Department of Energy
Washington, DC 20585

August 5, 2009

Larry Persily
Legislative Aide
Office of Alaska House Finance Committee Co-Chair Rep. Mike Hawker
State Capitol, Room 505
Juneau, AK 99801

Dear Mr. Persily,

Thank you for the opportunity to clarify what is required for compliance with the building codes requirements contained in Section 410 of the American Recovery and Reinvestment Act of 2009 (ARRA), which would enable DOE to release the $28,232,000 allocated to Alaska under ARRA for the State Energy Program.

The Department recognizes that all or some of the actions specified in Section 410 may not be within the authority of the Alaska State Governor or the State Legislature. For that reason, we have accepted Section 410 letters in which Governors have given us assurance that they have requested the appropriate authorities in their states to adopt the specified measures. The Legislature, because it has not adopted the authority for overall residential and commercial building code and energy-efficiency code enforcement in the past and instead leaves that to the discretion of municipalities, does not need to adopt, impose and enforce a statewide building code in order to qualify for SEP funds.

Rather, the state must provide assurances to DOE (either through gubernatorial certification or legislative resolution), that the state will encourage, promote and assist municipalities that choose to adopt their own energy-efficiency codes to achieve the goals of SEP – reduced energy consumption in public and private buildings.

If you have any further questions regarding this issue, please let me know.

Sincerely,

Gilbert P. Sperling
Program Manager
Weatherization and Intergovernmental Program
Office of Energy Efficiency and Renewable Energy
US Department of Energy

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