

**BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA**

In the Matter of:

CLAIMANT

and

SAN DIEGO REGIONAL CENTER, Service Agency

DDS No. CS0038714

OAH No. 2026071299

DECISION

Alan R. Alvord, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter on September 8, 2026, by videoconference.

Claimant was self-represented.

Erik Peterson, Appeals and Resolutions Manager, appeared for the service agency, San Diego Regional Center.

Oral and documentary evidence was received. The record was closed, and the matter was submitted for decision on September 8, 2026.

ISSUE

May the regional center end funding rental assistance services for claimant?

SUMMARY

Claimant has been receiving rental assistance services from the regional center since the pandemic. The regional center is required to review his qualification to receive rental assistance every six months. Claimant has refused to provide the regional center the information it needs to perform its qualifications review. Therefore, the regional center issued a Notice of Action terminating his rental assistance with a transition period of six months. Because claimant continues to refuse to provide the information the regional center needs to review his continued eligibility for rental assistance, claimant's appeal must be denied.

FACTUAL FINDINGS

Jurisdiction

1. Claimant receives services from the service agency. On July 16, 2026, the service agency sent a letter and Notice of Action to claimant stating that, as part of a regular re-evaluation of claimant's rental assistance services, the service will be terminated following a six-month phase out plan, to end December 31, 2027.

2. On July 24, 2026, claimant submitted an appeal of the Notice of Action. This hearing followed.

Current Services and Supports

3. Claimant is 38 years old and was qualified for regional center services based on a diagnosis of intellectual disability. He also has frequent seizures. He was born with a limb condition that affects his arms and legs, limiting his mobility. Other health concerns include thyroid dysfunction, high blood pressure, chest pains, and migraines. He is immune-compromised. He testified at the hearing that he takes "psychotic medication," and has many allergies with the need to carry an Epi-Pen. His hands are connected to his torso just below his shoulders, which makes completing some tasks more difficult. He receives social security benefits, Medi-Cal insurance, and SNAP nutrition assistance. He lives on his own in an apartment and is able to perform most of his daily living activities without support. He has three children, and his child support obligation is deducted from his social security benefit.

4. Claimant's most recent Individualized Program Plan (IPP) is dated June 11, 2024. A new IPP meeting was held June 11, 2026, but an IPP document has not been finalized. One of the IPP goals is to "maintain safe and stable housing near medical providers." To support this goal, the IPP states:

SDRC will fund a portion of [claimant's] rent based off a calculation that includes the fair market rate average, [claimant's] income and benefits, and the rent amount of the apartment [claimant] rents. Per all POS guidelines and applicable laws.

5. In addition to rental assistance services, claimant receives 75 hours per quarter of independent living support (ILS) services to assist with medical coordination and independent living tasks. He is also authorized to receive personal growth and

social/recreational services. His IPP states that he has a goal to attend community college.

Rental Assistance and Housing Services

6. Rhiza Gomez, a program manager for the service agency, testified that claimant began receiving rental assistance services during the pandemic because he was unhoused. She explained that rental assistance is under supported living services and must be reviewed every six months. Eligibility for rental assistance is based on severe health and/or safety needs related to a qualifying medical, behavioral, psychiatric condition, and/or risk of homelessness. Based on the service agency's current information, claimant does not receive supported living services and does not have any of the health or safety concerns that qualify for rental assistance.

7. Email records show that on July 14, 2026, claimant's service coordinator (SC) sent an email message to claimant informing him about affordable housing units available at two locations and offering to increase ILS hours, and explore Housing Navigator services through Community Interface, a generic resource.

8. On July 21, 2026, claimant's SC sent an email to claimant apologizing for missing claimant's phone call, and listing the services that claimant could use to help with housing support and transitions. The SC also sent that information on to claimant's ILS provider.

9. Claimant's SC followed up by email on August 4, 2026. A case note by claimant's SC dated August 5, 2026, states that in a telephone call:

[Claimant] stated that he was told by an undisclosed individual that he could not speak with SC. [Claimant] hung

up the call before SC could inquire who this individual was or offer services.

10. The same day, August 5, 2026, the SC sent an email to claimant with a copy to claimant's ILS provider, Emerald's Light. The email stated:

I am not sure how [s/c] advised you not to speak to me via phone, but I hope that emails are permissible! I just wanted to check in after your recent hospitalizations and see if you would like to have a nursing health assessment done! A LVN could come to your home and help determine what level of care is appropriate for you. They would go over your medical history, any medications that you take, etc. to hopefully provide recommendations on how to maintain your health and make sure that you remain safe.

11. Case notes dated August 11, 2026, show that the SC spoke with a representative from Emerald's Light. The provider told the SC that she has spoken with claimant and he expressed a desire to get a new SC at the regional center and would contact the regional center to make that request. Claimant told the ILS provider that he was busy and did not want to talk about additional services that SC emailed to him.

12. Ms. Gomez testified that claimant has declined supported living services, has refused to sign authorizations, and has rejected other options of support for his living situation. Case notes show the SC coordinating with the ILS provider to try to get claimant to sign authorizations for medical and other information.

Claimant's Testimony

13. Claimant testified that he has been asking for services. Everything he tells his SC is not going in the record because his SC does not put it in his file.

14. Claimant testified he has given the regional center all of the information about his medications and health. He receives no money from Social Security and does "side jobs" to maintain his bills. He needs to keep living in the College area of San Diego because it is convenient for his medical appointments and for transportation. He has to keep all his medications close by due to health concerns.

15. Claimant has been on a waiting list for Section 8 housing for over 15 years. He cannot live in group homes or assisted living due to his health concerns. They tried before to have him live in a board and care and group home. He stayed 20 minutes and then left. He testified he has trouble paying his rent and he will be unhoused if rental assistance is removed.

