



**COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
(CDBG)**

POLICIES AND PROCEDURES

City of Encinitas
Development Services Department
Community Development Block Grant Program: Policies and Procedures

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INTRODUCTION AND BACKGROUND

The Community Development Block Grant (CDBG) program provides communities with funding to address a variety of community specific development needs. The CDBG program began in 1974, and is now one of the most successful, longest continuously run programs at the Department of Housing and Urban Planning (HUD).

The purpose of the CDBG program is to enhance and maintain viable urban communities through the provision of decent affordable housing, a suitable living environment, and the expansion of economic opportunities for lower to moderate income persons and households. The CDBG program is a very important tool for assisting local government agencies to address serious challenges within their communities.

UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

The mission of the U.S. Department of Housing and Urban Development (HUD) is “to create strong, sustainable, inclusive communities and quality, affordable homes for all.” HUD has several divisions including the Office of Community Planning and Development (CPD). The CPD office seeks to develop viable communities by promoting integrated approaches to provide decent housing, suitable living environments, and expand economic opportunities for lower to moderate income individuals and households. CPD formula grant programs include the Community Development Block Grant (CDBG) program, HOME Investment Partnership (HOME), Housing Opportunities for Persons with AIDS (HOPWA), and the Emergency Shelter Grant (ESG) Program.

The Community Development Block Grant (CDBG) program supports public services, economic development, community development, and improvements that benefit low to moderate-income individuals, households, and neighborhoods. Federal regulations governing the CDBG program are in Title 24 of the Code of Federal Regulations Part 570 (24 CFR 570).

HOME Investment Partnership (HOME) program supports affordable access to homeownership and development of affordable rental housing for low to moderate-income individuals and households. Federal regulations governing the HOME program are in Title 24 of the Code of Federal Regulations Part 92 (24 CFR 92).

THE CITY OF ENCINITAS

The City of Encinitas has been an entitlement community since 1990 and receives CDBG funding directly from HUD each year. Encinitas does not receive ESG or HOPWA funding. The City of Encinitas previously received HOME funds on an annual basis from the lead agency of the San Diego HOME Consortium (San Diego County). However, due to federal HOME program changes beginning in FY 2013-14, the City of Encinitas no longer receives funding, but continues to participate in the San Diego County HOME Consortium. Encinitas residents may benefit from the programs and opportunities offered through the San Diego County HOME Consortium.

CDBG POLICY GUIDANCE

Each CDBG funded activity must meet one of the three program National Objectives (§570.208):

- Benefit low-and moderate-income individuals, households or neighborhoods;
- Prevention or elimination of slums or blight; or
- Address community development needs having particular urgency because existing conditions pose a series and immediate threat to the health and welfare of the community of which funding is not available.

The low-moderate income (LMI) national objective is the most commonly used national objective. There are several ways a project qualifies as a LMI project, such as the provision of services to low-moderate income residents (LMC), provision of housing assistance to low-moderate renters and homeowners (LMH) or projects and activities that benefit a defined low-moderate income area (LMA).

At least 51% or more of the persons and families benefiting must be low and moderate-income (LMI) for public service and facility improvement projects and 100% LMI for housing activities. For LMI projects that provide an area benefit (LMA), the project must be completed in one of the designated block groups found in the LMI Map, included as an attachment to this document.

In addition to meeting one of the program's national objectives, the project must also be an eligible use of funds. Below are some examples of eligible and ineligible activities. A complete list of the eligible and ineligible activities can be found in the Code of Federal Regulations, Title 24, Part 570: http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title24/24cfr570_main_02.tpl

Example of Eligible Activities (§570.201)

- Acquisition/Disposition
- Public Facilities/Improvements
- Clearance/Remediation
- Public Services
- Relocation
- Rehabilitation/Preservation
- Lead Based Paint Evaluation and Reduction
- Planning/Administration

Examples of Ineligible Activities (§570.207)

- Buildings (or portions thereof) for the General Conduct of Government
- General Government Expenses
- Political Activities

The following activities are not eligible **only** under special circumstances:

- Purchase of equipment
- Operating/Maintenance Expenses
- New Housing Construction
- Income Payments

Environmental Review (§570.200)

All CDBG funded activities are subject to the federal National Environmental Policy Act (NEPA) review. In some cases, the California Environmental Quality Act (CEQA) regulations and/or Local Coastal Plan (LCP) requirements may apply.

