authorized by the Owner of the project must be reasonable, and paid to the holder of the patent, or his authorized license, direct by the Owner and not by or through the Subrecipient or Contractor.
- c. If the Subrecipient or Contractor uses any design device or materials covered by letters, patents or copyrights, he shall provide for such use by suitable agreement with the owner of such patented or copy-righted design device or material. It is mutually agreed and understood, that without exception the contract prices shall include all royalties or costs arising from the use of such design, device, or materials, in any way involved in the work. The Subrecipient or Contractor and/or his Sureties shall indemnify and save harmless the Owner of the project from any and all claims for infringement by reason of the use of such patented or copy-righted design, device, materials, or any trademark or copy-right in connection with work agreed to be performed under this contract, and shall indemnify the Owner for any cost, expense, or damage which it may be obliged to pay by reason of such infringement at any time during the prosecution of the work or after completion of the work.

15. COPYRIGHT

No materials, to include but not limited to reports, maps, or documents produced as a result of this contract, in whole or in part, shall be available to the Subrecipient or Contractor for copyright purposes. Any such materials produced as a result of this contract that might be subject to copyright shall be the property of the Owner and all such rights shall belong to the Owner.

16. DRUG-FREE WORKPLACE ACT OF 1988

- a. Publish and give a policy statement to all covered employees informing them that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the covered workplace and specifying the actions that will be taken against employees who violate the policy.
- b. Establish a drug-free awareness program to make employees aware of a) the dangers of drug abuse in the workplace; b) the policy of maintaining a drug-free workplace; c) any available drug counseling, rehabilitation, and employee assistance programs; and d) the penalties that may be imposed upon

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employees for drug abuse violations.

- c. Notify employees that as a condition of employment on a Federal contract or grant, the employee must a) abide by the terms of the policy statement; and b) notify the employer, within 5 calendar days, if he or she is convicted of a criminal drug violation in the workplace.
- d. Notify the contracting or granting agency within 10 days after receiving notice that a covered employee has been convicted of a criminal drug violation in the workplace.
- e. Impose a penalty on or require satisfactory participation in a drug abuse assistance or rehabilitation program by any employee who is convicted of a reportable workplace drug conviction.
- f. Make an ongoing, good faith effort to maintain a drugfree workplace by meeting the requirements of the act.

17. SPECIAL CONDITIONS PERTAINING TO HAZARDS, SAFETY STANDARDS, AND ACCIDENT PREVENTION

- a. Use of Explosives: When the use of explosives is necessary for the prosecution of the work, the contractor shall observe all local, state, and Federal laws in purchasing and handling explosives. The contractor shall take all necessary precautions to protect completed work, neighboring property, water lines, or other underground structures. Where there is danger to structures or property from blasting, the charges shall be reduced, and the material shall be covered with suitable timber, steel, or rope mats.
- b. The contractor shall notify all owners of public utility property of intention to use explosives at least 8 hours before blasting is done close to such property. Any supervision or direction of use of explosives by the engineer does not in any way reduce the responsibility of the contractor or his Surety for damages that may be caused by such use.
- c. Danger Signals and Safety Devices: The contractor shall make all necessary precautions to guard against damages to property and injury to persons. The contractor shall put up and maintain in good condition, sufficient red or warning lights at night, suitable barricades, and other devices necessary to protect the public.
- d. Protection of Lives and Health: The contractor shall exercise proper precautions at all times for the protection of persons and property and shall be responsible for all damages to persons or property, either on or off the worksite, which occur as a result of prosecution of the work. The safety provisions of applicable laws and building and construction codes, in addition to specific

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safety and health regulations described by Chapter XIII, Bureau of Labor Standards, Department of Labor, Part 1518, Safety and Health Regulations for Construction, as outlined in the Federal Register, Volume 36, No. 75, Saturday, April 17, 1971, Title 29 - LABOR, shall be observed and the contractor shall take, or cause to be taken,, such additional safety and health measures as the Developer may determine to be reasonably necessary.

18. PROHIBITION AGAINST PAYMENTS OF BONUS OR COMMISSION

The assistance provided under this Agreement shall not be used in the payment of any bonus or commission for the purpose of:

- a. Obtaining the County's approval of the Application for such assistance; or,
- b. Any other approval or concurrence of the County required under this Agreement, Title I of the Housing and Community Development Act of 1974, or State regulations with respect thereto; provided, however, that reasonable fees for bona fide technical, consultant, managerial or other such services, other than actual solicitation, are not hereby prohibited if otherwise eligible as program costs.