16. Claimant agreed that he told his SC that he will not talk to him on the phone. He stated that he received the email from his SC offering to increase ILS hours but never got emails from the SC offering other services. He testified he does not want to accept supported living services. He provided a new email address during the hearing for the regional center to contact him.

LEGAL CONCLUSIONS

Legal Authority

1. The Legislature enacted the Lanterman Act (Welf. & Inst. Code, § 4500 et seq.) to provide a pattern of facilities and services sufficiently complete to meet the

needs of each person with developmental disabilities, regardless of age or degree of handicap, and at each stage of life. The purpose of the Lanterman Act is twofold: To prevent or minimize the institutionalization of developmentally disabled persons and their dislocation from family and community, and to enable them to approximate the pattern of everyday living of nondisabled persons of the same age and to lead more independent and productive lives in the community. (*Assn. for Retarded Citizens v. Dept. of Developmental Services* (1985) 38 Cal.3d 384, 388.)

2. Welfare and Institutions Code section 4501 outlines the state's responsibility for persons with developmental disabilities and the state's duty to establish services for those individuals.

3. The Department of Developmental Services (department) is the public agency in California responsible for carrying out the laws related to the care, custody and treatment of individuals with developmental disabilities under the Lanterman Act. (Welf. & Inst. Code, § 4416.)

4. Services that regional centers fund must be cost effective. (Welf. & Inst. Code § 4512, subd. (b).) Regional centers are required to be the payers of last resort. (Welf. & Inst. Code, § 4659.10.) To secure needed services and supports and implement individual program plans, the regional center must first consider services and supports in natural community, home, work, and recreational settings. (Welf. & Inst. Code, § 4648, subd. (2).) Regional center funds may not be used to supplant the budget of any agency that has a legal responsibility to serve all members of the general public and receives public funds for providing those services. (Welf. & Inst. Code, § 4648, subd. (8).) The regional center must identify and pursue all possible generic sources of funding for consumers, including government programs, government and private

insurance, school districts, and other community programs. (Welf. & Inst. Code, § 4659.)

5. Consistent with state and federal law, the Legislature places a high priority on providing opportunities for adults with developmental disabilities, regardless of the degree of disability, to live in homes that they own or lease with support available as often and for as long as it is needed, when that is the preferred objective in the individual program plan. (Welf. & Inst. Code, § 4689.)

6. Welfare and Institutions Code section 4689, subdivision (i) states:

A regional center may make rent, mortgage, or lease payments on a supported living home or pay for household expenses of consumers receiving supported living services only under the following circumstances:

(1) If all of the following conditions are met, a regional center may make rent, mortgage, or lease payments as follows:

(A) The regional center executive director verifies in writing that making the rent, mortgage, or lease payments or paying for household expenses is required to meet the specific care needs unique to the individual consumer as set forth in an addendum to the consumer's individual program plan, and is required when a consumer's demonstrated risk of homelessness, medical, behavioral, or psychiatric condition presents a health and safety risk to the consumer or another.

(B) During the time period that a regional center is making rent, mortgage, or lease payments, or paying for household expenses, the supported living services vendor shall assist the consumer in accessing all sources of generic and natural supports consistent with the needs of the consumer.

(C) The regional center shall not make rent, mortgage, or lease payments on a supported living home or pay for household expenses for more than six months, unless the regional center finds that it is necessary to meet the individual consumer's particular needs pursuant to the consumer's individual program plan. The regional center shall review a finding of necessity on a quarterly basis and the regional center executive director shall annually verify in an addendum to the consumer's individual program plan that the requirements set forth in subparagraph (A) continue to be met.

7. Regional centers must use a service coordination model, in which each consumer has a service coordinator "who is responsible for providing or ensuring that needed services and supports are available to the consumer." (Welf. & Inst. Code, § 4640.7.)

8. A party has the burden of proof on the existence of each essential fact he or she is asserting. (Evi. Code, § 500.) The standard of proof is by a preponderance of the evidence. (Evid. Code, §§ 115.)

Evaluation

9. Regional centers must make their decisions based on documented evidence and assessments. A claimant who is requesting a service from a regional center must provide the necessary information for the regional center to make that decision.

10. In this case, rental assistance services were approved for claimant during the pandemic and have continued since. The Lanterman Act only allows for rental assistance in limited circumstances. First, claimant must be receiving supported living services. Claimant in this case is not on supported living service and has refused it. Second, there must be documented evidence of specific care needs required for a demonstrated medical, behavioral, or psychiatric condition that presents a health and risk to himself or another. Claimant has refused to sign authorizations so the regional center can get access to medical records. He has not responded to the offer of a nursing assessment to document his health conditions and needs. He has not responded to offers from the regional center to locate generic resources that can help him with housing. Simply saying he will become unhoused is not enough for the regional center to comply with the Lanterman Act to approve rental assistance.

11. Claimant must be willing to cooperate with the regional center to get his needs met. While he testified that he has given the regional center "everything," there is no evidence to support that statement, and the regional center records show it is not accurate. Without claimant's cooperation, the regional center has no choice but to terminate claimant's rental assistance. The only way for claimant to keep the rental assistance service from ending in six months is to give the regional center the information it needs to determine if he continues to qualify.

ORDER

Claimant's appeal is denied.

DATE: September 16, 2026

ALAN R. ALVORD

Administrative Law Judge

Office of Administrative Hearings

NOTICE

This is the final administrative decision. Each party is bound by this decision. Either party may request reconsideration pursuant to subdivision (b) of Welfare and Institutions Code section 4713 within 15 days of receiving the decision, or appeal the decision to a court of competent jurisdiction within 180 days of receiving the final decision.