Environmental review of projects must be completed prior to a CDBG contract being executed and prior to any work being undertaken. From the date the application is submitted for consideration until the date the NEPA review process is complete, no activity can take place on the project that may have an adverse environmental impact, or limit the choice of alternatives available on the site. This may include, but is not limited to, property acquisition, clearing, grading or other site preparation activities, construction activities or rehabilitation of existing structures. Taking any such action after the date a CDBG application is submitted will make the project ineligible for funding.

Program Income (§570.504)

Per the CDBG definition (§570.500(a)), program income is gross income received by the recipient or a subrecipient directly generated from the use of CDBG funds. The City may reuse any revenue generated from projects undertaken with CDBG funding towards other eligible activities within the entitlement community. Furthermore, any program income earned by a subrecipient may be retained by the subrecipient provided that the income is treated as additional CDBG funds and thus subject to all applicable federal and local requirements. The City shall report CDBG program income at the time of CDBG drawdowns. Additionally, the City shall also include any program income in the annual reports, such as the Annual Action Plan and the CAPER.

The City's Residential Rehabilitation Program provides forgivable and deferred interest loans to qualifying low-income homeowners. Under certain conditions, the loans must be repaid to the City, which is considered program income. Any program income received by the City as a result of Residential Rehabilitation Program loans will automatically be returned to the Residential Rehabilitation Program balance to provide financial assistance to additional qualified households. The funds from the Residential Rehabilitation Program may be reallocated to other projects and programs through the annual Action Plan process.

Location of Activities (§570.309)

CDBG funds may be awarded to an activity outside of the jurisdiction of the entitlement community only if it can be determined that the activity directly benefits Encinitas residents, or is a part of a regional effort to assist low-income persons and households.

CDBG PROGRAM MANAGEMENT

The City of Encinitas Development Services Department is the lead agency for administration of the CDBG program. Program management includes development of the Consolidated Plan, preparation of the Action Plan, CAPER, and other required reporting as summarized below. The City will at times, utilize the services of a specialized consultant to assist the City in carrying out the activities during each program year. Local CDBG Program contact information:

Nicole Piano-Jones, Management Analyst
City of Encinitas - Development Services Department
505 S. Vulcan Ave, Encinitas, CA 92024
(760) 943-2237

Required Plans

The City is required to complete an array of plans and reports for use of CDBG funds. The following summarizes the mandatory plans.

Consolidated Plan

A Consolidated Plan is a five-year plan required to receive federal CDBG funding and serves as an agency's application for funds. The Consolidated Plan identifies the community development and housing needs of the City, especially for its low-moderate income residents, and the strategies and resources to meet the identified needs. Stakeholder and public meetings are held during the planning process to garner public participation regarding the needs of the community and prioritization of funds. The Consolidated Plan is published for a 30-day public review and comment period. The Consolidated Plan is presented to the City Council for consideration and approval. The City Council approved the FY 2015-20 Consolidated Plan on April 22, 2015. The approved Consolidated Plan must be submitted to HUD at least 45 days before the start of the fiscal year.

Annual Action Plan

Following approval of the annual CDBG funding recommendations by the City Council, Development Services Department staff shall prepare the Annual Action Plan, using the HUD required template and/or software. The Action Plan includes the goals, objectives and performance measures for all CDBG-funded projects and activities. The City may include back-up projects in the Action Plan, which would be funded only in the event that additional funds become available or if an approved project is cancelled or does not utilize its full allocation during the program year. Back-up projects included as part of the Action Plan shall also be presented for City Council consideration at the initial CDBG funding recommendation public hearing. The Action Plan is published for a 30-day public review and comment period. The Action Plan is presented to the City Council for

consideration and approval. Following City Council approval, the Action Plan is submitted to HUD at least 45 days prior to the beginning of the program year.

