advancing equity
building justice

annual report 2021
What does Justice in Aging mean?

Justice in Aging is the opportunity to live with dignity, regardless of financial circumstances—free from the worry, harm, and injustice caused by lack of health care, food, or a safe place to sleep.

We use the power of law to strengthen programs, remove barriers, and ensure all low-income older adults have equitable access to the programs and services they rely on.

For 50 years, Justice in Aging has been the only national legal rights organization focused on ending senior poverty.

Together, with your support, we are building a future where we can all experience justice as we age. We are advancing equity for older adults of color and others who have been systematically denied access to health care, housing, economic security, and the opportunity to participate fully in our society. We’re so glad you’re with us.

Thank you to Louis Kravitz and Norman Schwartz for the beautiful photographs featured throughout this report.
Letter from leadership

Dear Supporters,

Even as we continued to fight profound threats posed by the ongoing pandemic, Justice in Aging celebrated major achievements in 2021 for low-income older adults. Our staff led significant efforts to improve federal and state policy in the courts, in state and federal legislatures, and in coalition to secure access to affordable housing, equitable healthcare, and financial security for members of our communities who struggle to meet their basic needs.

Our work continues to be grounded in our explicit commitment to build equity and justice, embodied in our Advancing Equity in Aging Initiative, launched in 2021. The initiative ensures that all of our work is proactively dismantling the systemic racism in our laws and policies that is too often at the heart of so many of the issues that plague older adults of color as they age.

Justice in Aging joined with advocates across the country to press for reforms to the Supplemental Security Income (SSI) program, improve the equitable availability and quality of home and community-based services, and worked with policymakers to expand Medicare benefits.

Justice in Aging staff also played an unprecedented, instrumental role in crafting and implementing California’s Master Plan for Aging—a comprehensive set of reforms that seek to increase the health and economic security of the state’s older residents, improve housing security, reduce isolation, and more. Governor Newsom acknowledged Justice in Aging’s key role in this sweeping effort and the model it offers for other states. Justice in Aging will continue to be involved in the Plan’s implementation in 2022 and beyond.

Thanks to a five-year renewal of our National Center on Law & Elder Rights (NCLER) contract, we can continue to aid other advocates across the country with training, guidance, and individualized consultations to help them respond to the needs of their older clients. NCLER exponentially expands our reach and through these extensive connections to advocates on the ground, we learn of emerging issues such as homelessness among seniors and the unmet needs of formerly incarcerated older adults reentering society. We can then tailor our work to address the systemic underpinnings of the problems about which we learn.

2022 marks 50 years of our unwavering fight for equity and against poverty on behalf of seniors. As we celebrate this milestone anniversary, we are mindful of the work that remains undone. With increasing and diverse financial support, an ever-growing cadre of partners, and expanded connections to advocates on the ground throughout the country, we continue to serve as thought leaders, litigators, and agents for change to ensure that all older adults, particularly those who have been most oppressed, are able to live with dignity and justice.

We are sincerely thankful for all the support and participation from our partners and friends, without whom our work would not be nearly as successful.

With appreciation,

Kevin Prindiville, Executive Director

Hannah Lieberman, Chair, Board of Directors
As the COVID-19 pandemic unfolded, it demonstrated just how deeply embedded inequities are across all systems of our society. Unequal access to health care, discrimination and implicit bias in the delivery of care, decades of economic oppression, and inequitable government policies have placed many older adults from communities of color at a disproportionate risk of contracting and dying from COVID-19.

Realizing that the only path forward was to place equity—specifically racial equity—at the very center of our work, we launched our new Advancing Equity in Aging Initiative. Through this initiative, we are ensuring that all our programmatic work and advocacy is intentionally oriented toward pursuing changes in law and policy that improve the lives of older adults who are most impacted by racism, ageism, sexism, ableism, homophobia, and xenophobia.
How do we center our work in equity?

