

# What Does the OAA Regulatory Update Mean for LGBTQ+ People and People Living with HIV?

## In This Fact Sheet

### What's in the Regs

### Making the Case

### What this Means for Funding

### How to Get Started

For the first time since 1988, the Administration for Community Living (ACL) - our federal department of aging and disability - has released a regulatory update for the Older Americans Act (OAA) - our nation's primary law governing the organization and delivery of social and nutrition programs for older people. The complete final rule can be found [here](#).

Need a refresher on the OAA? [Check out our backgrounder here](#).

## Quick Facts: What's in the Regs?

- The headline is that ACL has defined **LGBTQ+ older people and older people living with HIV as populations of greatest social need**. ([Federal Register / Vol. 89, no. 31 / Rules and Regulations. Page 11657](#))
- Bolstering the OAA Reauthorization of 2020, ACL explains how state and local aging agencies are required to perform **outreach to LGBTQ+ older people and collect data on their needs** ([Federal Register / Vol. 89, no. 31 / Page 11647](#))
- When a state assesses its local needs, every greatest social need population must be given due consideration, including LGBTQ+ older people and those living with HIV. ([Webinar: ACL Finalizes Updated Older Americans Act Regulations](#))
- **State and area plans** must include how they will reach populations they have defined as having the greatest social need. ([Federal Register / Vol. 89, no. 31 / Pages 11666, 11668, 11669, 11671](#))
- **Service providers** must specify how they will satisfy the service needs of those identified as in the greatest economic need and greatest social need. ([Federal Register / Vol. 89, no. 31 / Page 11674](#))
- Agencies are encouraged to appoint **advisory council members** representing those identified having the greatest economic or greatest social need. ([Federal Register / Vol. 89, no. 31 / Page 11604](#))
- Changes regarding LGBTQ+ older people and those living with HIV can be found in the Final Rule at § 1321.3 (defining "Greatest social need"), § 1321.11 (Advocacy responsibilities), § 1321.27 (Content of State plan), § 1321.61 (Advocacy responsibilities of the area agency), § 1321.65 (Submission of an area plan and plan amendments to the State agency for approval), § 1321.75 (Confidentiality and disclosure of information), and § 1321.93 (Legal assistance). ([Federal Register / Vol. 89, no. 31 / Page 11570](#))
- The new regulations took effect on **March 15, 2024**. Regulated entities have **until October 1, 2025 to comply**.

## Making the Case for LGBTQ+ and HIV Inclusion: Talking Points

- Note that LGBTQ+ older people and older people living with HIV are in every state, city, and county in this country. ([AARP, Maintaining Dignity. 2018](#))
- For those agencies that have not been reaching out to LGBTQI+ communities, ACL expects any additional **cost** to conduct outreach to LGBTQ+ communities to be **minimal** as processes should already be in place to reach out to underserved populations. ([Federal Register / Vol. 89, no. 31 / Wednesday, February 14th, 2024 / Rules and Regulations. Page 11648](#))
- The regulations are **ACL's interpretation of the law**. As states implement the OAA, they should look to ACL's interpretation of the law, including [42 USC §3026 Area Plans](#) and [§3027 State Plans](#).
- Serving people who have the **greatest economic and greatest social need** is one of the basic tenets of the OAA. ([Webinar: ACL Finalizes Updated Older Americans Act Regulations](#))
- Over half of people with HIV in U.S. are over the age of 50; By 2030, 70% of people living with HIV in the U.S. will be over the age of 50. ([HIV by Age | HIV by Group | HIV/AIDS | CDC](#))

## What does this mean for community organizations?

While these regulatory updates **do not guarantee a direct line to funding**, they open the door to SUAs and AAAs partnering with more LGBTQ+ organizations and ASOs and give LGBTQ+ organizations and ASOs **powerful tools to make the case** to fund them. It's important for you to build these relationships and to demonstrate that you can be a resource to help SUAs and AAA do this work better. And then, **perhaps**, these relationships could **lead** to additional funding for both reaching LGBTQ+ older people and older people living with HIV, and providing them with inclusive services and supports.

## Helpful Links and Resources

- Overview of new regulations from ACL: [www.acl.gov/oaarule](http://www.acl.gov/oaarule)
- Becoming a local LGBTQ+ aging advocate: [Local Community Advocacy: Advocating for the Needs of LGBT Older Adults Receiving Aging Services](#)
- About Area Agencies on Aging: [Area Agencies on Aging: Local Leaders in Aging Well at Home](#)
- Finding members of your local aging network: <https://eldercare.acl.gov/>
- About OAA plan requirements: [Making Your Area Plan on Aging LGBTQ+ and HIV Inclusive: Older Americans Act Requirements and ACL Guidelines](#)



## How to Get Started in This Work

ACL will provide **resources and technical assistance** to support the aging network in meeting the new regulations' requirements. Advocates, however, can play an important role in helping the aging network be more supportive of LGBTQ+ older people and older people living with HIV:

- Connect your local aging providers with [SAGECare credentialing program](#) and other **cultural competency training programs**;
- Connect local long-term care facilities with the [Long-Term Care Equality Index \(LEI\)](#);
- [Contact your Long-Term Care Ombudsman Program](#) (LTCOP) to volunteer as an ombudsman (public advocate for people in long-term care);
- Contact your [local Area Agency on Aging \(AAA\) or State Unit on Aging](#) to...
  - Provide suggestions on how services and programs can be improved for LGBTQ+ older people and older people living with HIV during **public hearings** hosted by State Units on Aging and AAAs each fiscal year as they develop new plans on aging;
  - Partner with LGBTQ+ community organizations and AIDS services organizations to assist the Aging Network with outreach to LGBTQ+ older people and older people living with HIV through **co-hosted programming and joint-volunteer opportunities**;
  - Get involved with your local **Aging Advisory Council** (who are required to have representatives for LGBTQ+ older people on their council).
- Explore aging-related volunteer opportunities through [AARP's Age-Friendly Communities](#) or community-led initiatives.

### CONTACT US!

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### VISIT

[www.lgbtagingcenter.org](http://www.lgbtagingcenter.org) for more resources