19. CONFIDENTIAL FINDINGS

All of the reports, information, data, etc., prepared or assembled by the Subrecipient or Contractor under any Agreement are confidential, and the Subrecipient or Contractor agrees that they shall not be made available to any individual or organization without prior written approval of the Owner.

20. ACCESS TO RECORDS - MAINTENANCE OF RECORDS

Lee County, the Department of Housing and Urban Development, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the Subrecipient or Contractor which are directly pertinent to this specific contract, for the purpose of audits, examinations, and making excerpts and transcriptions. All records connected with any contract will be maintained in a central location by the unit of local government and will be maintained for a period of five (5) years from the official date of the County's final closeout of the grant.

21. INSPECTION

The authorized representative and agents of Lee County and the Department of Housing and Urban Development shall be permitted to inspect all work, materials, payrolls, records of personnel, invoices of materials, and other relevant data and records.

22. PROVISIONS REQUIRED BY LAW DEEMED INSERTED

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Each and every provision of law and clause required by law to be inserted in any contract shall be deemed to be inserted herein and the contract shall be read and enforced as though it were included herein, and if through mistake or otherwise any such provision is not inserted, or is not correctly inserted, then upon the application of either party the contract shall forthwith be physically amended to make such insertion or correction.

BY:

Signature

Date

Name (print)

EXHIBIT I

CDBG-DR SPECIAL TERMS AND CONDITIONS

This Exhibit to the Community Development Block Grant Disaster Recovery ("CDBG-DR") Program Subrecipient Agreement contains special conditions for use with procured contracts and subrecipient agreements that are funded in whole or in part by the U.S. Department of Housing and Urban Development ("HUD") under Title I of the Housing and Community Development Act of 1974 (Pub. L. 93-383) as amended.

This Exhibit shall be included as part of the terms of the agreement for all procured contracts and subrecipient agreements funded fully or in part by the CDBG-DR Program by Lee County and the selected contractor or subrecipient.

1. INITIAL RISK ASSESSMENT

The Subrecipient has provided, or will provide, the County with information about the Subrecipient's experience, processes, policies, and procedures related to the management of Federal funding by the Subrecipient. These submissions, in addition to discussions with the Subrecipient, have been used by the county to assess the risk of noncompliance and capacity to compliantly execute the required activities for which the Agreement is made.

Should there be substantive changes to the organization, key personnel, methods, capacity, policies, or processes of the Subrecipient that impact the implementation of this Agreement, the Subrecipient shall notify the County of said changes within 30 days of those changes.

The Subrecipient agrees to provide documents and information to the County, within 30 days of such a request made by the County, to facilitate its due diligence review as required by Federal Register Notice 88 FR 32046. Subrecipient further agrees to comply with the requirements, requests, and results of the County's due diligence and maintain the capacity to carry out disaster recovery activities in a timely and compliant manner at all times during the term hereof.

2. RISK ASSESSMENT

During the term of this Agreement, the Subrecipient agrees to provide documents and information, within 30 days of such a request made by the County, to facilitate the County's Subrecipient risk assessment process. The Subrecipient further agrees to comply with the requirements, requests, and results of the County's risk assessment, including participation in Subrecipient monitoring events.

3. SPECIAL CONDITIONS

Pursuant to Exhibit A, Scope of Work, and the Risk Assessment Sections, as referenced above, Subrecipient agrees to adhere to the following Special Conditions:

Lee County Department of Human and Veteran Services

Activity #DRMOA106

Application #300034

Exhibit I

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A. NONE

EXHIBIT J
SUBRECIPIENT STAFF ORGANIZATION
Behavioral Health System of Care Implementation Plan

The Subrecipient must complete the following information, as applicable, as an extension of the requirements outlined within SECTION XVIII. NOTICES of the Agreement. The Subrecipient is not required to hire or create the following positions or titles but should assign the following roles to staff members who will serve as a primary point of contact for relevant responsibilities associated with that role.

Some projects or activities will not require a contact for all roles identified below. In addition, individual staff members may perform multiple roles. The Subrecipient will complete the contact information for those roles which are applicable for successful completion of this project/activity and denote where a specific member is performing multiple roles. If certain roles are not applicable for implementation of this project/activity, please denote "Not Applicable" under the Contact Information for each role.

The Subrecipient is responsible for providing an updated version of this Exhibit as contact information changes or updates are made to personnel which impact the roles and responsibilities. Descriptions of each role are outlined below.