Consolidated Annual Performance Evaluation Report (CAPER) (§570.507)

The CAPER provides financial and beneficiary information showing how the City is carrying out its housing and community development strategies, activities, and projects. Development Services Department staff prepare the CAPER annually using the HUD required template and/or software. The CAPER is made available for a 30-day public review and comment period at the end of each program year, followed by a City Council public Meeting. The City must submit the City Council approved CAPER to HUD no later than 90 days following the close of the program year.

Monitoring of Subrecipients

All CDBG subrecipients are monitored for compliance with applicable local, state, and federal requirements. Compliance monitoring includes, but not limited to, quarterly reporting and an annual onsite visit. The primary objective of monitoring subrecipients is to ensure compliance with regulations governing administrative, financial, and programmatic operations. Development Services Department staff works closely with all subrecipients to ensure that all requirements are well understood and compliance achieved throughout the program year.

Subrecipients are required to submit requests for reimbursement at least quarterly in order that the City may demonstrate timely use of CDBG funds. The City provides reimbursement payments to subrecipients based on verification of expenditures by submission of a request for payment form including all required back-up documentation. Each request for payment must have adequate documentation for eligible costs incurred. Requests must be only for costs directly related to the approved activity and included in the approved budget attached to the contract. Subrecipients may not use CDBG funds for general administrative costs or “overhead” or “indirect” costs unless the subrecipient has established cost allocation for such costs applicable to all subrecipient activities.

During the life of any agreement with a subrecipient and for at least five years thereafter, the use of property or equipment acquired or improved using CDBG funds in excess of \$25,000 cannot change without meeting one of the three national objectives. If a national objective is not met, the subrecipient must reimburse the City any CDBG funds invested in the property minus any pro-rata share for the number of years that the property did meet a national objective and approved activity. This requirement applies also to properties acquired and/or improved by the City with CDBG funds.

Financial Management and Other Reporting

Development Services Department staff ensures that expenditures of CDBG funds shall be drawn down from the U.S. Treasury on a timely basis, per §570.902. Staff also prepares and submits required HUD reporting, such as the Quarterly Federal Financial Report (SF 425 and

425-A), Section 3 Report, Semi-Annual Labor Report, Integrated Disbursement and Information System Reports by their respective due dates.

Citizen Participation Plan

As an entitlement community, the City of Encinitas must comply with 24 CFR Part 91.105 regarding public participation. The City Council approved the Citizen Participation Plan for the CDBG program on October 19, 1994. The purpose of the Plan is to describe how the City engages the public to become involved in the Consolidated Planning process and use of federal funds. The Citizen Participation Plan for the CDBG program is available for review at the City's Development Services Department (505 S. Vulcan Ave., Encinitas, CA 92024) during normal business hours, Monday – Thursday, and every other Friday, 7am – 6pm.

Fair Housing (24 CFR Parts 5, 91, 92, 570, 574, 576, & 903)

HUD requires that cities and states receiving CDBG funding take actions to affirmatively further fair housing. Entitlement jurisdictions and Public Housing Authorities must complete an Assessment of Fair Housing (AFH) every five years. This requirement was formally known as the Analysis of Impediments (AI). On July 16, 2015 the Final Rule was published, replacing the AI with the AFH. The City of Encinitas has completed previous AI's with the San Diego Regional Alliance For Fair Housing (SDRAFFH). The SDRAFFH is a dedicated group of professionals working together to ensure that all residents in San Diego County have equal access to housing. It is comprised of members of the fair housing community, government entities, including the City of Encinitas, enforcement agencies and housing providers. The FY 2015-20 AI was completed by the SDRAFFH in May 2015. The AI is available for can be review on the City's website or at Development Services Department (505 S. Vulcan Ave., Encinitas, CA 92024) during normal business hours, Monday – Thursday, and every other Friday, 7am – 6pm.

The City of Encinitas contracts with a fair housing service agency to provide fair housing counseling, testing, and outreach and education to Encinitas residents, property managers, landlords, and other housing professionals.

CDBG FUNDING REQUIREMENTS AND PROCESS

The City of Encinitas conducts an annual funding cycle for the CDBG program. Funding is based on the annual grant allocation from HUD and reallocation of unspent or prior year funds. The City Council is the decision making body regarding CDBG funds.

