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FACT SHEET

Threats to LGBTQ+ Older Adults in Health Care, Economic Security, Housing, and Elder Rights

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INTRODUCTION

Within days of taking office, the Trump administration started attacks on LGBTQ+ communities through executive orders, rescission of longstanding policy, and divisive rhetoric, especially targeting transgender individuals. The impact of these actions has created fear and may have chilled many LGBTQ+ individuals from accessing basic services. LGBTQ+ older adults are vital members of our communities, and the administration's actions have serious consequences for them. This resource identifies major actions in health, economic security and housing, and elder rights impacting LGBTQ+ older adults as well as forthcoming and anticipated policies.

WHO ARE LGBTQ+ OLDER ADULTS?

Approximately [2.7 million LGBTQ+ people are 50 years old or older](#), and [1.1 million](#) of them are 65 or older. LGBTQ+ older adults still live with the legacy and impact of past discrimination. By 2030, it is estimated there will be 7 million LGBTQ+ people in the US 50 or older. They are [twice as likely to be single and live alone, and four times less likely](#) to have children. Nearly one-third live at or below 200% of the federal poverty level, compared to only a quarter of non-LGBTQ+ older adults. Poverty rates are even higher among LGBTQ+ people of color, those 80 years old or older, and transgender older adults.

THREATS TO LGBTQ+ OLDER ADULTS

The Trump administration's attacks on "gender ideology" attempt to erase transgender people through policy, including executive orders and administrative regulations. These changes harm transgender older adults, as described below. In addition, the administration has closed civil rights offices in various federal agencies and

advocated a narrow interpretation of the U.S. Supreme Court’s decision in *Bostock v. Clayton County*, which found discrimination on the basis of sexual orientation or gender identity is prohibited under Title VII of the Civil Rights Act. Both of these actions will make it much more difficult for LGBTQ+ older adults who experience discrimination in programs and services to challenge it. For example, under the Biden administration, the U.S. Department of Housing and Urban Development (HUD) had applied *Bostock* to protect people from discrimination on the basis of sexual orientation and gender identity under the Fair Housing Act (FHA). This view of the FHA could be reversed under a narrow agency interpretation of the *Bostock* decision, leading HUD to find that the FHA does not cover sexual orientation and gender identity discrimination.

In addition, advocates have warned that [the constitutional right of same-sex couples](#) to marry may be in jeopardy should the U.S. Supreme Court revisit *Obergefell v. Hodges*, the landmark case guaranteeing the right under the Fourteenth Amendment. This concern arose after Justice Thomas called on the Court to review [marriage equality in an unrelated case](#). A reversal would have significant implications on LGBTQ+ older adults’ eligibility for benefits, long-term care planning, and beyond.

Forthcoming executive actions to limit the rights of the LGBTQ+ community, especially transgender individuals, will likely target key programs like Medicare, Medicaid, Social Security, and other programs and services on which LGBTQ+ older adults rely.

Health Care and Long-Term Services and Supports

Section 1557 of the Affordable Care Act, otherwise known as the Health Care Rights Law, is a federal civil rights law that prohibits discrimination in health care. In February 2025, the administration [revoked guidance on gender affirming care](#) issued in 2022, which provided that categorical refusals of treatment based on an individual’s gender identity constituted discrimination under Section 1557. The Office of Civil Rights (OCR) said it was acting in accordance with an executive order signed in January and that the guidance “no longer represents the views and policies of HHS OCR.” The administration has also signaled it is considering re-issuing new regulations interpreting Section 1557, which would likely exclude or limit protections on the basis of sexual orientation or gender identity.

As a result of these actions, LGBTQ+ older adults will likely face greater difficulty challenging discrimination in primary care and long-term care settings, where they already experience more limited privacy and may have to [“out” themselves in a residential setting](#).

These difficulties will likely be exacerbated by forthcoming action. The administration may undertake efforts to restrict gender affirming care under Medicare and Medicaid, and Congress is considering cutting funding for these programs. At the same time, access to Pre-Exposure Prophylaxis (PrEP) under both programs is at risk, potentially impacting all older adults vulnerable to HIV infection and disproportionately LGBTQ+ older adults.

Economic Security and Housing

In the Social Security program, transgender older adults are now unable to change their gender marker with the agency due to the administration’s policy reversal. The potential fallout of that policy change could include complications to accessing care for those individuals also linked to Medicaid through Supplemental Security Income (SSI), those possessing documents with inconsistent gender markers, and beyond.

In housing, the administration has already halted enforcement of and taken steps to repeal the 2016 Equal Access Rule, which ensures that Department of Housing and Urban Development (HUD)-funded housing and shelter programs are accessible to all individuals, regardless of gender identity. If finalized, the rescission of the 2016 Equal Access Rule will worsen housing discrimination against LGBTQ+ older adults experiencing homelessness.

Elder Rights

The administration has taken action to [limit data collection about LGBTQ+ communities](#). This will make it much more difficult to understand the inequities LGBTQ+ older adults experience, including the diversity that exists within the community, and how those inequities are changing over time. As a result, we expect that the rather limited number of government forms and documents inquiring about sexual orientation and/or gender identity will stop doing so.

Additionally, given the new and confusing restrictions on federal funding prohibiting activities related to diversity, equity, and inclusion, many legal assistance and aging services providers may feel compelled to make difficult decisions about continuing targeted outreach programs to LGBTQ+ older adults and providing important services, such as assistance with name and gender change documents, ultimately resulting in more limited outreach and services to LGBTQ+ older adults.

Given these actions and others creating a chilling effect and fear, LGBTQ+ older adults may be less likely to report elder abuse to authorities or seek help from legal and aging services providers.

SELECTED ADDITIONAL RESOURCES

- [Justice in Aging, Medicare and LGBTQ+ Older Adults: Resources for Advocates](#)
- [SAGE & Human Rights Campaign Foundation, Facing the Future Together: FAQs, Guidance & Resource for LGBTQ+ Older Adults](#)
- [Lambda Legal, Help Desk](#)
- [Movement Advancement Project, Identity Documents & Transgender People](#)
- [Williams Institute, Impact of the Executive Order Redefining Sex on Transgender, Nonbinary, and Intersex People](#)