



Transitional Housing Placement for Non-Minor Dependents (THP-NMD) A Fact Sheet Prepared by the Youth Law Center

What is THP-NMD?¹

The Transitional Housing Placement program for Non-Minor Dependents (THP-NMD) is a transitional housing placement for nonminor dependents (NMDs), ages 18 to 21.² THP-NMD programs offer supervised, transitional housing services to nonminor dependent foster youth under the supervision of the county welfare department or the juvenile probation department.³ A transitional housing provider⁴ can serve youth ages 16 to 18 years old, NMDs, or both.⁵ The goal of THP-NMD is to provide safe housing for NMDs and services to support the skills youth need to transition to independent living.⁶

The THP-NMD program has two distinct but overlapping components: (1) the THP-NMD program (i.e. the supportive services and foster care funding), and (2) the youth's possession of the housing unit that was secured by, but may not be owned by, the THP-NMD agency. The loss of one component may not automatically result in the loss of the other. Additionally, there are specific laws, policies, and procedures that must be followed to exit a youth from the THP-NMD program and the housing unit. For more on how these two distinct and overlapping components of THP-NMD work together, see YLC's resource: **THP-NMD: An Advocacy Guide to Preventing Involuntary Exits.**⁷

THP-NMD programs are different than THP-M, transitional housing for **minor foster youth** ages 16 to 18, and THP-Plus, transitional housing for **former foster youth** ages 18 to 24 (or age 25 in participating counties). For more information about these programs, see Youth Law Center's Fact Sheets: [THP-M](#) and [THP-Plus](#).

What is a Nonminor Dependent?

A Nonminor Dependent (NMD) is a 18 to 21 year-old who is currently in foster care under the placement and care of the county welfare department or county probation department and has a transitional independent living case plan.⁸ NMDs can choose to exit foster care at age 18 or at any subsequent time before age 21, and those who exit at or after age 18 can petition to re-enter

¹ Note: THP-NMD used to be called the Transitional Housing Placement-Plus Foster Care ("THP+FC"). The name was formally changed by Senate Bill 612 (Mitchell, 2017), effective January 1, 2018.

² Cal. Welf. & Inst. Code § 16522.1(a)(2).

³ Cal. Welf. & Inst. Code §§ 11400(v)(2), 16522.2(a).

⁴ Note: the terms "provider", "agency", and "licensee" are used interchangeably throughout this fact sheet.

⁵ Cal. Health & Safety Code § 1559.110(a)(2).

⁶ California Department of Social Services All-County Letter (ACL) 12-44 (2012), available at <http://www.cdss.ca.gov/lettersnotices/entres/getinfo/acl/2012/12-44.pdf> at 5.

⁷ Publication expected in late 2021.

⁸ Cal. Welf. & Inst. Code § 11400(v).

foster care at any time before age 21.⁹ A youth can also re-enter extended foster care as a NMD if they turned 18 under a juvenile court legal guardianship or adoption order, then lost the support of their legal guardian or adoptive parent.¹⁰

The county placing agency is responsible for securing a safe and appropriate placement for the NMD (including THP-NMD) and assessing the county placing agency's capacity to provide safe and appropriate placements for all nonminor dependents in the county.¹¹ Besides THP-NMD, a NMD also has the option to participate in a Supervised Independent Living Placement (SILP), which is a placement approved and supervised by the county social worker or probation officer for that NMD only.¹² Nonminor dependents must be included in the selection and identification of a placement and any placement decisions.¹³ Finally, if a nonminor has exited extended foster care and would like to reenter, the nonminor is eligible for placement once a Voluntary Reentry Agreement (SOC 163)¹⁴ has been signed by the youth and the county placing agency, even if the juvenile court has not yet resumed jurisdiction.¹⁵

What are the personal rights of nonminor dependent foster youth?

The Foster Youth Bill of Rights applies to all minors and nonminors in foster care, including those supervised by juvenile probation.¹⁶ If a nonminor dependent believes that their rights have been violated, the nonminor may contact or make a complaint with the Office of the Foster Care Ombudsman¹⁷, ask their court-appointed dependency attorney or juvenile defender to intervene or address the issue with the juvenile court, or file a community care licensing complaint. The contact information for the Foster Care Ombudsman and the Community Care Licensing Division of the California Department of Social Services are provided in the **Resources** section below.

