STATE OF COLORADO

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Bill Ritter, Jr.
Governor

D 2010-005

EXECUTIVE ORDER

Transferring 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, Bill Ritter, Jr., Governor of the State of Colorado, hereby issue this Executive Order transferring funds to the Governor's Energy Office weatherization assistance program.

I. Background and Purpose

The U.S. Department of Health and Human Services is the recipient of funds under the Low-Income Home Energy Assistance Act of 1981 (P.L. 97-35), 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 1981 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% funding level.

II. 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.

III. Directive

The Colorado Department of Human Services shall transfer $4,760,564 (an amount equal to 7.5% of the LEAP funding) to the Governor's Energy Office to conduct a low-cost weatherization program. These funds shall be drawn from the LIHEAP Block Grant.

IV. Conditions

A. 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, 2011.

B. The Governor's Energy Office shall submit a report to the Colorado Department of Human Services Division of Accounting detailing funds expended and obligated. This report will be due no later than June 30, 2010. This report will document each obligation 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.

C. The Governor's Energy Office shall not carry forward any funds designated for administration. Carryover funds will be used for weatherization program expenditures.

D. Funds carried forward from FFY 2010 to FFY 2011 will not exceed $476,056, or 10 percent of the total transfer amount authorized pursuant to this Executive Order.

V. 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.

VI. 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 12th day of March, 2010.

Bill Ritter, Jr.
Governor