

Written Statement of
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To the
House Committee on Human Services
Vermont General Assembly
6/2/2020

Re: H. 611 An act relating to the Older Vermonters Act

Honorable Chairperson Pugh and Members of the Committee:

My name is Robin Maril, and I am the Associate Legal Director for the Human Rights Campaign, America's largest civil rights organization working to achieve lesbian, gay, bisexual, transgender, and queer (LGBTQ) equality. On behalf of our over 3 million members and supporters nationwide, including more than 17,000 Vermonters, I am honored to present this statement today in support of House Bill 611, "An act relating to the Older Vermonters Act." This legislation provides critical supports for a diverse and vulnerable population that is growing nationwide, but particularly in Vermont. In order to more fully realize the intent of this legislation, I encourage the Committee to consider incorporating several additions designed to specifically reach LGBTQ older Vermonters.¹

I had the opportunity to address this committee in February of this year. Although only a brief four months have passed, the world has changed. Today our nation is facing a generation-defining pandemic. As death rates continue to rise, this crisis is testing our healthcare system and exposing the persistent disparities that have plagued marginalized communities – including LGBTQ people – for decades. LGBTQ older adults continue to face systemic discrimination in housing, employment, and healthcare that results in an increased risk for poverty, and exacerbates health disparities and social isolation among our community's most vulnerable. LGBTQ older adults are also more likely to be homebound without access to family or community support than non-LGBT older adults.

Same-sex couples and LGBTQ individuals live in nearly every county in the country, including some of the most isolated rural areas. Many LGBTQ older adults are estranged from their families of origin and do not have children of their own, and instead rely on families of choice for support throughout the lifetime. These families, however, tend to be made up of a single generation of individuals, making caregiving nearly impossible as a friend group ages. LGBTQ older adults, specifically older lesbian couples, are also more likely to be low income and

¹ HRC notes its agreement with the suggestions included in the testimony of Chris Erchull of GLAD on February 6, 2020.

dependent on federal benefits than other groups. As Secretary Kathleen Sebelius recognized over a decade ago in February 2010 announcing a grant to establish the first National Resource Center on LGBT Aging, LGBTQ older adults are a “traditionally underserved” minority population. And she recognized, “that LGBT older adults also represent a community with unique needs that must be addressed.”

In response to the pervasive social, health, and economic disparities facing the older LGBTQ population, HHS published sub-regulatory guidance providing that it is a population of “greatest social need” for purposes of Older Americans Act (OAA) funded programs.² Including LGBTQ older adults as a population of “greatest social need” is a meaningful step towards empowering Area Agencies on Aging to engage in targeted outreach and ensuring that programs and services are both available and welcoming to this highly vulnerable population.

Similar to the OAA, H.611 includes a provision designed to target resources and funding to older Vermonters with a “greatest social need.” The mission of the OAA and the Area Agencies on Aging as described by H. 611 is to provide services and support for isolated, vulnerable elders, and it is clear that LGBTQ older adults fit into this category. Some Area Agencies on Aging actively incorporate outreach to LGBTQ elders into their broader scope of services. However, this is far from consistent and an individual’s experience is highly dependent upon geographic location. Older adults in the most isolated areas may experience systemic discrimination most acutely, but are also the least likely to have an Area Agency on Aging that is culturally competent in LGBTQ issues and welcoming.

I encourage the Committee to include LGBTQ older Vermonters within the definition of “greatest social need.” This inclusion would ensure that LGBTQ older adults are considered to be a target population for the purposes of outreach, prioritization of funding, evaluation of unmet need, and data collection. Including LGBTQ older adults within the definitions of those with “greatest social need” clearly furthers the purpose of the statute and would ensure that individuals across the Vermont are able to uniformly fully benefit from the services intended for them.

We propose a revision to the text of §6203 (6)(c) to read:

C) cultural, social, or geographic isolation, including isolation caused by racial and ethnic status, **sexual orientation, gender identity, or HIV status.**

² Department of Health and Human Services, Administration on Aging (now the Administration on Community Living), Guidance to Area Agencies on Aging under “targeting,” Published July 10, 2012. This guidance provided that the definition of greatest social need may include isolated populations other than racial and ethnic minorities, including religious minorities, individuals isolated due to sexual orientation or gender identity or other special populations, depending on the planning and service area in question.

The Older Vermonters Act provides an important opportunity for the legislature to stand up for one of Vermont's most vulnerable, isolated, and at risk communities. I appreciate your consideration for these additions and hope you will support H. 611.