Additionally, California law states that nonminor dependents, though under the jurisdiction of the juvenile court, are adults and have all the rights that a person who has attained 18 years of age may have as an adult under California law.¹⁸

⁹ Cal. Welf. & Inst. Code § 303(c).

¹⁰ Cal. Welf. & Inst. Code § 388.1.

¹¹ Cal. Welf. & Inst. Code § 16001(a) and CDSS ACL 19-105 (2019), available at <https://www.cdss.ca.gov/Portals/9/Additional-Resources/Letters-and-Notices/ACLs/2019/19-105.pdf>.

¹² Cal. Welf. & Inst. Code § 11400(w) and CDSS ACL 11-77 (2011), available at <https://www.cdss.ca.gov/lettersnotices/entres/getinfo/acl/2011/11-77.pdf> at 6-7.

¹³ CDSS ACL 19-105 (2019) and CDSS ACL 11-77 (2011).

¹⁴ Available here: <https://www.cdss.ca.gov/cdssweb/entres/forms/English/SOC163.pdf>.

¹⁵ CDSS ACL 19-105 (2019).

¹⁶ Cal. Welf. & Inst. Code § 16001.9(a). The Foster Youth Bill of Rights was updated in 2019 through Assembly Bill 175 to explicitly include nonminor dependents and to expand foster youth's rights. See CDSS ACL 21-69 (2021), available at <https://www.cdss.ca.gov/Portals/9/Additional-Resources/Letters-and-Notices/ACLs/2021/21-69.pdf?ver=2021-06-25-155859-067> for background on the Foster Youth Bill of Rights and the recent expansion.

¹⁷ The Office of the Foster Care Ombudsman provides a neutral and independent office that helps solve problems and complaints about the care, placement, and services of children and youth in foster care. See Cal. Welf. & Inst. Code § 16160 *et. seq.*

¹⁸ Cal. Welf. & Inst. Code § 303(d)(1).

What makes NMDs eligible for THP-NMD?

To be eligible THP-NMD, an NMD must meet the age criteria (18 up to 21 years old), be in foster care under the placement and care responsibility of the county welfare department or county juvenile probation department¹⁹, and have a transitional independent living case plan (TILCP).²⁰ A TILCP is a written service-delivery plan that identifies the youth's current level of functioning, emancipation goals, and the specific skills needed to prepare the youth to live independently upon leaving foster care.²¹ The TILCP is mutually agreed on by the youth and support persons such as the social worker or probation officer and members of the NMD's child and family team.²² The THP-NMD agency provides transitional housing and supportive services through the development of a Needs and Services Plan for each youth that is consistent with the youth's TILCP.²³

What kinds of housing does THP-NMD provide?

Transitional housing under THP-NMD can include any of the following programs:²⁴

1. A host family certified by a transitional housing placement provider with whom a participant lives in an apartment; a single-family dwelling; or a condominium owned, rented, or leased by the host family.
2. A staffed site in which a participant lives in an apartment; a single-family dwelling; or a condominium owned, rented, or leased by a transitional housing placement provider either with an adult employee of the provider who provides supervision, or in a building in which one or more adult employees of the provider reside and provide supervision.
3. Programs in which a participant lives independently in an apartment; single-family dwelling; or condominium owned, rented, or leased by a transitional housing placement provider under the supervision of the provider if the California Department of Social Services provides approval.²⁵

¹⁹ Placement and care authority for a nonminor can be vested with a county child welfare or probation department either by order of the juvenile court or pursuant to a voluntary reentry agreement. Cal. Welf. & Inst. Code §§ 11400(v) and (z). A voluntary reentry agreement vests placement and care authority with the placing agency until the conclusion of a reentry hearing which must occur no later than 120 days from the date the agreement is signed. Cal. Welf. & Inst. Code § 388(e).

²⁰ Cal. Welf. & Inst. Code § 11400(v).

²¹ Cal. Welf. & Inst. Code §§ 11403, 16501.1; Cal. Dept. of Social Services, Manual of Policies and Procedures 31-201, 31-236(a).