We have adopted a strategic framework for modifying the way we work and expanding who we work with to ensure that our work is centered in equity. The framework has six elements: leadership and staffing; partnership and outreach; research and analysis; planning and evaluation; communication; and, education, advocacy, and litigation. Each element of the framework has specific goals and activities that we will be building out over the next two years.

Wins for equity

As the pandemic continued to rage in 2021, we provided recommendations to federal and state government entities to ensure a tailored approach to vaccine outreach in the hardest hit communities.

We advocated for better demographic data about cases, hospitalizations, and vaccination rates for older adults of color, older women, and LGBTQ+ older adults so policymakers can target resources and close the gap on disparities.

As waves of the virus caused hospitals to fill, we fought to ensure that nobody was denied medical care based on biased formulas or personal judgements that would disadvantage older adults of color, people with disabilities, or people over a certain age.

We fought for the rights of older adults with limited English proficiency to receive medical information in a language they understand. After years of advocacy by Justice in Aging, the Centers for Medicare and Medicaid Services issued their critical handbook, Medicare and You, in Vietnamese, Chinese, and Korean, in addition to Spanish and English.

You will see more details about this work and our other work to advance equity throughout this report.

Illuminating inequities for the courts

Amicus briefs are important legal tools that we use to educate the courts about the inequities that run through our systems and laws. In our amicus work, we draw particular attention to the ways in which laws and policies disproportionately harm certain groups of older adults. For example, one brief that led to a favorable court decision in 2021 detailed how changes to California’s Medicaid program dramatically decreased access to gum treatment for residents of nursing facilities. We drew attention to the harm to older adults of color, who, because they are more likely than white residents of nursing facilities to have poor oral health due to systemic barriers to oral health care, have a greater need for gum treatment.

You’ll find additional examples of amicus briefs that advance equity in the litigation section of this report.

What’s next?

- We will continue to build out the elements of our Framework, including launching an equity advisory council.
- We have launched a new project to support older adults reentering society after incarceration.
- We are building out a toolkit of resources and trainings for legal aid and other professionals to help them center equity in their own work.
- We are building the capacity of the legal services professionals in the National Center on Law & Elder Rights (NCLER) network to center equity in their work on behalf of older adult clients.
We work with on-the-ground advocates and pro bono firms to fight and win class actions that benefit hundreds of thousands of low-income older adults. Through our amicus work in courts across the country, and in a broad range of cases, we ensure the lives of older adults are not devalued and that older people are treated equitably. We carefully choose the cases we work on to fix systemic problems with laws and policies that illegally deny low-income older adults of color, people with disabilities, and others who have experienced discrimination access to the programs and services they need.
Litigation snapshots

Amin v. Kijakazi
Systemic problems, outdated technology, and dysfunctional practices relating to the docketing of appeal requests at the Social Security Administration (SSA) have caused millions of older adults and people with disabilities across the country who rely on Supplemental Security Income (SSI) to have their benefits wrongfully denied or discontinued. For these very low-income individuals, losing benefits can lead to extreme stress, hunger, and homelessness. When someone appeals SSA’s termination or reduction of benefits, properly and on time, SSA is supposed to continue benefits pending appeal. However, SSA routinely loses, fails to docket, and refuses to accept appeals, causing people to lose their sole source of income. Justice in Aging is partnering with the Urban Justice Center, New York Legal Assistance Group (NYLAG), and pro bono firm Arnold & Porter in a case that would reform SSA’s appeals process and ensure more people on SSI can attain and keep these critical benefits.

The case is currently in mediation and negotiations are ongoing. Meanwhile, SSA has issued an Emergency Message that extends its appeals window from 10 to 60 days.