Section 1: Subrecipient Contract Administrator

1. Description

The Subrecipient Contract Administrator (must be a Subrecipient employee) is identified in SECTION XVIII. NOTICES of the Agreement. Unless otherwise directed by the County, any notice, report, or other communication required by the Agreement shall be directed via the County's approved system or written to the Subrecipient's Contract Administrator at the contact information identified in SECTION XVIII. NOTICES of the Agreement.

2. Contact Information

Name: Julie Boudreaux
Title: Director
Agency: Human and Veteran Services Department
Address: 2440 Thompson Street, Fort Myers, FL 33901
Telephone: JBoudreaux@leegov.com
Email: 239-533-7920

Section 2: Project Manager

1. Description

The Subrecipient staff member who will serve as the primary contact and decision-maker for the project's implementation. This staff member is responsible for ensuring the project reaches established milestones and deadlines for completion, oversees all elements of project completion (e.g., procurement actions, reconciliations, contract management, administration), and is considered the administrator to ensure general and overall compliance of the project/activity with the CDBG-DR grant.

2. Contact Information

Name: Tara Martinson
Title: Grants Analyst
Agency: Human and Veteran Services Department
Address: 2440 Thompson Street, Fort Myers, FL 33901
Telephone: Tmartinson@leegov.com
Email: 239-533-7964

Section 3: Davis Bacon and Labor Standards Coordinator

1. Description

The Subrecipient staff member who will serve as the contact and subject matter expert for ensuring the project's compliance with Section 3 and Davis-Bacon and Related Acts (DBRA) labor standards. This staff member is responsible for actions such as providing guidance to (including conducting monitoring and oversight of) contractors and vendors on Section 3 and labor compliance requirements. This includes, but is not limited to, overseeing Section 3 goals reporting by contractors and vendors, conducting employee interviews, reviewing certified labor payrolls, and completing Section 3 and labor compliance reports for submission of performance data to the County. The Coordinator would likely be responsible for ensuring proper recordkeeping of such files to provide access to records by the County or other parties, as described in the Agreement, in support of monitoring, audits, and inspections. If this role is handled by a consultant or other personnel who is not a part of the Subrecipient's staff, please also note a Subrecipient staff member who is responsible for overseeing the acceptable completion of duties by personnel for this role.

2. Contact Information

Name: Raphaela Peroba
Title: Grants Analyst
Agency: Strategic Resources and Government Affairs
Address: 1500 Monroe Street, Fort Myers, FL 33901
Telephone: rperoba@leegov.com
Email: (239) 533-8782

Section 4: Section 504 Coordinator

1. Description

The Subrecipient staff member who will serve as the contact and subject matter expert for ensuring the project's compliance with Section 504, the Americans with Disabilities Act of 1990 ("ADA") and ensuring meaningful access to persons who are Limited English Proficiency (LEP). This staff member is responsible for actions which include, but are not limited to, conducting a Section 504 evaluation or self-assessment of Subrecipient facilities, detailing and tracking complaints or grievances on potential Section 504 or Civil Rights violations, and developing and maintaining Language Access Plans (LAPs) for LEP individuals, as applicable. The Coordinator would likely be responsible for ensuring proper recordkeeping of files to provide access to records by the County or other parties, as described in the Agreement, in support of monitoring, audits, and inspections. If this role is handled by a consultant or other personnel who is not a part of the Subrecipient's staff, please also note a Subrecipient staff member who is responsible for overseeing the acceptable completion of duties by personnel for this role.

2. Contact Information

Name: Raphaela Peroba
Title: Grants Analyst
Agency: Strategic Resources and Government Affairs
Address: 1500 Monroe Street, Fort Myers, FL 33901
Telephone: rperoba@leegov.com
Email: (239) 533-8782

Section 5: Fair Housing Coordinator**1. Description**

The Subrecipient staff member who will serve as the contact and subject matter expert for ensuring the project's compliance with Fair Housing requirements as outlined within the Agreement and Exhibits. This staff member is responsible for actions which affirmatively promote fair housing, which may include, but are not limited to, conducting, overseeing, and documenting fair housing activities, conducting affordable housing reports, and detailing and tracking complaints or grievances on potential Fair Housing violations, as applicable. The Coordinator would likely be responsible for ensuring proper recordkeeping of such files to provide access to records by the County or other parties, as described in the Agreement, in support of monitoring, audits, and inspections. If this role is handled by a consultant or other personnel who is not a part of the Subrecipient's staff, please also note a Subrecipient staff member who is responsible for overseeing the acceptable completion of duties by personnel for this role.

