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pennsylvania
COMMISSION ON LGBTQ AFFAIRS

Pennsylvania Human Relations Commission
333 Market St.
8th Floor
Harrisburg, PA 17101

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**Independent Regulatory
Review Commission**

To the Pennsylvania Human Relations Commission:

We are writing on behalf of the Aging Workgroup of the Pennsylvania Commission on LGBTQ Affairs. This Commission advises the Governor and state agencies regarding policies, programs, and legislation that impact LGBTQ communities and serves as a resourceful intermediary between LGBTQ communities and state government. Our Aging Workgroup was formed in late 2018 to ensure that the Commission could give specific focus to aging issues and advise state agencies responsible for the care of older Pennsylvanians. Our Workgroup is comprised of Commissioners, aging services providers, academics, advocates, and LGBTQ older Pennsylvanians.

We have worked closely with the Pennsylvania Department of Aging to improve the LGBTQ inclusivity of aging services within the Commonwealth and to ensure that LGBTQ older Pennsylvanians are able to access resources, services, and supports that are culturally sensitive and affirming. We have achieved many successes through this partnership including introducing cultural competency trainings into the aging services network, beginning to collect sexual orientation and gender identity (SOGI) data, and recognizing LGBTQ older adults as a population of greatest social need in any programming funded by the Older Americans Act. A major focus of our work has been to eliminate the discrimination that is still faced by LGBTQ older adults.

We submit these comments today to state our strong support for the Pennsylvania Human Relations Commission's proposed amendment to 16 Pa. Code Chapter 41 to create a Subchapter D to define the terms used in the Pennsylvania Human Relations Act (PHRA) and the Pennsylvania Fair Educational Opportunities Act (PFEOA). Defining sex to include "sex assigned at birth, gender identity/expression, differences in sex development, and affectional/sexual orientation" will add greater clarity to the Commonwealth's current non-discrimination laws and will strengthen the non-discrimination protections afforded to LGBTQ Pennsylvanians.

These updates will make Pennsylvania law more consistent with the landmark 2020 decision in the Supreme Court case of *Bostock v. Clayton County*, in which the majority opinion stated that "it is impossible to discriminate against a person for being homosexual or transgender without discriminating against that individual based on sex."

The proposed changes are also consistent with public attitudes towards issues of LGBTQ non-discrimination protections. A 2022 report from the Public Religion Research Institute (PRRI) found that 80% of people in Pennsylvania favor laws that would protect gay, lesbian, bisexual,

and transgender people against discrimination in jobs, public accommodations, and housing. Nationally, a majority of Democrats (89%), Independents (82%), and Republicans (65%) surveyed supported these non-discrimination provisions for LGBT people.

As advocates for LGBTQ older adults, we see the utmost importance of protecting older Pennsylvanians from all forms of discrimination. No older adult should face the prospect of being harassed, marginalized, or mistreated by homecare aides, medical providers, senior housing administrators, long-term care personnel, nursing homes staff, or social services professionals because of their identity. LGBTQ older adults are statistically more likely than their straight and cisgender counterparts to be single, childless, and to live alone, and are thus more likely to have to rely on professional supports and services available through the aging services network and the long-term care system. It is essential that these services are fully accessible to members of our LGBTQ older adult communities.

We thank the Pennsylvania Human Relations Commission for your action on this matter and your commitment to protecting LGBTQ elders from discrimination.

Sincerely,

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