Chinatown Service Center & Saint Barnabas Senior Services v. U. S. Department of Health and Human Services
People with Limited English Proficiency (LEP) have a legal right to translation services in health care settings and should not have to go it alone or rely on family members to interpret complex medical information or instructions. This is especially true during a deadly pandemic that gravely affects older adults, and disproportionately older adults of color. Unfortunately, in 2020, the Department of Health and Human Services (HHS) eliminated the requirement that patients receive notice of their right to translation services and related “tag lines” linking them to in-language information. For the more than 6.5 million older adults who are LEP and living in the United States, the lack of information on translation services meant that they did not know they had a right to receive important health information in their language, impacting their ability to book vaccine appointments and navigate the health care system. Justice in Aging and the Center for Medicare Advocacy, along with pro bono firm Stinson LLP, filed a lawsuit against HHS to restore those protections.

In late 2021, the Court issued a stay in the case pending issuance of a new language access rule by HHS and ordered HHS to report on its progress to revise the rule. We are closely monitoring HHS’s progress.

Campos et. al. v. Kijakazi
In March 2020, the Social Security Administration (SSA) closed its offices and ordered staff to work from home. Initially, the agency did little to provide services to SSI recipients while offices were closed. From March–August 2020, the agency stopped sending notices of benefit changes. In September 2020, the agency resumed sending notices of reduction and termination of benefits to thousands of people. But since offices remained closed, individuals losing vital benefits had difficulty interacting with the agency to appeal those decisions. In August 2020, the agency created a process for waiving certain overpayments during a limited timeframe, but failed to inform recipients that the waiver existed or how to apply for it. Thousands of people lost benefits or had them reduced. Justice in Aging, along with NYLAG and pro bono firm Arnold & Porter, filed a class action on behalf of SSI recipients challenging the agency’s actions.

Plaintiffs’ Motion for a Preliminary Injunction and Provisional Class Certification is currently pending before the District Court.
Stopping discrimination in health care during the pandemic

Throughout 2021, we partnered with disability rights partners, health care ethicists, and the Department of Justice Civil Rights Division to stop states and health care providers from denying life-saving health care during the pandemic on the basis of age, disability, and race. We produced materials, developed trainings, filed complaints, and sent letters to policymakers to stop intersectional medical discrimination against older adults, people with disabilities, and people of color.

As of 2021, we challenged discriminatory Crisis Standards of Care (CSC) policies in eleven states.
Amicus briefs

Justice in Aging filed amicus briefs with a variety of partners in a broad range of cases across the country representing the rights and interests of older adults. Below is a sampling.

**Brown v. Azar**—Central District of California
- Filed in support of older adults and people with disabilities residing in institutional settings who lost access to oral health care due to cuts in Medicaid reimbursement rates.

**United States of America v. Jose Luis Vaello-Madero**—Supreme Court of the United States
- Filed on behalf of older and disabled residents of Puerto Rico who are unfairly excluded from eligibility for SSI benefits simply because of where they live.

**Taking Offense v. State of California**—Letter Amicus to California Supreme Court
- Filed in support of transgender residents of long-term care facilities to ensure that facilities and facility employees use names and pronouns that correspond to an individual's gender identity.

**Dorce v. City of New York**—US District Court for the Southern District of New York
- Filed in support of older homeowners of color who are being stripped of their wealth and equity by a New York City tax lien.

**Saldana v. Glenhaven Healthcare**—9th Circuit Court of Appeals
- Filed on behalf of an older adult in a wrongful death case where the nursing facility is claiming immunity as a federal agent under the Public Health Emergency.
Over the past year, the ongoing pandemic continued to uniquely threaten the lives of older adults. An astonishing 1 in 100 people over the age of 65 lost their lives to COVID-19. At the same time, long-standing inequities in our health care system put older adults of color, people with disabilities, older immigrants, and others in even more peril. Justice in Aging stepped up its fight at the federal level for more equitable health care systems to support older adults and their families during the pandemic and beyond.
Growing support for in-home care

