

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2023**

No. 170

Introduced by Council Members Cabán, Hudson, Hanif, Menin, Nurse, Joseph, Gutiérrez, Velázquez, Barron, Avilés, Sanchez, Krishnan, Narcisse, De La Rosa, Abreu, Ossé, Won, Bottcher, Lee, Brooks-Powers, Ung, Brannan, Riley, Restler, Williams, Powers, Farías, Schulman, Rivera, Marte, Brewer, Richardson Jordan, Stevens, Gennaro, Ayala, Louis and Mealy.

A LOCAL LAW

In relation to establishing a commission on lesbian, gay, bisexual, transgender, queer, intersex, asexual, or any other diverse sexual orientation or gender identity older adults within the department for the aging, and providing for the repeal of such provisions upon the expiration thereof

Be it enacted by the Council as follows:

Section 1. Definitions. For purposes of this local law, the term “LGBTQIA+ older adults” means adults 60 years of age or older who are lesbian, gay, bisexual, transgender, queer, intersex, asexual, or any other diverse sexual orientation or gender identity, including such adults who are gender non-conforming, two-spirit, non-binary or same-gender-loving.

§ 2. Commission on LGBTQIA+ older adults and aging established. The department for the aging shall establish an advisory commission on LGBTQIA+ older adults and aging.

§ 3. Membership. a. The commission shall consist of at least 9 members appointed by the commissioner for the aging. The members of the commission shall include the following persons:

1. One person from the LGBTQIA+ older adult advocacy or services sector;
2. One person from the community-based, multi-site healthcare sector in New York city that serves LGBTQIA+ people;

3. One person who is a member of an HIV/AIDS service organization;
4. One person who is a member of a trans-led advocacy organization focused on action that leads to improved outcomes and opportunities for transgender and gender non-conforming communities;
5. One person who is a member of a labor organization that represents workers that provide care and services for older adults in long-term care facilities or older adult care centers;
6. Three persons who are members of organizations that serve Black, Asian-American, Pacific Islander, Indigenous or Latinx LGBTQIA+ people in New York city;
7. One person who is a member of an organization based in New York city that serves people with disabilities; and
8. Any other person or persons appointed by the commissioner.

b. All commission members required by this section shall be appointed no later than 180 days after the effective date of this local law.

c. At its first meeting, the commission shall select a chair from among its members by majority vote.

d. No member of the commission may be removed except for cause and upon notice and hearing by the commissioner for the aging. Any vacancy shall be filled in the same manner as the original appointment.

e. Members of the commission shall serve without compensation.

§ 4. Duties. The commission shall investigate, analyze, and study the health impacts, housing, financial, psychosocial, home-and-community-based services, assisted living, and long-term care needs of LGBTQIA+ older adults and their caregivers. In carrying out such duties, the commission may conduct outreach to LGBTQIA+ older adults for the purpose of obtaining relevant

information and data. The commission shall make recommendations to improve access to benefits, services, and supports for LGBTQIA+ older adults and their caregivers. The commission, in formulating its recommendations, shall consider policies and practices implemented in other municipalities and jurisdictions that promote access to such benefits, services, and supports. Specifically, the commission shall:

a. Examine the impact of New York city and state laws, policies, and rules and regulations on LGBTQIA+ older adults in the city, and make recommendations to ensure equitable access, treatment, care and benefits and overall quality of life for such older adults;

b. Examine best practices for increasing access to human services, reducing social isolation, preventing abuse and exploitation, promoting independence and self-determination, strengthening caregiving, eliminating disparities, and improving overall quality of life for LGBTQIA+ older adults;

c. Examine the impact of race, ethnicity, sex assigned at birth, socioeconomic status, disability, sexual orientation, gender identity, and other characteristics on access to human services for LGBTQIA+ older adults, and make recommendations to ensure equitable access, treatment, care, benefits, and overall quality of life for such older adults;

d. Examine the experiences and needs of LGBTQIA+ older adults living with HIV/AIDS and make recommendations to ensure equitable access, treatment, care, benefits, and overall quality of life;

e. Examine strategies to increase awareness by local service providers of the needs of LGBTQIA+ older adults and their caregivers in New York city, to improve the competence of such service providers, and to increase access to treatment, services, and ongoing care, including preventive care, for such older adults and their caregivers;

f. Examine the feasibility of developing citywide training curricula to improve provider competency in the delivery of culturally responsive health, housing, and long-term support services to LGBTQIA+ older adults and their caregivers;

g. Assess the funding and programming needed to enhance services to the growing population of LGBTQIA+ older adults in New York city;

h. Examine whether certain policies and practices, or the absence thereof, promote the premature admission of LGBTQIA+ older adults to institutional care, and examine whether potential cost-savings exist for LGBTQIA+ older adults as a result of providing lower cost and culturally responsive home and community-based alternatives to institutional care;

i. Examine outreach protocols to reduce apprehension among LGBTQIA+ older adults and caregivers of utilizing mainstream providers; and

j. Examine citywide strategies for the collection of sexual orientation and gender identity data and the impact of these strategies on the provision of social services to LGBTQIA+ older adults.

§ 5. Meetings. The commission shall meet no less than once each quarter to carry out the duties described in section four of this local law, until the submission of the report required by subdivision b of section six of this local law.

§ 6. Reports. a. No later than one year after the appointment of all commission members pursuant to section three of this local law, the commission shall submit a report to the mayor, the commissioner for the aging, and the speaker of the council, setting forth its recommendations, including, but not limited to, any recommendations for legislation and policy relating to LGBTQIA+ older adults. The report shall include a summary of information the commission considered in formulating its recommendations.

b. No later than two 2 years after the submission of the report required by subdivision a of this section, the commission shall submit an additional report to the mayor, the commissioner for the aging, and the speaker of the council updating the recommendations contained in the report submitted pursuant to subdivision a of this section.

c. The commissioner for the aging shall publish the report required by this section on the website of the department for the aging no later than 10 days after such reports are submitted to the mayor, the commissioner for the aging, and the speaker of the council.

d. The commission shall terminate 180 days after the date on which it submits the report required by subdivision b of this section.

§ 7. This local law takes effect immediately and expires and is deemed repealed 4 years after it becomes law.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on November 15, 2023 and returned unsigned by the Mayor on December 18, 2023.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 170 of 2023, Council Int. No. 564-A of 2022) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

SPENCER FISHER, Acting Corporation Counsel.