2. Contact Information

Name: Raphaela Peroba
Title: Grants Analyst
Agency: Strategic Resources and Government Affairs
Address: 1500 Monroe Street, Fort Myers, FL 33901
Telephone: rperoba@leegov.com
Email: (239) 533-8782

Section 6: Financial Manager

1. Description

The Subrecipient staff member who will serve as the primary contact and subject matter expert for all financial management duties associated with the project. This staff member is most likely responsible for overseeing accounting actions such as accounts receivable, accounts payable, project budget setup, or encumbering the CDBG-DR dollars within the Subrecipient's financial management system and/or fiscal year (FY) obligations of CDBG-DR dollars to the project/activity governed by this Agreement. Tasks of the Financial Manager may include, but are not limited to, approving project invoices, overseeing monthly account reconciliations, creating or approving annual budgets for expending CDBG-DR dollars under this project/activity, and being responsible for walking through accounting procedures for County staff. The Financial Manager would likely be responsible for ensuring proper recordkeeping of such financial and accounting records for access by the County or other parties, as described in the Agreement, in support of monitoring, audits, and inspections. Given the segregation of duties for financial and accounting staff, the Financial Manager may also supervise or oversee multiple accounting clerks, financial analysts, or other financial staff who perform duties described above.

2. Contact Information

Name: Rae Isley
Title: Fiscal Manager
Agency: Human and Veteran Services Department
Address: 2440 Thompson Street, Fort Myers, FL 33901
Telephone: risley2@leegov.com
Email: 239-533-7950

Section 7: Certification of Time Allocation

Are there any staff who are working on both CDBG-DR and non CDBG-DR programs? Yes

If so how many, and list names:

Yes, 4: Julie Boudreaux; Tara Martinson; Raphaela Peroba; Rae Isley

Lee County Department of Human and Veteran Services
DRMOA106
Exhibit J
Page 5

EXHIBIT K

CDBG-DR PROGRAM SUBROGATION AGREEMENT

This Subrogation and Assignment Agreement ("Agreement") is made and entered into by and between **The Lee County Department of Human and Veteran Services** (hereinafter referred to as "Subrecipient") and Lee County (hereinafter referred to as "County").

In consideration of the Subrecipient's receipt of funds or the commitment by the County to evaluate the Subrecipient's **proposal** for the receipt of funds (collectively, the "Subrecipient Award") under the Community Development Block Grant – Disaster Recovery Program (the "CDBG-DR Program") administered by the County, the Subrecipient hereby assigns to the County all of the Subrecipient's future rights to reimbursement and all payments received from any grant, subsidized loan, lawsuit, or insurance policies of any type or coverage, or under any reimbursement or relief program related to or administered by the Federal Emergency Management Agency ("FEMA") or the Small Business Administration ("SBA") (singularly, a "Disaster Program" and collectively, the "Disaster Programs"), that was the basis of the calculation of the Subrecipient Award paid or to be paid to the Subrecipient under the CDBG-DR Program and that are determined at the sole discretion of the County to be a duplication of benefit ("DOB"), as provided in this Agreement.

The proceeds or payments referred to in the preceding paragraph, whether they are from insurance, FEMA, or the SBA, or any other source, and whether or not such amounts are a DOB, shall be referred to herein as "Proceeds," and any Proceeds that are a DOB shall be referred to herein as "DOB Proceeds."

The Subrecipient agrees to notify the County within five (5) business days of any additional or new payments, loans, grants, or awards by HUD, FEMA, SBA, the State of Florida, or any other entity not specifically disclosed in this Agreement. Further, the Subrecipient understands and acknowledges the County's right and responsibility to enforce this requirement by recapturing all or a portion of the CDBG-DR Subrecipient Award if the Proceeds received are determined to be DOB Proceeds within this CDBG-DR Program activity. The Subrecipient will be required to pay back the received CDBG-DR Subrecipient Award, which was found to be DOB Proceeds, within 30 days of receipt of the identified duplicative payment. The amount of DOB determined to be paid to the County shall not exceed the Subrecipient Award amount received by the Subrecipient from the CDBG-DR Program.

