

# LOCAL PLANNING AGENCY OLD LEE COUNTY COURTHOUSE 2120 MAIN STREET, FORT MYERS, FL 33901 BOARD CHAMBERS MONDAY, OCTOBER 28, 2013 8:30 AM

# **AGENDA**

- 1. Call to Order/Review of Affidavit of Publication
- 2. Pledge of Allegiance
- 3. Public Forum
- 4. Approval of Minutes September 23, 2013
- 5. County Initiated 2013 Regular Amendments

# A. CPA2013-03 RSW Revised Airport Layout Plan – Map 3F

Amend Lee Plan Map 3F, the Southwest Florida International Airport, RSW, Airport Layout Plan, to reflect the revised Airport Layout Plan approved by the Federal Aviation Administration.

# B. CPA2013-05 University Community DRI Requirement

Amend Policy 18.1.16, Policy18.1.16.6 and Policy 18.2.2 to make the Lee Plan consistent with State requirements that prohibit local governments from requiring Development of Regional Impact (DRI) review for projects that don't meet or exceed state established thresholds

- New Horizon 2035: Plan Amendments
  - A. CPA2011-00011 Intergovernmental Coordination
  - B. CPA2011-00005 Economic
  - C. CPA2011-00010 Housing
- 7. Other Business
- 8. Adjournment Next Meeting Date: Wednesday, December 4, 2013 and Wednesday, December 11, 2013

A verbatim record of the proceeding will be necessary to appeal a decision made at this hearing. Contact the Lee County Division of Planning at 239-533-8585 for further information on obtaining a record. In accordance with the Americans with Disabilities Act, reasonable accommodations will be made upon request. Contact Janet Miller at 239-533-8583.



ATTACHMENT 1 CPA2011-10

GOAL 1: MEETING HOUSING NEEDS. Support the provision and maintenance of Achieve a volume of decent, sustainable, resource efficient, safe, and sanitary housing in suitable neighborhoods at affordable costs (staff comment: keep affordable costs as state statute requires the element address the provision of affordable housing) to meet the needs of the present and future residents of the county including lower income households, moderate income households (including workforce households), persons who have special housing needs and farmworkers. (staff comment keep the list of housing by income and other category because a) state statute requires dealing with the provision of housing by income and other categories; and b) makes for easier reference by the public using the element. As requested the definitions of these categories will be relocated to a definition section.) (Amended by Ordinance No. 91-19)

### **Definitions:**

- Affordable housing means a household that spends 30% or less of its gross income on housing.
- Farmworker is defined in FS 420.503(18): (18)(a) "Farmworker" means a laborer who is employed on a seasonal, temporary, or permanent basis in the planting, cultivating, harvesting, or processing of agricultural or aquacultural products and who derived at least 50 percent of her or his income in the immediately preceding 12 months from such employment.
  - (b) "Farmworker" includes a person who has retired as a laborer due to age, disability, or illness. In order to be considered retired as a farmworker due to age under this part, a person must be 50 years of age or older and must have been employed for a minimum of 5 years as a farmworker before retirement. In order to be considered retired as a farmworker due to disability or illness, a person must:
  - 1. Establish medically that she or he is unable to be employed as a farmworker due to that disability or illness.
  - 2. Establish that she or he was previously employed as a farmworker.
    (c) Notwithstanding paragraphs (a) and (b), when corporation administered funds are used in conjunction with United States Department of Agriculture Rural Development funds, the term "farmworker" may mean a laborer who meets, at a minimum, the definition of "domestic farm laborer" as found in 7 C.F.R. s. 3560.11, as amended. The corporation may establish additional criteria by rule.
- Lower Income Households means very low and low income households:
  - Very low income household means a household with an annual gross income of 50% or less of the median annual income adjusted for family size for households within Cape Coral-Fort Myers MSA.
  - Low income household means a household with an annual gross income of 80% or less of the median annual income adjusted for family size for households within Cape Coral Fort Myers MSA.