²² *Id.* If the youth does not participate in the development of a TILCP, the social worker or probation officer still must complete one, and include documentation explaining the youth's refusal. Note also: The requirements around TILCP development sit inside the child and family team (CFT) process and should include the youth and the youth's CFT to develop a comprehensive and meaningful TILCP with goals and services that will prepare the youth for independent living. See ACLs 16-84 (2016) and 18-23 (2018) for more about how the case planning process fits within the CFT process. ACL 16-84 is available here:

<https://www.cdss.ca.gov/lettersnotices/EntRes/getinfo/acl/2016/16-84.pdf>. ACL 18-23 is available here:

<https://www.cdss.ca.gov/Portals/9/ACL/2018/18-23.pdf?ver=2018-06-01-160245-447>.

²³ AB 12 Interim Regulations 86168.1(d), 86168.3(c), 86170.

²⁴ Cal. Health & Safety Code § 1559.110(d)(1)-(2).

²⁵ Cal. Health & Safety Code § 1559.110(d)(3).

Transitional housing placement providers must certify that housing units are adequate, safe, and sanitary.²⁶

How does an agency become a transitional housing placement provider?

To become a licensed transitional housing placement provider, an agency must first obtain a certification from the county specifying whether the facility will serve foster youth 16 to 18 years old, NMDs, or both.²⁷ The certification for THP-NMD must confirm that the program provides certain services and supports as well as conforms to state standards.²⁸

After receiving a county certification, the Community Care Licensing Division of the California Department of Social Services can then license transitional housing placement providers using licensing standards in the California Code of Regulations.²⁹ CCLD promulgates regulations, including interim regulations, that govern the operations and duties of all THP-NMD programs. The rules governing THP-NMD can be found in the THPP regulations ([Title 22, Division 6, Chapter 7](#)), AB 12 Interim Regulations for THPP ([Title 22, Division 6, Chapter 7, Subchapter 1: Nonminor Dependents](#))³⁰, general licensing regulations ([Title 22, Division 6, Chapter 1](#)), and the Manual of Policy and Procedures Sections [30-901—30-920](#). CCLD is in the process of promulgating regulations specific to this placement type which are currently expected to be finalized some time in 2022. Further guidance on THP-NMD can be found in All County Information Notice Number [I-40-11](#), and All-County Letters (ACLs) [11-69](#), [12-44](#), and [11-77](#). CDSS has authority to issue new guidance as appropriate.

²⁶ Cal. Health & Safety Code §§ 1559.110(c), 1501(b)(5).

²⁷ Cal. Health & Safety Code § 1559.110(a)(3); Cal. Welf. & Inst. Code § 16522.1.

²⁸ Cal. Welf. & Inst. Code § 16522.1. Under Cal. Welf. & Inst. Code § 16522.1(c), the county certification for THP-NMD must confirm all the following:

1. The program is needed by the county.
2. The provider is capable of effectively and efficiently operating the program.
3. The provider is willing and able to accept the AFDC-FC-eligible NMDs for placement by the placing agency who need the level of care and services that will be provided by the program.
4. The plan of operation is suitable to meet the needs of the identified population.
5. The program maintains a staffing ratio for nonminor dependents of case manager to participant not to exceed a shared average caseload of 1 to 12, inclusive, with a designated lead case manager assigned to each youth.
6. That the provider has established a process, which includes the county if the county chooses to participate, to evaluate whether a participant may be placed with a nonparticipant.

²⁹ 22 Cal. Code Regs. 86000 *et. seq.*; Cal. Health & Safety Code § 1559.110(a).

³⁰ The AB 12 Interim Regulations are in the process of being promulgated and will be incorporated into the regulations as "Title 22, Division 6, Chapter 7, Subchapter 2: Transitional Housing Placement Program for Nonminor Dependents." This is expected to happen in 2022. Currently, the updated THPP regulations (approved on September 14, 2021 and disseminated by Provider Information Notice (PIN) 21-26-CRP (Children's Residential Program), available here: <https://www.cdss.ca.gov/Portals/9/CCLD/PINs/2021/CRP/PIN%2021-26-CRP%20PIN%2021-26-CRP%20THPP%20Nonsubstantive%20Changes%20to%20Regulations%20Update.pdf?ver=2021-10-19-144024-970>) have the same numbering as the AB 12 Interim Regulations, so you should double check which regulations you're using and citing while the regulations for the Transitional Housing Placement Program for Nonminor Dependents are still pending. This fact sheet makes it clear when it is citing to the AB 12 Interim Regulations and when it is citing to the newly updated THPP Regulations.