Funding Categories

For the CDBG program, funding is typically disbursed over three broad categories; public services; administration; and capital improvement projects. Below is a summary of each category.

Public Services (§570.201(e))

The CDBG program limits the amount of funding available for public services to a maximum of 15 percent of the annual grant. Public service activities must meet one of the three national objectives, be an eligible use of funds, and also address one of the priorities identified in the Five-Year Consolidated Plan. Public services must also assist a minimum of 51% low-moderate income clientele or serve presumed benefit clientele (including homeless, seniors, victims of domestic violence) (CFR §570.208 (a)(1)(2)(A)).

Typical eligible public service activities include (but not limited to): senior services, homeless services and prevention, gang prevention, drug counseling, and youth outreach. No public service activity will be approved for an amount less than \$5,000.

Planning and Administration & Fair Housing (§570.206)

The CDBG program limits the amount of funding available for program administration and planning activities to a maximum of 20 percent of the annual grant.

Typical eligible planning and administration activities include: general management, oversight and coordination, fair housing activities, indirect costs, submission of applications for federal programs, and/or administrative expenses to facilitate housing. Fair Housing services may be funded in the Public Service or Planning & Administration category.

Capital Improvements (§570.201(e))

The CDBG program does not limit the amount of funding for capital improvement projects. Capital improvement projects and activities must meet one of the three national objectives, be an eligible use of funds, and address one of the priorities identified in the Five-Year Consolidated Plan. Examples of projects in this category are facility improvements, public infrastructure improvements, acquisition/rehabilitation, and/or minor home rehabilitation.

National and Local Objectives

CDBG funded projects and programs must meet a national objective (as described in this document) and a local priority need. The local needs and priorities are established in the five-year Consolidated Plan. The FY 2015-20 Consolidated Plan was approved by the City Council on April 22, 2015. The City of Encinitas FY 2015-20 Consolidated Plan can be viewed on the City's website or at Development Services Department (505 S. Vulcan Ave., Encinitas, CA 92024) during normal business hours, Monday – Thursday, and every other Friday, 7am – 6pm.

Prioritization of needs is given to help allocate funds to the needs identified during the Consolidated Plan period. High priorities will be funded first under CDBG. Medium priorities may be funded under CDBG, if funds are not exhausted on high priority needs. Although low priority needs are identified as a need in the community, they will not be funded under CDBG.

due to limited resources. Priorities as specified in the FY 2015-20 Consolidated Plan are listed below:

High Priority

- Homeless services, prevention and shelter
- Low-income renters and homeowners assistance
- Seniors housing and services
- Fair housing
- Affordable Housing
- Planning and Administration

Medium Priority

- Youth Services
- Public Facilities
- Public Improvements

Low Priority

- Economic Development

The goals to address the above cited priority needs for the five-year Consolidated Plan period are:

- Support and strengthen the delivery and coordination of service providers that offer assistance to Encinitas low to moderate income residents with an emphasis on at-risk youth and seniors
- Support the provision of homeless services, prevention, and shelter
- Provide housing assistance to low-income renters and homeowners
- Ensure that housing within the City is available without discrimination on the basis of race, color, religion, sex, national origin, ancestry, marital status, age, household composition, income, size, disability or any other arbitrary factor
- Facilitate the development of new affordable rental and homeownership housing
- Ensure that 20 percent of annual CDBG funds be used to support the general administration of the programs by the City's Advanced Planning Division
- Enhance the livability and quality of life of low- and moderate-income neighborhoods
- Support facility improvements to qualified agencies that serve low to moderate Encinitas residents
- Explore then needs of small local business

APPLICATION AND ANNUAL TIMELINE

CDBG Funding Application

An application for funding is available each year. The application is made available in hard copy and fillable PDF format. The application shall be completed per the instructions, contain all of

the required information and attachments, and be submitted prior to the specified deadline in order to be considered complete.

Solicitation of Applicants for CDBG Funding

Previous subrecipients, the general public, and any parties that expressed interest of available funding are notified of application availability through e-mails, public notices, and postings on the City's website. Application information is posted to the City's website, and published in a local publication of general circulation. The anticipated funding available is included in the application.

