



## Senator Scott Wiener, 11<sup>th</sup> Senate District

### Senate Bill 219 – LGBT Senior Bill of Rights

#### SUMMARY

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Senate Bill 219 would make it clear that is prohibited for any long-term care facility to take specific discriminatory actions on the basis of a person’s actual or perceived sexual orientation, gender, gender identity, gender expression, or human immunodeficiency virus (HIV) status, and requires these facilities to post a notice regarding such form of discrimination alongside their current nondiscrimination policies.

#### BACKGROUND/EXISTING LAW

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Under the Long-Term Care, Health, Safety, and Security Act of 1973, the State Department of Public Health is authorized to regulate the licensure of long-term care facilities, and prescribes civil penalties for violating imposed requirement. Additionally, the California Residential Care Facilities for the Elderly Act affords the State Department of Social Services the authority to regulate and license residential care facilities for the elderly, and imposes a misdemeanor for violating certain standards. Lastly, the California Fair Employment and Housing Act makes discrimination on the basis of sex, gender identity, gender expression or sexual orientation unlawful with respect to any housing accommodation.

#### PROBLEM

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LGBT Seniors are disproportionately vulnerable to marginalization, isolation, homelessness, poverty, and premature institutionalization. While California has sought to protect the rights and dignity of its LGBT senior population, the State has not detailed specific actions deemed discriminatory or made residents fully aware of their rights in order to hold long-term care facilities more accountable.

Recognizing that existing state law does not go far enough to protect LGBT seniors, the City of San Francisco passed a local ordinance in 2015 detailing specific discriminatory actions banned in long-term care facilities and requiring long-term care facilities to designate an LGBT liaison who undergoes periodic training.

#### SOLUTION

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SB 219 builds on and strengthens existing law aimed at combatting the discrimination of LGBT Seniors in long-term care facilities. Specifically, the bill would make it clear that it is prohibited for any long-term care facility to take specific discriminatory actions, such as refusing to use a resident’s preferred name or pronoun, denying admission to a long-term care facility, transferring or refusing to transfer a resident within a facility or to another facility, or evicting or involuntarily discharging a resident from a facility, on the basis of a person’s actual or perceived sexual orientation, gender, gender identity, gender expression, or HIV status. SB 219 would also require each long-term care facility to post a notice regarding this form of discrimination in all places where its current nondiscriminatory policy is posted.

SB 219 furthers previous efforts to protect LGBT Seniors from discrimination by increasing awareness of rights, detailing specific prohibited acts, and imposing consequences for violations.

#### STATUS

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- Passed out of Senate Human Services 3-1-1
- Passed out of Senate Judiciary 5-2
- Passed out of Senate Appropriations 5-2
- Passed out of Senate Floor 26-12-2
- Passed out of Assembly Aging & Long-Term Care 5-0-2
- Passed out of Assembly Judiciary 9-0-2
- Passed out of Assembly Appropriations 11-5-1

#### CO-AUTHORS

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- Assembly Member Sabrina Cervantes
- Assembly Member David Chiu

#### SUPPORT

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- Equality California (sponsor)
- American Civil Liberties Union
- California Advocates for Nursing Home Reform
- Justice in Aging
- National Association of Social Workers
- National Center for Transgender Equality
- San Francisco Human Rights Commission

- National Center for Lesbian Rights
- Transgender Law Center
- FORGE
- APLA Health
- The Source LGBT+ Center
- Consumer Attorneys of California
- Alzheimer’s Orange County
- Los Angeles LGBT Center
- California Commission on Aging
- AARP California
- California Retired Teachers Association
- California Association of Public Authorities
- County Welfare Directors Association of CA
- California Labor Federation
- City of West Hollywood

**FOR MORE INFORMATION**

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