What if the THP-NMD agency is out-of-compliance with Community Care Licensing?

Anyone can file a licensing complaint with the California Department of Social Services' Community Care Licensing (CCL) Division if a THP-NMD agency has violated the state laws and regulations that govern it.

To make a complaint, contact the appropriate [Children's Residential Regional Office](#) based on the county where the THP-NMD program is located. If the complainant cannot reach the regional office, her or she may also call CCL's complaint hotline at (844) 538-8766. A licensing complaint requires careful documentation of licensing violations (including citations to the laws, regulations, or licensing standards violated) because CCL can find an allegation to be unsubstantiated if presented with conflicting information, a complainant who is absent or inaccessible, or a lack of physical evidence.

What funding is available for placement in THP-NMD?

The county placing agency, through an administrative process, determines eligibility for foster care funding based primarily on whether a youth's placement is an approved, licensed, or otherwise **eligible placement** under state and federal law.³¹ To receive foster care funds on behalf of a nonminor dependent in a THP-NMD program, the program must be licensed as a transitional housing placement provider.³² Annual foster care funding rates are published each year in an All-County Letter (ACL).³³

Can participants in THP-NMD have children who live with them in the placement, and what funding is available?

Participants in the THP-NMD program may have children who will live with them and an infant supplement to the foster care rate is available.³⁴ To the greatest extent possible, the foster youth parent and their child shall be provided with access to services targeted at supporting, maintaining, and developing the parent-child bond and the foster youth parent's ability to provide a permanent and safe home for the child.³⁵ Available services include but are not limited to: child care, parenting and child development classes, and additional funding to cover the costs of caring for the child.³⁶

As of January 1, 2022, the rate paid for a pregnant nonminor dependent for the three-month period immediately prior to the month in which the birth is anticipated shall include the amount that would otherwise be paid to cover the care and supervision of a child, if born.³⁷ Any amount

³¹ Cal. Welf. & Inst. Code §§ 11401, 11402, 11403(e), 11401.5, 11401.6.

³² Cal. Welf. & Inst. Code § 11402(d); Cal. Dept. of Social Services, Manual of Policies and Procedures 45-202.515.

³³ The rates for Fiscal Year 2021-22 can be found in ACL 21-76, available here:

<https://cdss.ca.gov/Portals/9/Additional-Resources/Letters-and-Notices/ACLs/2021/21-76.pdf?ver=2021-07-19-115429-903>.

³⁴ Cal. Welf. & Inst. Code §§ 11465, 16501.25; CDSS ACL 17-93 (2017), available at <https://www.cdss.ca.gov/portals/9/acl/2017/17-93.pdf?ver=2017-10-02-114040-600>.

³⁵ Cal. Welf. & Inst. Code § 16002.5(a).

³⁶ *Id.*

³⁷ Cal. Welf. & Inst. Code § 11465(e).

paid shall be an expectant parent payment used to meet the specialized needs of the pregnant nonminor dependent and to properly prepare for the needs of the infant.³⁸ For more information about what additional services and funding may be available for parenting youth, see Youth Law Center’s Fact Sheet: [Rights of Pregnant and Parenting Foster Youth in California](#).

Can a youth be removed from the THP-NMD Program?

Yes, NMDs can be removed from the THP-NMD program; however, state licensing rules for THP-NMD provide various levels of protection for youth residing in THP-NMD housing and also specific procedures that a THP-NMD agency must follow to exit a youth from the program.³⁹ It is important to realize that discharge and removal from a THP-NMD *program* (supportive services and foster care funding) does not always mean that a youth can be required to leave or move out of the physical *housing unit*.⁴⁰ This section focuses primarily on exits from the THP-NMD program.