Applicant Workshop

An applicant workshop shall be held by staff on an annual basis to provide applicants with an overview of the CDBG program and the City's funding and monitoring process. The workshop will be held just before or during the annual CDBG funding application period. Attendance by first-time applicants is mandatory, and it encouraged for returning applicants.

CDBG Timeline

The CDBG program year operates on a Fiscal Year (July 1 - June 30). Applicants must submit a complete application by the specific due date to be considered for funding. The application and award process typically follows the timeline below:

- November/December – Applicants are noticed that CDBG applications are available
- December/January – Mandatory Applicant Workshop
- January /February – Applications are due
- March – Recommendations for activity/project funding are considered by City Council
March/April - Approved activities/projects are incorporated into the draft Action Plan
The draft Action Plan is noticed for a 30-day review and comment period
- April – City Council consideration of the Action Plan
- May – Action Plan submitted to HUD
- July – HUD/City execute funding agreement
- July/August – City/Subrecipients execute funding agreements

Application Review

Submitted CDBG applications are reviewed by Development Services Department staff. The application must clearly demonstrate of the contribution the proposed project will have on the target population and the community at large. The organization must demonstrate the ability to provide the proposed project efficiently, and have established collaborations with local agencies. The organization must also demonstrate experience with the CDBG program, the proposed project area, overall organizational development, administrative structure, and fiscal integrity and sustainability. The following criteria are utilized to evaluate and rate applications:

Application Criteria	Max Points
Application Completeness	10
Organizational Capacity	10
Previous CDBG Experience	10
Past Performance	5
Consolidated Plan Goal	15
Collaboration and Partnerships	10
Budget	10
Total	70

Application Completeness

Application Complete - 10 points

Application complete but some follow-up needed – 5 points

Application not complete – 0 points

Organizational Capacity

More than one committed and knowledgeable staff member to CDBG – 10 points

One committed and knowledgeable staff member to CDBG – 5 points

No current staff members committed and knowledgeable to CDBG – 0 points

Previous Experience

Organization and assigned staff have more than 5 years' experience with CDBG – 10 points

Organization and assigned staff have less than five years' experience – 5 points

Organization and assigned staff have no previous CDBG experience – 0 points

Past performance – If previous applicant

Met or exceed program goals, met timely reporting and expenditure requirements, and no compliance issues – 5 points

Did not meet program goals, timely reporting or expenditure requirements and/or compliance issues – 0 points

Consolidated Plan Goal

High Priority Need – 15 points

Medium Priority – 10 points

Low Priority – 0 points

Collaboration and Partnerships

Established relationships and partnerships with multiple local agencies or groups – 10 points

Established relationships and partnerships with one or two local agencies or groups – 5 points

No relationships and partnerships with local agencies or groups – 0 points

Budget

All leveraged funds secured – 10 points

Some levered funds not yet secured – 5 points

No leveraged funds – 0 points

Public Participation and City Council Action

Public participation is an important component in the annual funding process. Participation is achieved through comment and review periods, public notices, and public hearings/meetings. Opportunity is given for public comment on the Consolidated Plan, Annual Action Plan, and CAPER prior to its submission to HUD. Development Services Department staff presents the annual funding recommendations to the City Council at a publicly noticed hearing. CDBG applicants and members of the public have the opportunity to address City Council according to the established procedures for public hearings.

The City's Citizen Participation Plan for the CDBG program, goes into greater detail regarding the City's efforts to maximize public participation in the Consolidated Plan and CDBG award process. The Citizen Participation Plan can be found on the City's website or at the Development Services Department.