Having access to quality in-home care preserves independence, helps people stay connected to their families and communities, and is often less expensive than a nursing home. Access to in-home care became even more vital during the pandemic as residents of long-term care facilities, such as nursing homes, were dying from COVID-19 in devastating numbers. Justice in Aging’s work in coalition with other national groups to push for expanded coverage of in-home care and for investments in strengthening the care workforce resulted in increased federal funding to states to strengthen and expand access to Medicaid Home and Community-Based Services (HCBS) in March 2021. Efforts to make this increased funding permanent have gained traction. In November 2021, the House of Representatives passed a bill that included $150 billion in funding for Medicaid HCBS, and the Senate is holding hearings on the importance of this investment in 2022. Justice in Aging continues our efforts to ensure policymakers understand how critical in-home care is for older adults.

Expanding Medicare and making it more affordable

Every older adult should be able to see a doctor, visit a dentist, afford medications, and receive treatment for vision and hearing loss. Unfortunately, Medicare has gaps in coverage and isn’t always affordable for low-income people. Justice in Aging continues to push for changes in federal law that would make Medicare coverage more comprehensive and affordable. We are focused in particular on expanding access to oral health care to close the gaps that older adults of color and people with disabilities face in accessing dental care. We are seeing an increased awareness of the importance of oral health to overall health among policymakers and the media.

Fighting for nursing facility residents

As of January 2022, approximately one quarter of all COVID-19 deaths were residents and staff of nursing facilities, yet nursing facility residents comprise just 1% of the population. In nursing homes that serve a majority of low-income people of color, residents have suffered the highest rates of COVID-19 infections and deaths. Justice in Aging works tirelessly to advance the rights of older adults living in nursing facilities and ensure they receive quality care, are able to visit safely with friends and family, are prioritized for vaccinations and boosters, and are protected from eviction. In 2021, we launched a toolkit to help advocates fight nursing home evictions.
Ensuring economic support reaches those most in need

As we grow older, we shouldn’t have to worry about whether we’ll have a safe place to live or be able to put food on the table. For the more than 7 million people over the age of 65 who are living in poverty, and the many others who are just barely staying afloat, such worries are part of the fabric of their lives. For Black, Hispanic, and Native American older adults who have experienced systemic racism throughout their lives, rates of poverty are skyrocketing. The pandemic caused a multitude of disruptions in people’s lives that led to even more economic precarity. Justice in Aging uses all the tools in its advocacy toolbox to ensure that older adults can access the benefits they’re entitled to and that the system works as it should to help them meet their needs.
Supplemental Security Income

As a program for very low-income people without access to sufficient Social Security, pensions, or savings, SSI is absolutely vital for ensuring older adults in poverty can survive. Many of the people who rely on it have disabilities that keep them from working, or they are retired from the types of low-wage jobs that help society run, such as janitors, food service workers, child and elder care workers, and others. Many of the people who rely on SSI are women and people of color. The program is long overdue for updates and improvements to ensure that it fulfills its promise of keeping older adults and people with disabilities out of poverty. Justice in Aging works tirelessly in coalition with others and with members of Congress to advance policies that will improve the program, and trains tens of thousands of advocates in the complex rules and pandemic-related changes to the program to ensure their older adult clients can receive SSI and remain enrolled in the program.

A Social Security Administration responsive to the needs of people

The Social Security Administration’s (SSA) operations during the pandemic have presented numerous ongoing challenges for people trying to interact with the agency. The agency closed its offices, making it difficult for people to interact with workers. At the same time, stimulus payments and other pandemic-related assistance sometimes caused improper denials or reductions in individuals’ SSI benefits, making it necessary for them to interact with the agency. Throughout the year, Justice in Aging engaged with the agency to inform it of issues on the ground and offer solutions.

Accessible, affordable housing

We all want a place to belong and call home. But affordable, age-friendly housing is hard to access and insufficient for the number of people who need it. Almost one in three older renter households pay more than half their monthly income in rent, leaving them on the edge of homelessness. Justice in Aging trains advocates across the country on how to connect their older clients to affordable housing and works on the systems level federally and in California to increase the supply of, and funding for, affordable housing for older adults.