The Subrecipient agrees to assist and cooperate with the County to pursue any of the claims the Subrecipient has against insurers for reimbursement of DOB Proceeds under any such policies. The Subrecipient's assistance and cooperation shall include, but not be limited to, allowing suit to be brought under the Subrecipient's name(s) and providing any additional documentation with respect to such consent, giving depositions, providing documents, producing records and other evidence, testifying at trial, and any other form of assistance and cooperation reasonably requested by the County. The Subrecipient further agrees to assist and cooperate in the attainment and collection of any DOB Proceeds that the Subrecipient would be entitled to under any applicable Disaster Program.

Lee County Department of Human and Veteran Services
Activity #DRMOA106
Application #300034
Exhibit K
 Page 2 of 3

If requested by the County, the Subrecipient agrees to execute such further and additional documents and instruments as may be requested to further and better assign to the County, to the extent of the Subrecipient Award paid to the Subrecipient under the CDBG-DR Program, the policies, any amounts received under the CDBG-DR Program that are DOB Proceeds, and/or any right thereunder, and to take, or cause to be taken, all actions and to do, or cause to be done, all things requested by the County to consummate and make effective for the purposes of this Agreement.

The Subrecipient explicitly allows the County to request of any company with which the Subrecipient held insurance policies, FEMA, SBA, or any other entity from which the Subrecipient has applied for or is receiving Proceeds, any non-public or confidential information determined to be reasonably necessary by the County to monitor and enforce its interest in the rights assigned to it under this Agreement and give the Subrecipient's consent to such company(ies) to release all information to the County.

If the Subrecipient (or any lender to which DOB Proceeds are payable to such lender, to the extent permitted by superior loan documents) hereafter receives any DOB Proceeds, the Subrecipient agrees to promptly pay such amounts to the County, if Subrecipient received a Subrecipient Award under the CDBG-DR Program in an amount greater than the amount the Subrecipient would have received if such DOB Proceeds had been considered in the calculation of the Subrecipient's award.

In the event that the Subrecipient receives or is scheduled to receive any subsequent Proceeds, the Subrecipient shall notify the County in the manner above of such subsequent Proceeds. The County will determine the amount, if any, of the subsequent Proceeds that are DOB Proceeds ("Subsequent DOB Proceeds"). Subsequent Proceeds in excess of the determined Subsequent DOB Proceeds shall not be requested from the Subrecipient to provide to the County. Subsequent DOB Proceeds shall be remitted to the County as follows:

1. If the Subrecipient has received full payment of the Subrecipient Award, any Subsequent DOB Proceeds shall be remitted to the County.
2. If the Subrecipient has received no payment of the Subrecipient Award, any determined Subsequent DOB Proceeds shall be used by the County to reduce payments and the agreed-upon amount of the Subrecipient Award to the Subrecipient, and all Subsequent DOB Proceeds shall be retained by the Subrecipient for use on the CDBG-DR Program activity.
3. If the Subrecipient has received a portion of the Subrecipient Award, any Subsequent DOB Proceeds shall be used, retained, and/or disbursed in the following order: **(A)** Subsequent DOB Proceeds shall first be used to reduce the remaining payments or agreed-upon amount of the Subrecipient Award, and Subsequent DOB Proceeds in such amount shall be retained by the Subrecipient for use on the CDBG-DR Program activity; and **(B)** any remaining Subsequent DOB Proceeds shall be remitted to the County.
4. If the County makes the determination that the Subrecipient does not qualify to participate in the CDBG-DR Program or the Subrecipient determines not to participate in the CDBG-DR Program, the Subsequent DOB Proceeds shall be returned to the Subrecipient, less any portion of the Subrecipient Award amount paid to the Subrecipient and which needs to be remitted to the County, and this Agreement shall terminate.

Lee County Department of Human and Veteran Services
 Activity #DRMOA106
 Application #300034
 Exhibit K
 Page 3 of 3

Once the County has recovered an amount equal to the Subrecipient Award paid to the Subrecipient, the County will reassign to the Subrecipient any right assigned to the County pursuant to this Agreement.

The Subrecipient represents that all statements and representations made by the Subrecipient regarding Proceeds received by the Subrecipient shall be true and correct as of the date of the signing of this Agreement.

Warning: Any person who intentionally or knowingly makes a false claim or statement to HUD may be subject to civil or criminal penalties under 18 U.S.C. 287, 1001 and 31 C.S.C. 3729.

The person executing this Agreement on behalf of the Subrecipient hereby represents that he/she has received, read, and understands this notice of penalties for making a false claim or statement regarding Proceeds received by the Subrecipient.


In any proceeding to enforce this Agreement, the County shall be entitled to recover all costs of enforcement, including actual attorney's fees.