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- Moderate income households means households with an annual gross income of 120% or less of the median annual income adjusted for family size for households within Cape Coral-Fort Myers MSA. Workforce households defined in FS 380.0651(3) (h) are included in the moderate income household category.
- "Persons Who Have Special Housing Needs" is defined in F.A.C Rule 67-37.002(21) "Persons Who Have Special Housing Needs" means individuals who have incomes not exceeding moderate income and, because of particular social, economic, or health-related circumstances, have greater difficulty acquiring or maintaining affordable housing. Such persons include: those who have encountered resistance to their residing in particular communities; suffered increased housing costs resulting from their unique needs and high risk of institutionalization; persons with developmental disabilities; persons with mental illnesses or chemical dependency; persons with Acquired Immune Deficiency Syndrome ("AIDS") and Human Immunodeficiency Virus ("HIV") disease; runaways and abandoned youth; public assistance recipients; migrant and seasonal farm workers; refugees and entrants; the elderly; and disabled adults.
- Sustainable housing means housing that is planned to foster development patterns based on the interconnections between economic, societal and environmental conditions.

**OBJECTIVE 1.1: HOUSING AVAILABILITY.** Work with private and public housing providers to ensure that the additional dwellings needed by 2030 2035 are provided in types, costs, and locations to create inclusive, diverse, and sustainable communities that will address the long-term needs of residents. (Best housing data projections are available to 2030.) By 2030, Lee County is projected to have 418,308 households, – an increase of 158,626 from 2010. By 2030 unincorporated Lee County is projected to have 213,294 house households – an increase of 72,358 from 2010. (Amended by Ordinance No. 94-30, 98-09, 07-17)

**POLICY 1.1.1:** Provide information, technical assistance, and incentives to the private sector to maintain a housing production capacity <u>and type</u> sufficient to meet the required production. Information may include but is not limited to:

- a. The programs identified in the Local Housing Assistance Plan and the Lee County Consolidated Plan. (Amended by Ordinance No. 94-30, 98-09, 00-22)
- b. Maintain an ongoing research effort on housing and related issues, including state and federal legislation affecting housing, county-wide housing needs. (Amended by Ordinance No. 00-22)

**POLICY 1.1.2:** Continue efforts to form public-private partnerships with local non-profit housing agencies, local for profit developers, local lenders, the Lee County Housing Authority, and the Lee County Housing Finance Authority to produce affordable housing for lower and moderate-income households and for persons who have special housing needs. (Amended by Ordinance No. 00-22, 07-17)

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- **POLICY 1.1.3:** Eliminate excessive or duplicative regulatory requirements, by reviewing, updateting, and amending (as necessary), county codes and regulations in response to changing household preferences, community needs, and housing industry technology and economics. (Amended by Ordinance No. 94-30)
- **POLICY 1.1.4:** Encourage participation in the housing bonus density program set forth in the LDC, to stimulate the construction of affordable housing for lower and moderate income households. (Amended by Ordinance No. 94-30, 98-09, 00-22, 07-17)
- **POLICY 1.1.5:** Continue affordable housing incentives such as: expedited permit processing; partial subsidies for impact fees; and the construction of infrastructure (Amended by Ordinance No. 94-30)
- **POLICY 1.1.6:** Encourage through regulatory processes adequate sites-for-residential development including mobile homes for lower and moderate income households and for persons who have special housing needs. Lower income households will be a priority. (Amended by Ordinance No. 00-22, 07-17)
- **POLICY 1.1.7:** Encourage proposals for <u>innovative</u>, <u>diverse and</u> affordable housing that are consistent with the use and density provisions of this Plan and associated land development regulations. <u>Provide Promote</u> sustainable development practices including:
- a. Avoidance of concentrations of lower income households and persons with special housing needs in specific areas;
- b. Location on sites with access to urban services and facilities including water and sewer, mass transit, parks and open spaces, and libraries and schools and nutritional food retailers (avoiding as possible food deserts or areas lacking access to healthful foods due to a lack of grocery stores, famer's markets and/or other healthy food providers)
- c. Avoidance of environmentally sensitive areas;
- d. Creation of livable and supportive environments by the development of compact and walkable communities to promote physical activity and include amenities such as community gardens;
- e. Inclusion of a variety of housing types including mixed use developments including live/work housing for mixed incomes and auxiliary or accessory living units and multigenerational housing;
- f. Proximity to employment, and shopping facilities and other necessities of daily life;
- g. Inclusion of "universal design" features in dwelling units to increase visitability and livability to allow use by all people without the need for adaptation to allow residents to age in place;
- h. Incorporation in so far as practical of green building techniques including energy efficient construction, appropriate solar exposure, air circulation, and the use of natural shading, and water conserving and water quality protection measures.