2021 wins

- We persuaded SSA to review cases in which individuals were incorrectly denied SSI benefits because they had received pandemic-related assistance.
- We convinced the agency to publish numerous important Emergency Messages on its website to inform advocates and others about important changes to SSA’s policies and processes during the pandemic.
- We pushed SSA to change its phone hearing practices to provide affirmative interpretation assistance to people with limited English proficiency.
- We convinced SSA to issue an Emergency Message to their staff to reiterate rules that prevent Holocaust Survivors’ SSI benefits from being reduced on the basis of Supplemental Hardship payments made to them through the Jewish Material Claims Against Germany (the Claims Conference).
- As a result of a complaint we filed, the Department of Education agreed to automatically discharge student loan debt for everyone SSA classifies as having a total and permanent disability.
One in five Californians over the age of 65 lives in poverty. As the population of older adults continues to rapidly rise and the cost of living increases, the need for a more equitable system for all Californians to age with dignity has become urgent. Over the past year, Justice in Aging has worked with state leaders to make certain that California invests in the programs needed to ensure low-income older adults aren’t left behind.
A Master Plan for all

In 2021, Governor Gavin Newsom released a Master Plan for Aging to combat the rise in poverty among an increasing population of older adults and to ensure equity in aging. Justice in Aging has played a major leadership role throughout the process of creating the plan. We have led several committees and workgroups to ensure equity in housing, health care, transportation, employment, long-term care, and access to in-home care.

Expanding Medi-Cal to more older adults

Thanks to our advocacy, California will eliminate the Medi-Cal asset test for older adults and people with disabilities who are required to prove that their resources remain under $2,000 every year. The asset test forces older adults and people with disabilities to live in deep poverty to retain access to essential care and makes it impossible to save for unexpected expenses. Nearly two million people will benefit as a result of this change.

More affordable housing for older adults

Justice in Aging helped secure investments in affordable housing for older adults, which will include funding to purchase, convert, and rehabilitate unused motels, residences, and commercial spaces for those in need of a home. This budget will also expand the Home Safe Program, which gives older adults at risk of elder abuse access to health, safety, and housing supports.

Improving economic security through SSI

In 2009 and again in 2011, California drastically cut the State Supplementary Payment (SSP) that 1.2 million older adults and people with disabilities enrolled in the Supplemental Security Income (SSI) program receive. These cuts have left people living well below the poverty line. Justice in Aging and other partners had been fighting for a number of years to increase the SSP. Starting in January 2022, the monthly SSI/SSP grant will increase by $38.49 for individuals and $97.50 for couples.

California intends to reverse the remaining other half of the cuts in the 2023-2024 budget, subject to 2022 budget negotiations.

Advocating for relief during the pandemic

Many older adults had unanticipated extra costs for things like food delivery, PPE, and more during the pandemic. Justice in Aging and other partners fought to make sure low-income older adults were included in the state stimulus checks via the Golden State Grant, which provided a one-time payment of $600 to over a million low-income Californians receiving certain public benefits, including older adults and people with disabilities who receive SSI.
Promoting elder justice through the National Center on Law & Elder Rights

Justice in Aging’s Elder Rights Team administers the National Center on Law & Elder Rights (NCLER) through a contract with the Administration for Community Living. NCLER’s role is to provide legal expertise and training to a broad range of professionals in law and aging who directly serve older adult clients. NCLER promotes elder justice, fosters independence for older adults, and serves as an information and training hub to help build capacity among legal assistance and elder rights programs who serve older adults with the greatest economic and social needs. This year, the NCLER network grew to over 53,000 individuals.

