

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

In the Matter of:

CLAIMANT

and

FAR NORTHERN REGIONAL CENTER, Service Agency

DDS No. CS0026964

OAH No. 2025050870

DECISION

Hearing Officer Christopher W. Dietrich, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter on June 30, 2025, by videoconference from Sacramento, California.

Larry Withers represented Far Northern Regional Center (FNRC).

Claimant's wife represented Claimant, who was present at the hearing.

Evidence was received and the record was originally closed on June 30, 2025. On July 8, 2025, the record was reopened for FNRC to submit Claimant's Individual Program Plan (IPP). Claimant's IPP was marked and admitted as Exhibits 9 and 10. The record was closed, and the matter submitted for decision on July 10, 2025.

ISSUE

Is FNRC required to provide funding to implement accessibility modifications at Claimant's home?

FACTUAL FINDINGS

Background and Jurisdictional Matters

1. Claimant is a 43-year-old male who receives FNRC services based upon his qualifying diagnosis of cerebral palsy. Claimant lives with his wife.

Request for Funding for Accessibility Modifications

2. In 2023, Claimant requested funding from FNRC to implement accessibility modifications at his home. FNRC hired MTB Construction (MTB) to inspect Claimant's home and develop a proposed scope of work for these modifications. After inspecting Claimant's home, MTB proposed widening doorways, installing automatic door openers, installing exterior ramps, and other modifications to a bedroom and bathroom. Between February and July 2024, FNRC provided \$179,472.60 in funding to complete the proposed modifications. The accessibility modifications were completed thereafter.

3. In March 2025, Claimant and his wife purchased and moved into a new home. Claimant requested that FNRC fund accessibility modifications to his new home, including a ceiling lift, an exterior ramp, an interior ramp to a recessed family room, and modifications to a bathroom.

4. Claimant and his wife continue to own their former home, which was modified using FNRC funds. They intend to rent this home to third parties and eventually sell it when market conditions are more favorable.

Notice of Action and Appeal

5. On April 23, 2025, FNRC issued a Notice of Action (NOA) denying Claimant's request to fund modifications for his newly purchased home. In the NOA, FNRC explained the reasons for its denial as follows:

Within the last 12 months [FNRC] funded for several home modifications on a home for [Claimant] under the agreement that this was intended to be his forever home. Recently, Claimant chose to purchase a new home and requested to have modification made to the home. He and his family have chosen to keep the previously modified home and use as a rental. This means that Claimant still has access to the home in which FNRC funded for modifications to use as his primary home and is not a cost-effective use of public funds.

6. On May 19, 2025, Claimant appealed FNRC's NOA denying his request to fund modifications to his home. This hearing followed.

FNRC's Additional Evidence

7. On December 18, 2023, FNRC hosted an IPP meeting, which Claimant attended. Following the meeting, the parties signed an IPP, which included Claimant's goals for the year and summarized the services and supports that would help him

achieve those goals. According to the IPP, Claimant wanted to make his home safe and accessible so he could continue to live independently with his wife. To support this goal, FNRC agreed to fund the construction costs for accessibility modifications at Claimant's former home.

8. Tamra Panther, Associate Director of Client Services at FNRC, testified at hearing. Ms. Panther asserted that before FNRC provided funding to modify Claimant's former home, he signed an acknowledgment stating he intended to live there permanently. FNRC did not, however, produce this document at hearing.

9. Before MTB inspected Claimant's former home, Claimant signed a document prepared by FNRC accepting FNRC's requirements regarding accessibility modifications. Those requirements include:

- Homeowner understands that construction during the modification for accessibility will limit use of affected areas in the home, may require a portable restroom facility, and be subject to excessive noise and dust.
- Unknown problems that are uncovered during the home modification for accessibility is [sic] solely the responsibility of the homeowner. Examples include electrical and wiring concerns; structural damage/dry rot; termite/pest damage, and normal wear and tear that affects the accepted Scope of Work.
- Homeowner selects the contractor as long as the cost is within 10% of the staff estimate provided by MTB Construction. The contract is then between the homeowner and contractor, not limited to future warranty work.

- The modification for accessibility cannot increase the square footage of the home.
- Homeowner/insurance policyholder will contact homeowner's insurance and inform them of the home modification for accessibility. If the homeowner's insurance cost change, it is the responsibility and requirement of the homeowner to fund any changes in coverage.
- The chosen contractor must carry out the Scope of Work in its entirety. All repairs or concerns during or after construction are between the homeowner and contractor and not the responsibility of FNRC. Ongoing maintenance and upkeep following modification is the homeowner's responsibility.

Claimant's Additional Evidence

10. Claimant testified at hearing. He explained he did not feel safe in his former neighborhood because a neighbor threatened to kill him and his family. He believes his new neighborhood is safer. He and his wife moved to the new residence because a family member offered them a "deal of a lifetime." He and his wife are unwilling to sell their former home because their outstanding mortgage balance exceeds the value of the home.

11. Claimant's wife testified at hearing. She believes their former home was not safe for Claimant because he uses a wheelchair, and cars would drive by their home at speeds exceeding 60 miles per hour. She believes their new home is safer for Claimant because it is on a cul-de-sac. Further, she believes they were unsafe in the former neighborhood because their former neighbor, who lived across the street for three years, was violent to third parties and threatened to kill Claimant. She did not

call law enforcement or seek a restraining order against the former neighbor because she was afraid he would retaliate against them.

Analysis

12. Claimant has the burden to prove that the Lanterman Act requires FNRC to fund the proposed modifications to his new home. Claimant must prove that the proposed modifications would be a cost-effective use of public funds.