**LEE COUNTY DEPARTMENT OF HUMAN
AND VETERAN SERVICES**

LEE COUNTY

By: Julie Boudreaux _____

By: Peter Winton _____

Signature:  _____

Signature:  _____

Title: Director Human and Veteran Services _____

Title: CFO, Lee County _____

Date: 7/10/2024 | 1:46 PM EDT _____

Date: 7/11/2024 | 1:57 PM EDT _____

Certificate Of Completion

Envelope Id: 93AC7D62AA2C48AE85CAB24675827364

Status: Completed

Subject: DRMOA106 - Department of Human and Veteran Services

Source Envelope:

Document Pages: 43

Signatures: 6

Certificate Pages: 6

Initials: 0

AutoNav: Enabled

Stamps: 1

Enveloped Stamping: Enabled

Time Zone: (UTC-05:00) Eastern Time (US & Canada)

Envelope Originator:

Jessica Bucci

1500 Monroe St, 4th St

Fort Myers, FL 33901

jbucci@leegov.com

IP Address: 208.89.76.203

Record Tracking

Status: Original

7/10/2024 1:19:18 PM

Holder: Jessica Bucci

jbucci@leegov.com

Location: DocuSign

Signer Events

Julie Boudreaux

JBoudreaux@leegov.com

Director Human and Veteran Services

Security Level: Email, Account Authentication
(None)**Signature**

DocuSigned by:
Julie Boudreaux
FBB79AA71A3749A...

Signature Adoption: Pre-selected Style
Using IP Address: 208.89.76.203**Timestamp**

Sent: 7/10/2024 1:36:11 PM

Viewed: 7/10/2024 1:42:20 PM

Signed: 7/10/2024 1:46:05 PM

Electronic Record and Signature Disclosure:

Accepted: 7/5/2024 2:42:54 PM

ID: e18b9e48-67d8-4719-8b60-71133f9f6e3e

Company Name: SRGA - Disaster Recovery Grants Office

Joseph Adams

jadams@leegov.com

Assistant County Attorney

Security Level: Email, Account Authentication
(None)

DocuSigned by:
Joseph Adams
DCCFDFED4580467...

Signature Adoption: Pre-selected Style
Using IP Address: 208.89.76.205

Sent: 7/10/2024 1:48:27 PM

Viewed: 7/11/2024 8:31:25 AM

Signed: 7/11/2024 8:31:52 AM

Electronic Record and Signature Disclosure:

Accepted: 7/9/2024 9:58:47 AM

ID: 6e74cf10-448e-4999-befa-05790e894c4d

Company Name: SRGA - Disaster Recovery Grants Office

Peter Winton

pwinton@leegov.com

CFO, Lee County

Security Level: Email, Account Authentication
(None)

DocuSigned by:
Peter Winton
7D65BF5A02814E0...

Signature Adoption: Pre-selected Style
Using IP Address: 208.89.76.205

Sent: 7/11/2024 8:31:53 AM

Viewed: 7/11/2024 1:56:20 PM



Signed: 7/11/2024 1:57:57 PM

Electronic Record and Signature Disclosure:

Accepted: 7/9/2024 11:23:41 AM

ID: d6ce1e0d-08f1-40a6-b7bf-3241c276a1d9

Company Name: SRGA - Disaster Recovery Grants Office

Signer Events	Signature	Timestamp
Chris Jagodzinski clerkdocusign@leeclerk.org Deputy Clerk Security Level: Email, Account Authentication (None)	 	Sent: 7/11/2024 1:58:00 PM Viewed: 7/11/2024 2:00:38 PM Signed: 7/11/2024 2:01:12 PM

Signature Adoption: Pre-selected Style
Using IP Address: 198.184.170.4

Electronic Record and Signature Disclosure:
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In Person Signer Events	Signature	Timestamp
Editor Delivery Events	Status	Timestamp
Agent Delivery Events	Status	Timestamp
Intermediary Delivery Events	Status	Timestamp
Certified Delivery Events	Status	Timestamp
Carbon Copy Events	Status	Timestamp

Erica Temerario
etemerario@leegov.com
Legal Administrative Specialist
Lee County BoCC
Security Level: Email, Account Authentication (None)

COPIED

Sent: 7/10/2024 1:48:27 PM

Electronic Record and Signature Disclosure:
Accepted: 6/3/2024 11:47:52 AM
ID: fa52b237-011e-4c87-ae63-30fdcd95d356
Company Name: SRGA - Disaster Recovery Grants Office