The AB 12 interim regulations for THP-NMD provide that an NMD may not be discharged from the program without a written notice given seven days prior to discharge, with a copy sent to the county placing agency.⁴¹ The written notice must be based on a specific reason provided in state regulations, including that the youth has reached the maximum age for THP-NMD, that the THP-NMD agency’s license has changed⁴², or that the THP-NMD agency “is no longer able to meet the needs” of the nonminor dependent.⁴³ The THP-NMD agency must maintain a copy of its discharge policies and procedures that the youth signed upon entry, as well as documentation of the nonminor dependent’s discharge from the program.⁴⁴

Emergency Circumstances

In certain “emergency circumstances,” a youth may be removed from the THP-NMD program by the county placing agency without the 7 days prior written notice otherwise required.⁴⁵ An emergency circumstance includes when the youth is arrested by a law enforcement officer, when the health and safety of the NMD or others in the THP-NMD agency are endangered by the continued presence of the NMD, or when the youth is removed for emergency medical or

³⁸ *Id.*

³⁹ One procedural safeguard designed to prevent the loss of THP-NMD funding and services is the state fair hearing process. Because THP-NMD is a public social services program funded by the California Department of Social Services, THP-NMD participants are entitled to a written notice of termination of the THP-NMD benefit from the county agency administering the benefit, and right to appeal that termination through a state fair hearing.

⁴⁰ For more on how these two distinct and overlapping components of THP-NMD work together, and state fair hearings (discussed in footnote 39) see YLC’s resource: THP-NMD: An Advocacy Guide to Preventing Involuntary Exits, publication expected in late 2021.

⁴¹ AB 12 Interim Regulation 86168.4(c)(1).

⁴² Losing access to a single apartment unit or having a particular lease terminated does not constitute a licensing change as the license belongs to the provider, not the particular unit.

⁴³ AB 12 Interim Regulation 86168.4(d)(B). Note: Pregnancy or becoming a parent cannot be the basis for this “needs change” as the THP-NMD agency must still be in compliance with anti-discrimination laws.

⁴⁴ AB 12 Interim Regulation 86170(b)(2)(F).

⁴⁵ AB 12 Interim Regulation 86168.4(c). Note that additional landlord-tenant or Fair Housing protections may apply regarding the *housing* portion of the THP-NMD program.

psychiatric care.⁴⁶ In addition, the AB 12 interim regulation allows the county placing agency to remove a nonminor from the THP-NMD in emergency circumstances, but it does *not* allow a THP-NMD agency to discharge, remove, or demand removal on this basis.⁴⁷ The determination as to whether a youth will be removed due to “emergency circumstances” rests with the placing agency, or the appropriate law enforcement or health crisis personnel.⁴⁸ If the THP-NMD agency seeks to discharge a youth from the program, it must follow the 7-day notice procedure.⁴⁹

Can a THP-NMD provider remove a youth from THP-NMD Housing?

Yes, a provider may remove youth from THP-NMD Housing. However, there are a number of laws and requirements in place that THP-NMD agencies must abide by before a youth can be removed from THP-NMD Housing.⁵⁰

State and Local Landlord-Tenant Law

California landlord-tenant law is broad and includes protections for all persons who “hire” a “dwelling” unit, with very limited exceptions (e.g. brief hotel occupancy),⁵¹ and nothing in California law explicitly prevents establishing a landlord-tenant relationship in a Transitional Housing Program.⁵² Therefore, in certain circumstances, nonminor dependents in THP-NMD **may** have strong tenancy rights that would require THP-NMD agencies (or the property owners with whom they contract) to pursue a formal eviction in state court to remove the nonminor dependent from the housing unit. *This is still an open question, and it is not explicitly addressed in any current case law.* **However, if the nonminor signed a lease with the landlord (regardless of whether the THP-NMD agency is the landlord or it is some other party/entity), they are a tenant.** A THP-NMD provider may cosign a lease with a nonminor dependent, but a nonminor shall not be the only one to sign a lease or rental agreement.⁵³

⁴⁶ *Id.* at 86168.4(c)(2). Note: the regulation specifically says “*may* be removed” not “*must* be removed,” and therefore it may be possible to prevent a removal where the emergency circumstances do not interfere with program operation or health and safety of other residents, since this is the only plausible interpretation of the regulation.

⁴⁷ AB 12 Interim Regulation 86168.4(c).

⁴⁸ *Id.*

⁴⁹ AB 12 Interim Regulation 86168.4(d)-(e).

⁵⁰ Remember, removal from the THP-NMD *housing unit* does not always mean that a youth must be exited from the THP-NMD *program*. The THP-NMD agency and county placing agency must follow the appropriate procedures to remove a youth from the THP-NMD program.