13. In Welfare and Institutions Code section 4646, the legislature expressed its intent to ensure the IPP and the services and supports provided to consumers consider the needs and preferences of the individual. To identify appropriate supports and services, regional centers, consumers, and other interested individuals develop an IPP. The IPP includes a statement of goals and objectives to meet and implement those goals.

14. FNRC argued it believed Claimant would reside in his modified former home for a long time. FNRC stated Claimant signed an agreement to that effect but did not present such an agreement at hearing. There is no evidence that Claimant agreed to stay in his former home for a specified time or what the ramifications of moving would be. FNRC funded modifications in 2024 and stated similar modifications could not be funded in 2025 for a different home.

15. When implementing the IPP, the services provided to consumers must effectively meet the stated goals, reflect the preferences and choices of the consumer, and "reflect the cost-effective use of public resources." (Welf. & Inst. Code, § 4646, subd. (a).) Thus, the regional centers must both assist consumers in identifying ways to meet their goals, and must be conscious of doing so in a cost-effective manner as stewards of public funds.

16. Welfare and Institutions Code section 4640.7, subdivision (a), states: "It is the intent of the Legislature that regional centers assist persons with developmental disabilities and their families in securing those services and supports which maximize opportunities and choices for living, working, learning, and recreating in the community." On June 25, 2025, the Department of Developmental Services (Department) issued a directive to clarify "Service Code 104 – Environmental Accessibility," which addresses home adaptations or modifications. The directive states, in pertinent part:

In considering funding requests for home modifications to an individual's or individual's family's private residence, regional centers must determine **whether the request is necessary for the individual to be healthy and allow them to live safely in their home** rather than moving to a more restrictive living arrangement.

(Emphasis added.)

17. Claimant did not prove that FNRC needs to fund the proposed modifications to his new home because his former neighborhood is unsafe. The testimony regarding the safety concerns was vague and not corroborated by police records, court records, or otherwise. The testimony did not establish whether the concerns arose before or after FNRC funded modifications to Claimant's former home. Most significantly, the safety concerns are not documented in Claimant's IPP, indicating that he did not seek assistance from FNRC to address the concerns prior to moving.

18. The evidence established that Claimant retains the right to use and occupy his former home, which was modified less than a year ago to suit his needs and limitations. As Claimant is able to occupy his former home, which remains suitable for his needs, funding modifications to his new home is neither necessary nor a cost-effective use of public funds. Therefore, his claim must be denied.

LEGAL CONCLUSIONS

1. The Lanterman Act governs this case. (Welf. & Inst. Code, § 4500 et seq.) An administrative fair hearing to determine the parties' rights and obligations is available under the Lanterman Act. (Welf. & Inst. Code, §§ 4700–4716.)

2. Claimant has the burden of proving by a preponderance of the evidence that FNRC is required to fund accessibility modifications at his new home. (*Lindsay v. San Diego Retirement Bd.* (1964) 231 Cal.App.2d 156, 161 [the party seeking government benefits has the burden of proving entitlement to such benefits]; Evid. Code, § 115 [the standard of proof is preponderance of the evidence, unless otherwise provided by law].) Proof by a preponderance of the evidence means “more likely than not.” (*Sandoval v. Bank of America* (2002) 94 Cal.App.4th 1378, 1387.)

3. Under the Lanterman Act, the State of California is responsible for providing individuals with developmental disabilities with the “treatment and habilitation services and supports” to enable such persons to live “in the least restrictive environment.” (Welf. & Inst. Code, § 4502, subd. (b)(1).) To comply with this mandate the Department contracts with nonprofit agencies called regional centers to provide services and supports for individuals with developmental disabilities. (Welf. & Inst. Code, § 4620.)

4. To determine what services a regional center consumer needs, regional centers are directed to conduct a planning process that results in an IPP to promote as normal a lifestyle as possible. (Welf. & Inst. Code, § 4646; *Assn. for Retarded Citizens v. Dept. of Developmental Services* (1985) 38 Cal.3d 384, 389.) The IPP planning process includes “gathering information and conducting assessments to determine the life goals, capabilities and strengths, preferences, barriers, and concerns or problems of the [consumer].” (Welf. & Inst. Code, § 4646.5, subd. (a)(1).) The IPP must set forth goals and objectives for the consumer, provisions for acquiring services, contain a statement of time-limited objectives for improving the consumer’s situation, and reflect the consumer’s particular desires and preferences. (Welf. & Inst. Code, §§ 4646, subd. (a)(1), (2), & (4); 4646.5, subd. (a)(2); 4512, subd. (b); & 4648, subd. (a)(6)(E).)

5. A regional center must “secure services and supports that meet the needs of the consumer” within the context of the IPP. (Welf. & Inst. Code, § 4648, subd. (a)(1).) The “highest preference [shall be given] to those services and supports that would allow . . . adult persons with developmental disabilities to live as independently as possible in the community” (Welf. & Inst. Code, § 4648, subd. (a)(1); see Welf. & Inst. Code, §§ 4646.5, subd. (a)(3), & 4685, subd. (c)(1).) Although regional centers must provide a wide range of services to facilitate implementation of a consumer’s IPP, they must do so in a cost-effective manner. (Welf. & Inst. Code, §§ 4640.7, subd. (b), & 4646, subd. (a).)

Conclusion

6. As found above, Claimant failed to prove that the Lanterman Act requires FNRC to fund the proposed accessibility modifications to his home. Specifically, the proposed modifications are neither necessary nor cost-effective because Claimant

retains the right to occupy his former home, which was recently modified using FNRC funds. Therefore, his appeal must be denied.

ORDER

Claimant's appeal is DENIED.

DATE: July 11, 2025

CHRISTOPHER W. DIETRICH
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.