(Added by Ordinance No. 07-17)

**POLICY 1.1.8:** Encourage subsidized housing units in dispersed locations so that all geographic areas provide affordable housing opportunities to lower and moderate-income households and persons who have special housing needs. (Amended by Ordinance No. 94-30, 07-17)

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- **POLICY 1.1.9:** Encourage a mix of residential types and designs on a county-wide basis by providing for a wide variety of housing densities and types through the planned development process and a flexible Future Land Use Map. (Amended by Ordinance No. 00-22)
- **POLICY 1.1.10:** Encourage through regulations and incentives the development of mixed income residential developments and neighborhoods. (Added by Ordinance No. 07-16)
- **POLICY 1.1.11:** Establish an initiative to include "universal design" features in dwelling units to increase visitability and livability to allow use by all people without the need for adaptation to allow residents to age in place. Provide information to homeowners, builders and the general public about the advantages of construction with basic accessibility features such as a no or zero step entrance and bathroom walls reinforced for grab bars.
- **POLICY 1.1.12:** Housing programs will be administered to affirmatively further fair housing. (Amended by Ordinance No. 94-30, 00-22)
- **POLICY 1.1.13:** Continue to implement the county's Fair Housing Ordinance (Lee Ordinance No 00-19 as amended). (Amended by Ordinance No. 94-30, 00-22, 07-17)
- **POLICY 1.1.14:** Coordinate activities and cooperate with other affected public and private interests including consumers and producers of housing, the Affordable Housing Committee, Community Action Agency, and the Neighborhood District Committee(s) to ensure effective public participation in the housing planning process. (Amended by Ordinance No. 94-30, 98-09, 00-22, 07-17)
- **OBJECTIVE 1.2.: REHABILITATION, CONSERVATION, AND IMPROVEMENT.**Continue efforts to reduce substandard housing <u>year over year</u>. (Amended by Ordinance No. 94-30)
- **POLICY 1.2.1:** Increase code enforcement activities in neighborhoods where code violations are prevalent. (Amended by Ordinance No. 00-22)
- **POLICY 1.2.2:** Identify homes eligible for housing rehabilitation programs. Partner with local nonprofit housing agencies to rehabilitate affordable housing. (Amended by Ordinance No. 94-30, 98-09, 00-22, 07-17)
- **POLICY 1.2.3:** Conserve existing residential areas by enforcing codes, providing appropriate capital improvements, providing funding for the Neighborhood Districts Program and disseminating information on the availability of housing programs. (Amended by Ordinance No. 94-30, 98-09, 00-22)
- **POLICY 1.2.4:** Enforce minimum standards of housing and sanitation and require prompt action in the identification of abandoned or dilapidated property in need demolition, including mobile homes and farmworker housing. (Amended by Ordinance No. 00-22, 07-17)

