

JUSTICE IN AGING

FIGHTING SENIOR POVERTY THROUGH LAW

May 8, 2017

Heather Menne

U.S. Department of Health and Human Services: Administration for Community Living
Washington, DC 20201

VIA E-MAIL: Heather.Menne@acl.hhs.gov

RE: DEPARTMENT OF HEALTH AND HUMAN SERVICES, Administration for Community Living, Agency Information Collection Activities; Proposed Collection; Public Comment Request; Proposed Extension With Modifications of a Currently Approved Collection; National Survey of Older Americans Act Participants

Dear Ms. Menne,

I write on behalf of Justice in Aging to oppose the Administration for Community Living's (ACL) proposal to remove questions about lesbian, gay, bisexual, and transgender (LGBT) older adults from the National Survey of Older Americans Act Participants (NSOAAP).

Justice in Aging is a national organization that uses the power of law to fight senior poverty by securing access to affordable health care, economic security, and the courts for older adults with limited resources. Since 1972 we've focused our efforts primarily on populations that have traditionally lacked legal protection such as women, people of color, LGBT individuals, and people with limited English proficiency.

The NSOAAP survey provides critical data on whether federally-funded aging programs like Meals on Wheels, family caregiver support, adult daycare, and senior centers reach all older adults, including LGBT older adults. The more we know, the more we can do to make sure LGBT older adults receive the services they need.

While neither ACL's original notice nor ACL's corrected notice in the Federal Register provide any articulation of, information about, or explanation of ACL's decision to remove the questions about LGBT older adults from the NSOAAP, what we do know is that ACL will no longer have data on how the aging network is meeting the needs of this population.

The intersection of poverty and discrimination creates an array of unique legal needs for older LGBT individuals. Our special report, *How Can Legal Services Better Meet the Needs of Low-Income LGBT Seniors?*, provides an overview of some of the most pressing legal issues facing

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low-income LGBT older adults as well as some best practices for reaching and serving this population.¹

Data and research has confirmed that LGBT older adults face a number of barriers to successful aging. First, LGBT older adults face higher rates of social isolation and have thinner support networks than their non-LGBT peers. They are up to twice as likely to live alone, half as likely to have close relatives to call for help, and four times less likely to have children to assist them.² They are also much more likely to be disconnected from their families of origin.³

Second, LGBT older adults face higher poverty rates than their non-LGBT peers. Nearly sixteen percent of single gay men over 65 live in poverty, compared to just 9.7 percent of single heterosexual men their age. Further, six percent of lesbian couples age 65 and older have incomes below the poverty line, compared to 3.5 percent for heterosexual married couples in the same age group.⁴

Third, LGBT older adults face pronounced health disparities compared to their non-LGBT peers. HIV impacts the LGBT community disproportionately,⁵ and it is affecting an increasing number of older adults.⁶ The National Institutes of Health (NIH) and National Institute on Aging (NIA)-funded *Aging and Health Report* outlines a number of other disparities, including: lesbian, gay and bisexual (LGB) older adults face higher rates of disability and mental health challenges; older bisexual and gay men face higher rates of physical health challenges; bisexual and lesbian older women have higher obesity rates and higher rates of cardiovascular disease; and transgender older adults face greater risk of suicidal ideation, disability, and depression compared to their peers.⁷

¹ Justice in Aging, *How Can Legal Services Better Meet the Needs of Low-Income LGBT Seniors?*, June 2016. Available at <http://www.justiceinaging.org/wp-content/uploads/2016/06/How-Can-Legal-Services-Better-Meet-the-Needs-of-Low-Income-LGBT-Seniors.pdf>.

² LGBT Movement Advancement Project & Services and Advocacy for Gay, Lesbian, Bisexual and Transgender Elders (MAP & SAGE), *Improving the Lives of LGBT Older Adults*. 2010. Available at <http://www.lgbtmap.org/file/improving-the-lives-of-lgbt-older-adults.pdf>

³ LGBT Movement Advancement Project & Services and Advocacy for Gay, Lesbian, Bisexual and Transgender Elders (MAP & SAGE), *Improving the Lives of LGBT Older Adults*. 2010. Available at <http://www.lgbtmap.org/file/improving-the-lives-of-lgbt-older-adults.pdf>

⁴ M.V. Lee Badgett, et al., Williams Inst., *New Patterns of Poverty in the Lesbian, Gay and Bisexual Community*. 2013. Available at <https://williamsinstitute.law.ucla.edu/research/census-lgbt-demographics-studies/lgbt-poverty-update-june-2013/>

⁵ Centers for Disease Control and Prevention: *HIV Among Gay and Bisexual Men*. 2016. Available at <https://www.cdc.gov/hiv/group/msm/>

⁶ Centers for Disease Control and Prevention: *HIV Among People Aged 50 and Over*. 2017. Available at <https://www.cdc.gov/hiv/group/age/olderamericans/>

⁷ Fredriksen-Goldsen KI, Kim HJ, Emlert CA, et al.: *The Aging and Health Report: Disparities and Resilience Among Lesbian, Gay, Bisexual, and Transgender Older Adults*. 2011. Seattle, WA: Institute for Multigenerational Health, University of Washington.

Lastly, despite their need to rely on providers for services because of their truncated support networks, LGBT older adults lack access to LGBT-culturally competent care and services. Indeed, a 2001 U.S. Administration on Aging study found that LGBT older adults are 20 percent less likely than other older adults to access government services such as housing assistance, meal programs, food stamps, and senior centers.⁸ Despite this disconnect, most State Units on Aging are not making any systematic effort to assess and address the needs of this population.⁹ The very age of the 16-year-old ACL study we cite further demonstrates the necessity for ACL to collect updated data on whether the aging network is meeting the needs of this population.

Data is a critical tool, which helps to identify the gap between LGBT older adults' needs and the services actually provided to them. From state units on aging to area agencies on aging, the aging network has asked ACL for more and better data on LGBT older adults in the communities it serves.¹⁰ ACL must continue collecting data on whether the aging network is reaching LGBT older adults in order to ensure the maximum inclusion of LGBT older adults in programs funded under the Older Americans Act (OAA). We need more of this data on the experiences and needs of LGBT elders in our country – not less of it.

We therefore urge ACL to retain the LGBT questions in the NSOAP. Asking demographic questions about sexual orientation and gender identity will increase the quality, utility, and clarity of the information collected. We further believe that by continuing to collect this data, and learning more about this population, ACL and the aging network will help more LGBT older adults to live independently, minimize the burden on the aging network, and ultimately save taxpayer resources by reaching those who are most vulnerable.

Sincerely,

Kevin Prindiville
Executive Director

⁸ LGBT Movement Advancement Project & Services and Advocacy for Gay, Lesbian, Bisexual and Transgender Elders (MAP & SAGE), *Improving the Lives of LGBT Older Adults*. 2010. Available at <http://www.lgbtmap.org/file/improving-the-lives-of-lgbt-older-adults.pdf>

⁹ A SAGE report found that: State Plans filed by 29 States make no reference whatsoever to LGBT older adults; an additional 12 State Plans have isolated references to LGBT older adults, but do not address specific actions being taken to reach and target this population; and only nine States, and the District of Columbia, specifically address efforts to reach out and target LGBT older adults.

¹⁰ Choi SK, Meyer IH: *LGBT Aging: A Review of Research Findings, Needs, and Policy Implications*. 2016. Los Angeles, CA: The Williams Institute, UCLA School of Law. Available at <http://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-Aging-A-Review.pdf>