⁵¹ Cal. Civ. Code § 1940; Cal. Code. Civ. Proc. § 1161 (a person subject to an unlawful detainer proceeding [eviction] includes “any person who hires real property except those persons whose occupancy is described in subdivision (b) of Section 1940 of the Civil Code”).

⁵² *See Savage v. City of Berkeley*, No. C 05-02378 MHP, 2007 WL 911868, at *5 (N.D. Cal. Mar. 23, 2007) (holding that transitional housing program defendant did not present any arguments to show that participant plaintiff could not claim protections as a tenant, hirer, or lessee under California law.).

⁵³ Cal. Health & Safety Code § 1559.110(e). Even though Cal. Health & Safety Code § 1559.110(e)(2) makes it clear that “[a] participant shall not be permitted to solely sign a rental or lease agreement,” this is a common issue. Failure to include the THP-NMD provider as a cosigner could leave the nonminor dependent liable for unpaid rent and/or utilities, eviction, credit issues, etc. that should be the responsibility of the THP-NMD agency.

A tenant cannot be forced to exit their housing unit without proper written notice and, upon expiration of that notice, formal court proceedings to evict the tenant.⁵⁴ Housing law protections can be extremely nuanced and often have short timelines in which individuals must assert their rights before losing the option. Certain rights, protections, and timelines may vary depending on the city or county in which the youth resides, the type of building the residence is in, and whether the landlord also lives there. A website to locate local housing attorneys can be found in the **Resources** section below.

There are certain instances when a landlord is prohibited from evicting a tenant, such as when the eviction is based on acts of domestic violence⁵⁵, sexual assault, or stalking committed against a tenant or a tenant's household member.⁵⁶ Likewise, no county, city housing authority, board, commission, or other local public agency may require a landlord to terminate or fail to renew a tenancy based on acts against a tenant or a household member that constitute domestic violence, sexual assault, stalking, or human trafficking.⁵⁷

Federal and State Fair Housing Laws

As broadly as landlord-tenant law applies in California, the federal and state fair housing laws are even broader. The Federal Fair Housing Act (FHA), California's Fair Employment and Housing Act (FEHA), the Unruh Act, and California Government Code Section 11135 prevent discrimination in housing, including most forms of THP-NMD housing.⁵⁸ These laws protect certain groups of people, including groups based on race, color, national origin, religion, sex, familial status, and disability.⁵⁹ Youth and their advocates can make a complaint at any time if the youth experiences discrimination in their THP-NMD program. A link to detailed instructions for how to file a complaint through the California Department of Fair Employment and Housing website is available in the **Resources** Section below.⁶⁰

Reasonable Accommodations

A nonminor dependent with a disability may be entitled to a reasonable accommodation at any time during their participation in THP-NMD, including upon admission or when facing an exit. The reasonable accommodation may include making an exception for certain "rules, policies,

⁵⁴ *Grand Central Pub. Market, Inc. v. Kojima* 11 CA2d 712, 717 (1936); see also Cal. Civ. Proc. Code §§ 1159, 1160; *Spinks v. Equity Residential Briarwood Apts.*, 171 Cal. App. 4th 1004, 1038 (2009); *Glass v. Najafi* 78 Cal. App. 4th 45, 48-49 (2000).

⁵⁵ A definition of domestic violence can be found at Cal. Fam. Code § 6211.

⁵⁶ Cal. Civ. Proc. Code § 1161.3(a).

⁵⁷ Cal. Gov't Code § 53165.

⁵⁸ Fair housing law applies to an even broader population than landlord-tenant law. 2 C.C.R. 12005(b)(1) & (o) (applying state fair housing protections to a broad range of dwellings and accommodations, including transitional housing). See also 42 U.S.C. § 3603(a)(1)-(2); 29 U.S.C. § 794 (applicability of federal Fair Housing Act).

⁵⁹ 42 U.S.C. Code § 3604; Cal. Gov't Code § 12955; Civ. Code § 51.

