

# STATE OF COLORADO

## OFFICE OF THE GOVERNOR

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John W. Hickenlooper  
Governor

## D 2016-003

### EXECUTIVE ORDER

#### **Transferring Funds from the Colorado Department of Human Services to the Colorado Energy Office's Weatherization Assistance Program**

Pursuant to the authority vested in this 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 Colorado 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 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 is the State agency responsible for administering LEAP and is the recipient of funds for LEAP.

Low-cost residential weatherization services for Colorado's low-income population will provide long-term benefits for Colorado's economy. The Colorado Energy Office is best able to use the weatherization funds to serve Colorado's low-income population through its existing weatherization program.

The Colorado Department of Human Services and the Colorado Energy Office each year negotiate the amount of annual LEAP funding that will fund the Colorado Energy Office's weatherization assistance program. The purpose of the negotiations is 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 Colorado Energy Office shall collectively seek

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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 Colorado 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 \$6,583,736.00 (an amount equal to fifteen percent of the LEAP funding) to the Colorado Energy Office to conduct a low-cost weatherization program. An amount not to exceed \$168,225.00 of the above funds may be designated as administrative costs. These funds shall be drawn from the federal Low Income Home Energy Assistance Program (LIHEAP) funding available to Colorado for federal fiscal year 2016.

4. Conditions

- a. Carryover. Carryover funds are those funds transferred pursuant to this Executive Order that are not obligated by September 30, 2016. 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 federal fiscal year 2016 to federal fiscal year 2017 shall not exceed 10 percent of the total transfer amount authorized pursuant to this Executive Order. The Colorado 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.

Funds transferred pursuant to this Executive Order shall not be available after September 30, 2017.

- b. Report. The Colorado Energy Office shall submit reports to the Colorado Department of Human Services detailing funds expended and obligated and households served as required for federal LIHEAP reporting requirements. Information for the federal financial report will be due no later than September 1, 2016. This information 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.

Information for the LIHEAP State Plan will be due no later than November 30, 2016. This information will include an update of that required for the federal financial report and will also contain information regarding households served pursuant to LIHEAP federal reporting requirements. Other reporting may be required as necessary such as requests from the State Auditor.

- c. Assurance 16. The report will include information regarding expenditures for services provided with this funding that encourage and enable 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 funds for LEAP. In the event that funding becomes unavailable, is reduced, or is increased as determined by the Colorado Department of Human Services, the Office of the Governor may either terminate or amend this Executive Order.
- e. LIHEAP regulations. The Colorado Energy Office shall use the federal LIHEAP regulations at Title 45 of the Code of Federal Regulations, Part 96, Subpart H (45 C.F.R. § 96(h)) to administer weatherization program expenditures pursuant to this Executive Order.
- f. Multifamily weatherization. The goal of allocated multifamily funding will be to align with the LEAP housing type distribution rate. No more than 25% of funds transferred pursuant to the Executive Order shall be used for multifamily weatherization.

5. Past Orders Superseded and Replaced

This Executive Order shall supersede and replace all previous executive orders designating the responsible agency to administer LEAP.

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 thirty-first day of  
May, 2016

A handwritten signature in blue ink, which appears to read "John W. Hickenlooper". The signature is fluid and cursive, with a long horizontal stroke at the end.

John W. Hickenlooper  
Governor