SUBRECIPIENT REQUIREMENTS

Subrecipients of CDBG funds must be an organization or group that provides services to Encinitas residents. The program operates on a reimbursement basis, so the organization must have the financial capacity to operate the program or project, with grant reimbursement occurring once proper documentation and reporting is submitted. The City and subrecipient must enter into a contract with the City for use of CDBG funds (§570.503). At minimum, the contract contains the following:

- Statement of work
- Records and reports
- Program Income
- Uniform Administrative Requirements
- Other Program Requirements (subpart K)
- Suspension and Termination
- Reversion of Assets

Other Applicable Laws and Requirements (§570.487)

CDBG subrecipients must comply with all applicable state and federal laws. Below is a summary of some of the laws and requirements:

Civil Rights, Fair Housing, and Equal Opportunity (§570.601 & §570.614)

Subrecipients must comply with Title VI of the Civil Rights Act of 1964 (prohibiting discrimination against protected classes), Section 504 of the Rehabilitation Act of 1973 (prohibiting disability discrimination), Title IX of the Education Amendments of 1972 (prohibiting sex discrimination in the education and training programs), and the Age Discrimination Act of 1975 (prohibiting age discrimination in the provision of services).

CDBG funded services may focus on a particular group or population without violating guidelines regarding equal access to services, as long as any member within the particular group is able to participate. The City will ensure that subrecipients abide by federal Fair Housing and Equal Opportunity (FHEO) and California Department of Fair Employment and Housing (CA DFEH) fair housing and equal opportunity requirements for non-discrimination with regard to housing or services provided.

Americans with Disabilities Act

CDBG funded activities must comply with the Americans with Disabilities Act (ADA). The ADA provides comprehensive civil rights to individuals with disabilities in the areas of employment, public accommodations, State and local government services, and telecommunications. ADA requires that buildings are designed and constructed to be accessible to and usable by individuals with disabilities. The law also requires the removal of architectural and communication barriers to existing facilities, where such removal is easily accomplishable and able to be carried out without much difficulty or expense

Section 3

Section 3 of the Housing and Urban Development Act of 1968 promotes employment, training, and contracting opportunities for lower-income residents who live in the neighborhoods where HUD funding is allocated. To the greatest extent feasible, businesses and contractors employed on HUD funded projects must make a Good Faith Effort to train and/or employ Section 3 residents (lower-income) within the area, and contract with businesses which employ Section 3 residents.

The three primary goals of Section 3 are:

1. To the greatest extent feasible, provide outreach and training to Section 3 residents.
2. To the greatest extent feasible, train and/or hire Section 3 residents.
3. To the greatest extent feasible, contract with Section 3 businesses.

Conflict of Interest

No persons affiliated with the entitlement community (including subrecipients) who exercise or have exercised any responsibilities with respect to CDBG programming, or who are in a position to participate in a decision making process, may obtain a financial interest or benefit from a CDBG-assisted activity (including subcontracts), either for themselves or those with whom they have business or immediate family ties, during their income tenure or for one year thereafter.