The pandemic continued to disrupt the lives of older adults in a variety of ways, while also presenting a constantly changing legal and policy landscape for advocates to stay abreast of. NCLER sustained a rapid response approach and played an invaluable role in helping advocates navigate the changes and effectively and safely serve their clients.
A sampling of training topics

- Preventing Eviction During the COVID-19 Crisis
- Remote Legal Services Delivery
- Effects of Secondary Trauma on Attorneys and Advocates
- Defending Older Adults from Home Equity Theft
- Medicaid 101
- Elder Abuse Prevention, Intervention, and Remediation

This year, NCLER also launched an inaugural webinar series focused on Advancing Equity in Aging, which drew over two thousand legal and aging services providers. The two-part webinar series provided advocates with strategies to address the challenges that low-income older adults face due to systemic racism and other forms of discrimination. The work will continue into 2022, with more opportunities for advocates to engage with NCLER and receive technical assistance.

Appreciations for our trainings and advocacy

Your organization halted the implementation of new algorithms that were to cut eligibility to people with disabilities in Missouri. We have been fighting this for years. On behalf of 40,000 Missourians, thank you!

–Executive Director, Bootheel Area Independent Living Services in Missouri

Thank you for your article and toolkit on improper evictions. These briefs will be the most amazing tool to use for us Ombuds when we go to hearings for our residents! Thank you!

–Multi-Service Center in Washington

I’ve attended your webinars on various different topics. The presenters have been knowledgeable, engaging, and well-prepared. The materials have been useful as a resource after the training is done. You are a wonderful resource!

–Staff Attorney, Atlanta Legal Aid Society

The case consultation is a very helpful resource when dealing with Social Security. It’s nice to know there is an expert to turn to. I have gotten quick and thorough responses.

–Staff Attorney, Mid-Minnesota Legal Aid

NCLER & Justice in Aging highlights

Nearly 54,000 participants trained

Over 1,000 consultations provided to professionals in all 50 states and DC

97% of survey participants reported that consultations contributed to successful resolution of a case
On May 20, 2021, Justice in Aging held its annual fundraising event virtually for the second time due to the ongoing COVID-19 pandemic. Though we missed seeing everyone in person, we were glad that people all over the country could participate in our event through Zoom.

**Honorees**

Ai-Jen Poo, co-founder and Executive Director of the National Domestic Workers Alliance and Caring Across Generations received our Paul Nathanson Distinguished Advocate Award for her work to improve the care infrastructure for older adults, care workers, and family caregivers and to create a national dialogue about care issues.

Seth Rogen and Lauren Miller Rogen received our Impact Award for their work to raise awareness of brain health issues and caregiving through their Hilarity for Charity (HFC) non-profit.

Greg Jones, former partner at McDermott, Will & Emery and now an attorney at Polsinelli, was honored with the Justice Award for his pro-bono partnership on Kelley v. Kent, a case we litigated and won against the state of California for its failure to implement a federal provision called the Spousal Impoverishment Provision. This provision allows couples to remain together at home if one spouse needs in-home care by allowing the other spouse to retain enough assets to maintain the home.
Justice in Aging operated with a balanced budget throughout 2021 and maintained reserves equal to 34% of operating expenses.

Justice in Aging maintains a 4 Star Rating on Charity Navigator and a gold seal for transparency from Guidestar.

Full audited financial statements for fiscal year 2021 with comparisons to 2020 are available on Justice in Aging’s website at www.justiceinaging.org.

**Planned giving**

Justice in Aging welcomes your planned gifts, as well as gifts of stock. To notify us of your intent to make a planned gift, or to learn more, contact Vanessa Barrington, Director of Individual Giving, at vbarrington@justiceinaging.org.
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Announcing a Substantial Gift from Mackenzie Scott

In late 2021, we received a one-time unrestricted gift of $3 million from Mackenzie Scott. We at Justice in Aging are grateful and excited about this game-changing gift. To receive this gift as we kick off our 50th year feels like an incredible vote of confidence in the impact we’ve had over the years and the leadership role we are taking in advancing equity, particularly racial equity, on behalf of low-income older adults.
Thank you to all our donors & funders.

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