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- **POLICY 1.2.5:** Seek federal and state funding, or otherwise provide local public funds, for the demolition or rehabilitation of substandard housing.
- **POLICY 1.2.6:** Permit, on a demonstration basis, mixed-use and other innovative reuses of the existing housing stock that will result in the removal of substandard housing units.
- **POLICY 1.2.7:** Coordinate efforts to perform restoration and replacement of damaged housing during the aftermath of natural disasters. (Amended by Ordinance No. 07-17)
- **POLICY 1.2.8:** Incorporate weatherization programs provided by state and federal agencies into the county's comprehensive housing effort as a means of encouraging housing maintenance and preservation by the public and private sectors. (Amended by Ordinance No. 00-22)
- **POLICY 1.2.9:** Consider incentives and initiatives to encourage the rehabilitation, re-use and redevelopment of existing single family and multifamily housing stock into affordable housing.
- **POLICY 1.2.10:** Consider incentives and initiatives to encourage the rehabilitation of distressed, vacant and abandoned properties into affordable housing units.
- **POLICY 1.2.11:** Encourage affordable mixed use developments including live/work housing and auxiliary or accessory living units and multigenerational housing through consideration of incentives in the LDC and the Lee Plan.
- **OBJECTIVE 1.3: AFFORDABLE HOUSING:** Mitigate affordable housing needs by seeking local, state and federal funding and forming private/public partnerships.
- **POLICY 1.3.1:** Support the affordable housing efforts of the Lee County Housing Finance Authority, Florida Housing Finance Corporation, Lee County Housing Authority, and local private for profit and private non-profit agencies, and assist in their efforts to locate and develop sites and programs for housing lower income and moderate income households and persons who have special housing needs. (Amended by Ordinance No. 94-30, 98-09, 07-17)
- **POLICY 1.3.2:** Pursue federal and other sources of funding for affordable housing for lower income households. (Amended by Ordinance No. 94-30)
- **POLICY 1.3.3:** Provide counseling services to lower and moderate-income households and persons who have special housing needs participating in programs, including the homeless assistance. The counseling may include financial guidance, housing maintenance information, consumer advice to households seeking affordable, housing, home buyer training and also information about support services such as day care, emergency shelter, food and clothing and employment services. Counseling may target homeownership and/or foreclosure prevention. The specific types of counseling services provided will incorporate best practices as required by funding sources and meet funding source requirements. (Amended by Ordinance No. 98-09, 00-22, 07-17)

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(The request was made that this policy be reformatted to eliminate the list and that these mechanisms be made available for all housing. Staff believes that the policy is adequately formatted and that these mechanisms continue to be restricted to affordable housing in order to meet the county's demonstrated need for affordable housing.)

**POLICY 1.3.5:** Explore opportunities to increase the availability of affordable housing and provide adequate sites for affordable housing through options such as:

- a. Alternative Use, Density, and Dimensional Standards;
- b. Expedited Permit Processing;
- c. Dedicated funding source;
- d. Inclusionary Housing and/or Mitigation programs;
- e. Linkage Fee programs;
- f. On-going affordability initiatives (such as Community Land Trusts); and,
- g. Resale Controls and Equity Sharing (Added by Ordinance No. 07-17)
- **POLICY 1.3.6:** Develop a workforce housing initiative to facilitate affordable housing for workers and maintain a viable economy. (Added by Ordinance No. 93-25, Amended by Ordinance No. 94-30, 00-22, 07-17)
- **POLICY 1.3.7:** Through County housing programs, promote diversity to increase integration, workforce housing, and economic development zones. (Added by Ordinance No. 07-16)
- **POLICY 1.3.8:** Encourage employers to consider providing employer housing assistance as a benefit to employees.
- **OBJECTIVE 1.4.: MOBILE HOMES.** Provide adequate locations and standards for mobile homes, which are defined as residential units constructed to standards promulgated by HUD, through implementation of the LDC. (Amended by Ordinance No. 94-30, 00-22, 07-17)
- **POLICY 1.4.1:** Permit Mobile Homes in all land use categories that allow residential development. (Added by Ordinance No. 07-17)
- **POLICY 1.4.2:** Designate zoning categories for mobile home parks in the LDC, allow for the construction of site built homes under a Mobile Home zoning category and implement the Florida statutory requirements on Governmental Action Affecting the Removal of Mobile Home Owners. (Amended by Ordinance No. 94-30, 00-22, Amended and Relocated by Ordinance No. 07-17)
- **OBJECTIVE 1.5: PERSONS WHO HAVE SPECIAL HOUSING NEEDS.** Housing for persons who have special housing needs will be available at suitable locations to ensure that their needs are met. (Amended by Ordinance No. 07-17)

