

# STATE OF COLORADO

## OFFICE OF THE GOVERNOR

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D 2011-016

## EXECUTIVE ORDER



John W. Hickenlooper  
Governor

### **For the transfer of funds from the U.S. Department Of Health and Human Services to the Governor's Energy Office.**

Pursuant to the authority vested in the Office of the Governor of the State of Colorado, I, John W. Hickenlooper, Governor of the State of Colorado, hereby issue this Executive Order transferring funds to the Governor's Energy Office weatherization assistance program.

#### 1. Background and Purpose

The U.S. Department of Health and Human Services provides funds to Colorado under the Low-Income Home Energy Assistance Act of 2005 (P.L. 109-58) hereafter referred to as the Low-Income Energy Assistance Program (LEAP). The Colorado Department of Human Services is the recipient of funds for the LEAP. Low cost residential weatherization services for Colorado's low-income population will provide long-range benefits for Colorado's New Energy Economy. The Governor's Energy Office is best able to use the weatherization funds to serve Colorado's low-income population through its existing weatherization program. The Low-Income Home Energy Assistance Act of 2005 allows up to 15 percent of the annual funds to be used for low-cost residential weatherization or other energy related home repair for low-income households. The Colorado Department of Human Services and the Governor's Energy Office shall each year negotiate the amount of annual LEAP funding to ensure that a long-term equitable balance of cash assistance and weatherization services is achieved. Furthermore, in those years where cash assistance needs are being fully met by LEAP, the Colorado Department of Human Services and the Governor's Energy Office shall collectively seek to obtain a waiver from the U.S. Department of Health and Human Services to allow the weatherization service allocation to exceed the 15 percent funding level.

#### 2. Designation

I hereby designate the Governor's Energy Office as the responsible agency to administer a low-cost weatherization program. The low-cost weatherization program shall be administered in accordance with all federal laws and regulations.

#### 3. Directive

The Colorado Department of Human Services shall transfer \$9,938,607 (an amount equal to 15 percent of the LEAP funding) to the Governor's Energy Office to conduct a low-cost weatherization program. These funds shall be drawn from the federal LIHEAP funding available to Colorado for federal fiscal year 2011.

4. Conditions

- a. Carryover. Carryover funds are those funds transferred pursuant to this Executive Order that are not obligated by September 30, 2011. Pursuant to federal law, Colorado must obligate 90 percent of the funds available to LEAP in the federal fiscal year in which they were appropriated. Not more than 10 percent of the amount payable for a fiscal year may be held in obligation in the succeeding fiscal year. Funds not obligated to be carried forward from FFY 2011 to FFY 2012 shall not exceed 10 percent of the total transfer amount authorized pursuant to this Executive Order. The Governor's Energy Office may obligate funds to be expended on the weatherization program by either the State or its' subgrantees over two LEAP program years, which are based on federal fiscal years (FFY). Funds transferred pursuant to this Executive Order shall not be available after September 30, 2012.
- b. Report. The Governor's Energy Office shall submit a report to the Colorado Department of Human Services detailing funds expended and obligated. This report will be due no later than November 30, 2011. This report will document prior program year expenditures and obligations to be carried over from one program year to the next indicating the amount, date of obligation, nature of work performed, and anticipated completion date. The report will also contain information regarding households served pursuant to LEAP federal reporting requirements.
- c. Assurance 16. The report will include information regarding expenditures for services provided with this funding that encourages and enables households to reduce their home energy needs and thereby the need for energy assistance, including needs assessments, counseling, and assistance with energy vendors. Pursuant to section 2605 (b) (16) of the Low Income Home Energy Assistance Act of 2005, no more than five percent of Colorado's LIHEAP funding, may be used for such purposes.
- d. Contingent on availability of LEAP funds. The transfer of funds pursuant to this Executive Order is subject to and contingent upon the continuing availability of State and federal funds for LEAP. In the event that funding becomes unavailable, is reduced, or is increased as determined by the Colorado Department of Human Services, this Executive Order may immediately terminate or be amended accordingly.
- e. LIHEAP regulations. The Governor's Energy Office shall use the federal Low Income Home Energy Assistance Program (LIHEAP) regulations at Title 45 of the Code of Federal Regulations, Part 96, Subpart H (45 C.F.R. § 96) to administer weatherization program expenditures pursuant to this Executive Order.
- f. Multifamily weatherization. No less than 25 percent of the funds transferred pursuant to this Executive Order shall be used for multifamily weatherization through the Governor's Energy Office statewide multifamily weatherization program.

5. Past Orders Superseded and Replaced

This Executive Order shall supersede and replace all previous executive orders designating the responsible agency to administer the Low-Income Energy Assistance program.

6. Duration

This Executive Order shall remain in effect until further modification or rescission by the Governor.



GIVEN under my hand and the  
Executive Seal of the State of  
Colorado, this 2nd day of June  
2011

A handwritten signature in black ink, appearing to read "John W. Hickenlooper".

John W. Hickenlooper  
Governor