Laurel Chick
lchick@leegov.com
Internal Services Manager
Lee County BoCC
Security Level: Email, Account Authentication (None)

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Electronic Record and Signature Disclosure:
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Jessica Bucci
jbucci@leegov.com
Administrative Assistant, Sr
Lee County BoCC - SRGA
Security Level: Email, Account Authentication (None)

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Robert Codie
RCodie@leegov.com
Assistant County Manager
Security Level: Email, Account Authentication (None)

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Carbon Copy Events	Status	Timestamp
Accepted: 7/9/2024 10:36:28 AM ID: be591492-1155-46c1-9a30-48d6986d5712 Company Name: SRGA - Disaster Recovery Grants Office		

Witness Events	Signature	Timestamp
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Notary Events	Signature	Timestamp
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Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	7/10/2024 1:36:11 PM
Envelope Updated	Security Checked	7/11/2024 7:56:59 AM
Certified Delivered	Security Checked	7/11/2024 2:00:38 PM
Signing Complete	Security Checked	7/11/2024 2:01:12 PM
Completed	Security Checked	7/11/2024 2:01:17 PM

Payment Events	Status	Timestamps
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Electronic Record and Signature Disclosure		
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ELECTRONIC RECORD AND SIGNATURE DISCLOSURE

From time to time, SRGA - Disaster Recovery Grants Office (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through the DocuSign system. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to this Electronic Record and Signature Disclosure (ERSD), please confirm your agreement by selecting the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

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At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. You will have the ability to download and print documents we send to you through the DocuSign system during and immediately after the signing session and, if you elect to create a DocuSign account, you may access the documents for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

Withdrawing your consent

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

All notices and disclosures will be sent to you electronically

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact SRGA - Disaster Recovery Grants Office:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: sryan@leegov.com

To advise SRGA - Disaster Recovery Grants Office of your new email address

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at sryan@leegov.com and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

If you created a DocuSign account, you may update it with your new email address through your account preferences.

To request paper copies from SRGA - Disaster Recovery Grants Office

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to sryan@leegov.com and in the body of such request you must state your email address, full name, mailing address, and telephone number. We will bill you for any fees at that time, if any.

To withdraw your consent with SRGA - Disaster Recovery Grants Office

To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an email to sryan@leegov.com and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

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The minimum system requirements for using the DocuSign system may change over time. The current system requirements are found here: <https://support.docusign.com/guides/signer-guide-signing-system-requirements>.

Acknowledging your access and consent to receive and sign documents electronically

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

By selecting the check-box next to 'I agree to use electronic records and signatures', you confirm that:

- You can access and read this Electronic Record and Signature Disclosure; and
- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and
- Until or unless you notify SRGA - Disaster Recovery Grants Office as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by SRGA - Disaster Recovery Grants Office during the course of your relationship with SRGA - Disaster Recovery Grants Office.



AGENDA ITEM REPORT

DATE: September 19, 2023
DEPARTMENT: County Manager
REQUESTER: Glen Salyer
TITLE: Approve Submission of Required CDBG-DR Action Plan to HUD

I. MOTION REQUESTED

- A) Approve the submission of Lee County's Community Development Block Grant - Disaster Recovery (CDBG-DR) Action Plan to the Department of Housing and Urban Development (HUD).
- B) Authorize the Chair, on behalf of the Board of County Commissioners, to sign HUD Certifications and HUD Form SF-424s.
- C) Designate the County Manager or the Assistant County Manager of the lead department for CDBG-DR to execute and submit HUD required forms and reports for the life of the program.
- D) Adopt resolution designating the County Manager or the Assistant County Manager of the lead department for CDBG-DR as the Certifying Officer to approve the submission of the environmental review documents to the federal government and certify compliance in accordance with this resolution.
- E) Accept \$1,107,881,000 in Community Development Block Grant-Disaster Recovery funds from the U.S. Department of Housing and Urban Development upon receipt of grant agreement and approve attached budget amendment resolution for FY2023-2024.
- F) Authorize Board Chair to execute grant agreements and related documentation upon receipt from HUD.

II. ITEM SUMMARY

Authorizes submission of Lee County's Action Plan for Community Development Block Grant - Disaster Recovery (CDBG-DR) funding to the Department of Housing and Urban Development (HUD) for review. The plan provides the framework for \$1.1 billion of Hurricane Ian recovery programs that Lee County will administer pursuant to HUD guidelines and relevant federal regulations.