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- **POLICY 1.5.1:** Housing for persons who have special housing needs is permitted in all land use categories allowing residential development. (Added by Ordinance No. 07-17)
- **POLICY 1.5.2:** Enforce nondiscriminatory standards and criteria addressing community residential homes (e.g. group homes or foster care facilities) and assisted living facilities for persons and households with special needs. (Amended by Ordinance No. 00-22, Amended and Relocated by Ordinance No. 07-17)
- **POLICY 1.5.3:** Support the location of community residential homes (e.g. group homes or foster care facilities) on sites with access to suitable services. (Amended by Ordinance No. 00-22, Amended and Relocated by Ordinance No. 07-17)
- **POLICY 1.5.4:** Support infrastructure and public facilities necessary to encourage independent living for persons who have special housing needs. (Amended by Ordinance No. 00-22, Relocated by Ordinance No. 07-17)
- **POLICY 1.5.5:** Monitor the development and distribution of publicly-assisted community residential homes (e.g. group homes or foster care facilities) and residential care facilities to ensure the provision of sites and infrastructure and avoid over-concentration in any residential area. Homes of six or fewer residents that meet the definition of a community residential home will be deemed a single-family unit and will be allowed in single-family or multifamily zoning. Lee County will only deny the siting of a community residential home if the site selected:
  - a. Does not conform to zoning regulations applicable to multifamily uses in the area;
  - b. Does not meet the licensing criteria of the licensing entity, including requirements that the home be located to assure the safe care and supervision of all clients in the home;
- **POLICY 1.5.6:** Provide competitive local funding opportunities to non-profit organizations to ensure that housing is provided for persons and households with special housing needs throughout the county. (Amended by Ordinance No. 00-22, Amended and Relocated by Ordinance No. 07-17)
- **POLICY 1.5.7:** Cooperate with agencies to provide sites for community residential homes (e.g. group homes or foster care facilities), homeless shelters and transitional housing, to meet the requirements of persons who have special housing needs. (Amended by Ordinance No. 00-22, Amended and Relocated by Ordinance No. 07-17)
- **POLICY 1.5.8:** Set aside SHIP funding for the development of housing for persons who have special housing needs. (Added by Ordinance No. 07-17)
- **POLICY 1.5.9**: Utilize site selection criteria for housing for persons who have special housing needs that considers accessibility, convenience, and infrastructure availability. Favorable sites include one or more of the following location characteristics:
  - a. Urban Land Use category on the Lee Plan's Future Land Use Map;

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- b. Central water/sewer service is available
- c. Within comfortable walking distance of mass transit;
- d. For farm worker housing, location near active cropland or groves. (Amended by Ordinance No. 94-30, 00-22, 07-17)
- **POLICY 1.5.10:** Implement initiatives to assist the homeless. (Amended by Ordinance No. 98-09, 00-22, 07-17)
- **POLICY 1.5.11-** Participate in state and federal housing assistance programs to aid persons who have special housing needs, and lower and moderate-income households to secure suitable, affordable housing, housing rehabilitation, home buyer training, down payment and closing cost assistance, rental assistance, and residential construction or rehabilitation programs. (Amended by Ordinance No. 98-09, 00-22, 07-17)
- **POLICY 1.5.12:** Afford priority to lower income persons who have special housing needs and lack adequate housing in recognition of the problems faced by the private sector in providing this housing. (Amended by Ordinance No. 98-09, 07-17)
- **OBJECTIVE 1.6: FARMWORKER HOUSING:** Encourage the provision of affordable farmworker housing through regulations and incentives (Amended by Ordinance No. 94-30, 98-09, 07-17)
- **POLICY 1.6.1:** Housing for farm workers, may be permitted in the Rural, Coastal Rural, Open Lands, and Density Reduction/Groundwater Resource land use categories without respect to density limitations. The density of farmworker housing is limited to 50 occupants per acre of actual housing area and will be reviewed on a case-by-case basis during the an expedited planned development or Special Exception zoning process. Applicants must demonstrate that impacts of the farm worker housing will be mitigated. (Amended by Ordinance No. 94-30, 00-22, 03-19, 05-21)
- **POLICY 1.6.2:** When provided off-site, Ppromote the location of farm worker housing close to needed services such as transportation to and from employment, medical facilities, social services, schools and shopping. Evaluate proximity to services when county funds are requested for farmworker housing and during the rezoning process
- **POLICY 1.6.3:** Assist private agricultural businesses to develop and manage housing farmworkers through information, technical assistance, and financial incentives programs. (Amended by Ordinance No. 07-17)
- **POLICY 1.6.4:** Assist non-profit agencies and other support groups to plan and coordinate arrangements for affordable rental housing and other non-housing support services for farm workers and their families. (Amended by Ordinance No. 07-17)