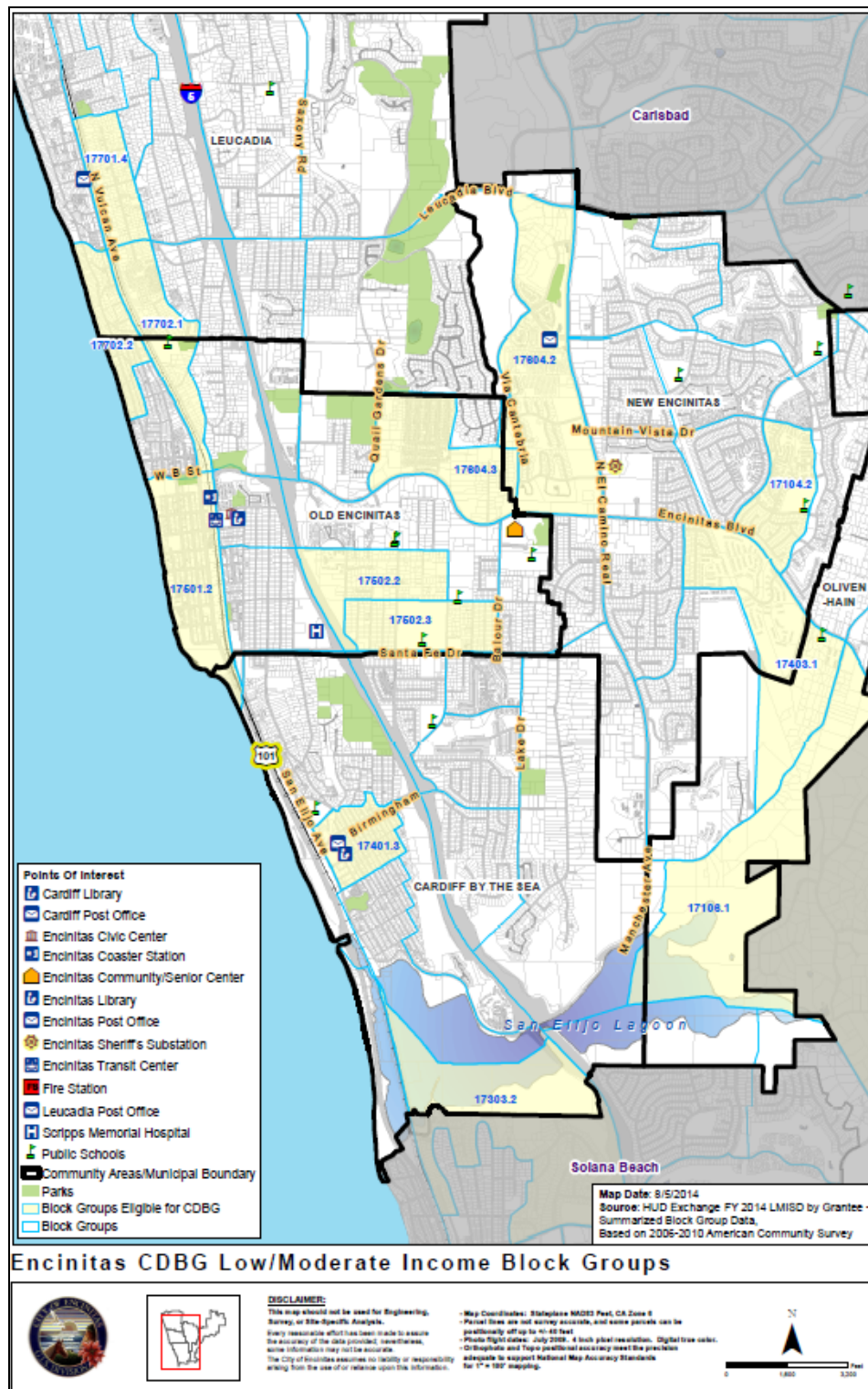
Labor Requirements (§570.603)

CDBG construction projects must comply with federal regulations on wage and labor standards. Davis-Bacon Act, federal wage rates apply to most (but not all) construction projects exceeding \$2,000.

- Davis-Bacon and Related Acts: Ensures that mechanics and laborers employed in construction work under federally assisted projects are paid federal prevailing wage for the locality.
- Contract Work Hours and Safety Act: Provides that mechanics and laborers employed on federally assisted construction projects are paid time and one-half hour for work in excess of 40 hours per week.
- Copeland (Anti-Kickback) Act: Governs the deductions from paychecks that are allowable.

More information about Davis-Bacon requirements can be viewed at:
<http://hud.gov/offices/olr/>.

LOW TO MODERATE INCOME BLOCK GROUPS MAP



2017 INCOME LIMITS

	Household Size	Annual Income
30% AMI Extremely Low Income	1	\$19,100
	2	\$21,800
	3	\$24,550
	4	\$27,250
	5	\$29,450
	6	\$31,650
	7	\$33,800
	8	\$36,000
50% AMI Very Low Income	1	\$31,850
	2	\$36,400
	3	\$40,950
	4	\$45,450
	5	\$49,100
	6	\$52,750
	7	\$56,400
	8	\$60,000
60% Low Income (120% of Very Low Income)	1	\$38,220
	2	\$43,680
	3	\$49,140
	4	\$54,540
	5	\$58,920
	6	\$63,300
	7	\$67,680
	8	\$72,000
80% AMI Low Income	1	\$50,950
	2	\$58,200
	3	\$65,500
	4	\$72,750
	5	\$78,600
	6	\$84,400
	7	\$90,250
	8	\$96,050

HUD FY2017 MFI \$79,300

Effective 4/14/2017

Source and more information can be found at:

<https://www.huduser.gov/portal/datasets/il/il2017/2017summary.odn>