III. BACKGROUND AND IMPLICATIONS OF ACTION

A) Board Action and Other History

HUD officially announced the \$1.1 billion allocation of CDBG-DR funding directly to Lee County through Federal Register Notice 6393-N-01 published on May 18, 2023. HUD's Federal Register notice triggers an approximate six-month process to produce a HUD-approved plan for the use of the grant funds.

On August 1, 2023, the Board approved the publication of Lee County's Draft Action Plan to initiate a 30-day period for soliciting public comment.

The plan was made available for public comment and feedback between August 1, 2023, and August 31, 2023. The County facilitated several public meetings at which the public asked questions and provided comment on the Draft Action Plan. The information gathered through the citizen participation process was considered during the final development of the Action Plan.

B) Policy Issues

C) BoCC Goals

Meets requirements for HUD grant funding to support recovery and resiliency in Lee County. The primary objectives of the Draft Action Plan are as follows:

- Create and preserve safe, resilient, and affordable housing opportunities.
- Assist individual property owners to recover from the impacts of Hurricane Ian.
- Restore critical public facilities and infrastructure.
- Mitigate future disaster impacts through infrastructure improvements.
- Deliver essential public services that support individual and community-wide recovery.
- Plan for future resiliency.

D) Analysis

The U.S. Department of Housing and Urban Development (HUD) announced that Lee County will receive \$1,107,881,000 in funding to support long-term recovery efforts following Hurricane Ian (FEMA – 4673 – DR) through the Office of Disaster Recovery (ODR) within the Office of Community Planning and Development. Community Development Block Grant-Disaster Recovery (CDBG-DR) funding is designed to address needs that remain after all other assistance has been exhausted. Program rules are detailed in 88 FR 32046 (May 18, 2023) and other relevant federal statutes and regulations. (See: <https://www.hud.gov/sites/dfiles/CPD/documents/6393-N-01CDBG-DR-Allocations.pdf>)

E) Options**IV. FINANCIAL INFORMATION**

A)	Current year dollar amount of item:	No funding required.
B)	Is this item approved in the current budget?	N/A
C)	Is this a revenue or expense item?	N/A
D)	Is this Discretionary or Mandatory?	N/A
E)	Will this item impact future budgets? If yes, please include reasons in III(D) above.	
F)	Fund: Program: Project: Account Strings:	
G)	Fund Type?	N/A
H)	Comments:	

V. RECOMMENDATION

Approve

VI. TIMING/IMPLEMENTATION

- The Action Plan must be submitted to HUD by September 20, 2023.
- HUD review and approval of the Action Plan is anticipated to be completed by the end of 2023.
- Anticipated program roll-out is in early 2024.

VII. FOLLOW UP

A) The Board will need to sign the grant agreement upon receipt from HUD. In addition, the Board will periodically need to sign the following:

a. Any future amendments to the agreements for this fiscal year and previous years, that do not substantially alter the original intent of the contract;

b. Amendments to the Lee County Action Plan once prepared in accordance with the Federal Register and other applicable regulations

B) Strategic Resources and Government Affairs staff will administer CDBG-DR programs throughout the grant performance period.

ATTACHMENTS:

Description	Upload Date	Type
CDBG-DR Budget Resolution Request	9/6/2023	Backup Material
HUD SF424A - Application for Federal Assistance	9/6/2023	Backup Material
HUD 424B Assurances and Certifications	9/6/2023	Backup Material
HUD 424B Assurances - Non-Construction Programs	9/6/2023	Backup Material
HUD 424D Assurances - Construction Program	9/6/2023	Backup Material
Final Action Plan CDBG-DR - Pgs 1-81	9/8/2023	Backup Material
Final Action Plan CDBG-DR - Pgs 82-270	9/8/2023	Backup Material
Resolution for CDBG-DR Environmental Review Signature Authorization	9/8/2023	Backup Material
Budget Amendment	9/8/2023	Budget Amendment
091923R-A-4-RESO 23-09-33	9/22/2023	Resolution
091923R-A-4-RESO 23-09-34 Budget Amendment	9/22/2023	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
County Manager	Salyer, Glen	Approved	9/8/2023 - 11:47 AM
Budget Services	Henkel, Anne	Approved	9/8/2023 - 3:45 PM
Budget Services	Winton, Peter	Approved	9/11/2023 - 9:06 AM
County Attorney	Fraser, Andrea	Approved	9/11/2023 - 10:22 AM
County Manager	Salyer, Glen	Approved	9/12/2023 - 9:32 AM