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- **OBJECTIVE 1.7: DISPLACEMENT.** Provide uniform and equitable treatment for persons displaced by state and local government programs. Allow complaints that efforts and/or assistance were administered in a discriminatory manner to be filed with the county. (Amended by Ordinance No. 98-09, 07-17)
- **POLICY 1.7.1:** Ensure that reasonably located standard housing at affordable costs is available to persons displaced through public action prior to displacement (Amended by Ordinance No. 07-17)
- **OBJECTIVE 1.8: HISTORIC HOUSING.** Preserve and protect historically significant housing for residential uses, consistent with the Historic Preservation element <u>and this element</u>.
- **POLICY 1.8.1:** Assist the rehabilitation and adaptive use of historically significant housing through technical and economic assistance programs including as Community Development Block Grant, HOME, SHIP and emergency weatherization. (Amended by Ordinance No. 94-30, 98-09, 07-17)
- **OBJECTIVE 1.9: NEIGHBORHOOD AND HOUSING CONSERVATION.** Conserve existing housing and improve the quality of neighborhoods through the Neighborhood District Program, affordable housing programs, public/private partnerships, community <u>planning and</u> redevelopment programs, and appropriate development regulations. (Amended by Ordinance No. 94-30, 98-09, 00-22)
- **POLICY 1.9.1:** Review and amend where necessary the county's housing and health codes and standards relating to the care and maintenance of residential and neighborhood environments and facilities.
- **POLICY 1.9.2:** Designate areas of the county as Neighborhood Districts and carry out the Department of Human Services Neighborhood District program activities. (Amended by Ordinance No. 07-17)
- **POLICY 1.9.3:** Plan and implement safe neighborhood programs in designated Neighborhood Districts. (Added by Ordinance No. 94-30, 98-09, Amended by Ordinance No. 07-17)
- **POLICY 1.9.4:** Schedule and concentrate public infrastructure and supporting facilities and services to upgrade the quality of existing neighborhoods.
- **POLICY 1.9.5:** Ensure that new development adjacent to areas of established residential neighborhoods is compatible with, or improves, the area's existing character. (Amended by Ordinance No. 00-22)
- **POLICY 1.9.6:** Coordinate residential development within urban areas to coincide with existing or planned and programmed services and facilities so as to avoid premature or non-contiguous urbanization and the use of septic tanks and private wells for potable water within developed urban areas. (Amended by Ordinance No. 00-22)

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**POLICY 1.9.8:** Community planning efforts are encouraged to identify areas within their study that have neighborhood and housing conservation issues.

(Comment these definitions will be located in a definitions section. Sustainable is no longer defined as it was eliminated from the language in the goal statement.)

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  - (b) "Farmworker" includes a person who has retired as a laborer due to age, disability, or illness. In order to be considered retired as a farmworker due to age under this part, a person must be 50 years of age or older and must have been employed for a minimum of 5 years as a farmworker before retirement. In order to be considered retired as a farmworker due to disability or illness, a person must:
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- (c) Notwithstanding paragraphs (a) and (b), when corporation-administered funds are used in conjunction with United States Department of Agriculture Rural Development funds, the term "farmworker" may mean a laborer who meets, at a minimum, the definition of "domestic farm laborer" as found in 7 C.F.R. s. 3560.11, as amended. The corporation may establish additional criteria by rule.
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