⁶⁰ In addition to the administrative complaint process through DFEH, a THP-NMD youth participant with a disability may bring an affirmative claim under fair housing law and may recover damages and obtain injunctive and declaratory relief; or the youth may raise failure to provide a reasonable accommodation as an affirmative defense to an unlawful detainer action." 2 Cal. Code Regs § 12176(c)(8)(A); but see *Vella v. Hudgins* (1977) 20 Cal.3d 251 (discussing possible collateral estoppel issues for future affirmative claims).

practices, or services.”⁶¹ An accommodation is reasonable when it may be necessary to afford persons with disabilities an equal opportunity to use and enjoy a dwelling.⁶² To show that a requested accommodation may be necessary, there must be an identifiable relationship, or nexus, between the requested accommodation and the individual’s disability.⁶³

A reasonable accommodation must be requested affirmatively, and it is best practice for such a request to be in writing. The THP-NMD agency has a duty to engage in an “interactive process” with the person making the request before denying the accommodation.⁶⁴ When the need for the accommodation is in question, the THP-NMD agency may ask for evidence including information describing the accommodation and how it relates to the disability. However, under no circumstances may the tenant be required to tender a diagnosis, medical record, or other sensitive information.⁶⁵ If the information already given is reliable and the accommodation is necessary, the landlord may not be allowed to request more proof.⁶⁶

⁶¹ 42 U.S.C. § 3604(f)(3)(B); 24 C.F.R. § 100.204; *Budnick v. Town of Carefree*, 518 F.3d 1109, 1119 (9th Cir. 2008).

⁶² 42 U.S.C. § 3604 (f)(3)(B).

⁶³ *Kuhn by & through Kuhn v. McNary Estates Homeowners Ass’n, Inc.*, 228 F. Supp. 3d 1142, 1148 (D. Or. 2017).

⁶⁴ 2 Cal. Code Regs § 12177(a).

⁶⁵ 2 Cal. Code Regs § 12178(a) through (e).

⁶⁶ 2 Cal. Code Regs § 12178(b).

Resources

California Department of Social Services, MANUAL OF POLICIES AND PROCEDURES
<http://www.cdss.ca.gov/inforesources/Letters-Regulations/Legislation-and-Regulations/Adult-Services-Regulations>

California Department of Social Services, ALL COUNTY LETTERS
<http://www.cdss.ca.gov/inforesources/Letters-Regulations/Letters-and-Notices/All-County-Letters>

California Department of Social Services, TRANSITIONAL HOUSING PROGRAMS FOR CURRENT AND FORMER FOSTER YOUTH
<http://www.cdss.ca.gov/inforesources/Foster-Care/Transitional-Housing-Programs>

California Department of Social Services, COMMUNITY CARE LICENSING DIVISION COMPLAINT HOTLINE
<http://www.cdss.ca.gov/inforesources/CCLD-Complaint-Hotline>

California Department of Social Services, COMMUNITY CARE LICENSING DIVISION ADMINISTRATIVE GUIDANCE
<https://www.cdss.ca.gov/inforesources/childrens-residential/public-info-and-policies>

California Department of Social Services, STATEWIDE CHILDREN'S RESIDENTIAL PROGRAM REGIONAL OFFICES
<https://www.cdss.ca.gov/Portals/9/CCL/ChildrensResidentialDirectory.pdf>

California Department of Social Services, STATE HEARING REQUESTS
<https://www.cdss.ca.gov/hearing-requests>

Office of the Foster Care Ombudsman, COMPLAINTS
<https://fosteryouthhelp.ca.gov/file-a-complaint/>

John Burton Advocates for Youth, INFORMATION ABOUT THP-NMD & EXTENDED FOSTER CARE (includes a roster of THP-NMD providers)
<https://jbay.org/resources/information-about-thp-nmd-extended-foster-care/>

California Department of Fair Employment and Housing, FHA, FEHA, & UNRUH ACT COMPLAINT INSTRUCTIONS
<https://www.dfeh.ca.gov/complaintprocess/>

AB 12 INTERIM REGULATIONS FOR THPP
[HTTPS://WWW.CDSS.CA.GOV/PORTALS/9/CHILDREN'S%20RESIDENTIAL/AB12THPP.PDF?VER=2019-07-09-144957-243](https://www.cdss.ca.gov/Portals/9/CHILDREN'S%20RESIDENTIAL/AB12THPP.PDF?VER=2019-07-09-144957-243)

Local Housing Attorneys, LAW HELP CALIFORNIA
<HTTPS://WWW.LAWHELPCA.ORG/>