



March 19, 2023

RE: In support of Senate Bill 99-2 Amendments

Chair Gelser Blouin, Vice Chair Robinson, and members of the committee,

As the legal director of the Fair Housing Council of Oregon (FHCO), I am submitting the following testimony in support of SB 99-2 amendments. FHCO is a private non-profit civil rights organization whose work is to end housing discrimination and ensure equal access to housing throughout Oregon. We write in support of SB 99-2, because it will help to prevent discrimination toward aging LGBTQ+ individuals in long term care settings.

The Fair Housing Act and Oregon's state anti-discrimination laws prohibit housing and housing-related discrimination because of gender identity or sexual orientation. In 2020, the U.S. Supreme Court issued a decision in *Bostock v. Clayton Cty.*, 140 S Ct 1731, holding that Title VII's prohibition on sex discrimination includes sexual orientation and gender identity. Senate Bill 99-2 is consistent with the purpose of those laws in furthering the rights of LGBTQ+ older adults to be free from discrimination based on gender identity or sexual orientation in long-term care settings.

A recent survey commissioned by the Oregon Department of Human Services of LGBTQ+ older adults in Oregon revealed that nearly 60% of them have experienced discrimination within the past year. The survey also revealed, "Risks of discrimination are notably high among Black/African Americans (91%), Asian and Pacific Islanders (94%), and Native American/Alaska Natives (86%)."<sup>1</sup> Another report about LGBTQ+ older adults in long-term care found that 43% reported mistreatment, including refused admission and other types of mistreatment.<sup>2</sup>

In particular, Section 5, subsection 2 of SB 99-2 helps prevent further discrimination or mistreatment by clearly specifying what actions long term care facilities cannot engage in based on a person's sexual orientation, gender identity, gender expression, or HIV status. The specificity that the bill provides will assist long term care facilities and their staff in determining how to provide respectful and appropriate care to LGBTQ+ older people and avoid violations of fair housing law.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew Serres".

Matthew Serres  
Legal Director  
Fair Housing Council of Oregon

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<sup>1</sup> Karen Goldsen, Hyun-Jun Kim, et. al. LGBTQ+ Older Adult Survey Report, p 6 (Sept. 2021)

<sup>2</sup> Justice in Aging, LGBT Older Adults in Long-Term Care Facilities, p 8 (June 2015)