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Thinking Locally: Law, Aging and Municipal Government: Findings from a National Survey

Abstract

Municipal law, which has been largely ignored in the body of elder-rights scholarship, often plays a far more important role in the everyday lives of older persons than the principally aspirational concepts of international law. Accordingly, this article examines how well modern cities have fulfilled their potential role in assuring the civil and human rights of older persons. The author concludes, based on the results of a national study, that local law is not currently fulfilling its potential as a means to expand the rights of older citizens. Few cities across the country appear to have taken more than minor steps in the direction of developing clear, ordinance-based policies that will truly foster age-friendly cities. Finally, the article makes three recommendations: First, that elder-rights advocates should participate in the legislative process at the municipal level; second, that attorneys who represent older clients should better utilize local legislation that exists, and should assist in the proposing, drafting, and implementing of local ordinances pertaining to older persons; and third, that municipal leaders and administrators should be educated on the potential economic benefits of using local law as a vehicle for social change in this field, especially in light of the growing political power of older residents.

Keywords

elderly, elder law, civil rights, elder rights, human rights, older persons, municipal government, local government, aging in place, ordinance-based policies

Disciplines

Elder Law

Comments

This article was co-authored by Dr. Israel (Issi) Doron.

**“THINKING LOCALLY”:
LAW, AGING, AND MUNICIPAL GOVERNMENT
FINDINGS FROM A NATIONAL SURVEY**

by ISRAEL (ISSI) DORON* AND KIM DAYTON**

“It is the challenge of the community and its social organisations to promote more favorable conditions for the full development of all persons, including that of older people, avoiding or removing all causes that hinder or prevent such development.”¹

INTRODUCTION

In an increasingly globalized world, advocates for the rights of older persons have, in recent years, looked primarily to international law as the source of and tool for enforcing an expanded concept of “elder rights.”² For example, the Hague Convention on the International Protection of Adults and the proposed international convention on the rights of older persons are frequently referenced in the theoretical literature as a means to secure, protect, and advance the rights of the world’s oldest citizens.³ The notion that local governments—municipal

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1. Dublin Declaration: Age Friendly Cities and Communities, Sept. 29, 2011, *available at* <http://www.afc-internationalconference.ie/templates/afc/images/Dublin%20Declaration.pdf>.

2. See Israel Doron, *From National to International Elder Law*, 1 J. INT’L AGING, L. & POL’Y 43, 65 (2005) (“[T]oday the conjunction of at least four different factors obliges anyone who deals with aging, law, and the formulation of legal policy with regard to the elderly to look beyond the bounds of the nation.”); Israel Doron & Itai Apter, *International Rights of Older Persons: What Difference Would a New Convention Make to the Lives of Older People?*, 11 MARQ. ELDER’S ADVISOR 367, 385 (2010) (concluding that an elderly rights treaty “could serve as a solid foundation for a process which eventually would bring true positive change to older persons around the world”); Jaclynn M. Miller, *International Human Rights and the Elderly*, 11 MARQ. ELDER’S ADVISOR 343, 347 (2010) (stating that a legally binding instrument which holds governments accountable for the treatment of the elderly could better ensure the rights of the elderly).

3. See Aimee R. Fagan, *An Analysis of the Convention on the International Protection of Adults*,

governments in particular⁴—offer a practical and effective avenue to expanded implementation of a rights-oriented agenda benefitting older persons is seldom discussed in academic legal literature.⁵ This relative lack of interest in “local elder law” stands in stark contrast to the reality experienced by our aging society, which is (and will continue to be) very different in disparate local communities. While national statistics regarding the growth of the aging population are widely reported and discussed in scholarly literature and the popular media alike, the actual impact of these statistics as they affect public benefits and access to programs and services offered at the local level is masked. In real life, wide variations will exist in how the nation’s many local communities will experience the actual phenomenon of aging demographics.

For many reasons, municipal law plays a far more important role in the everyday lives of most persons, including older persons, than the principally aspirational concepts embedded within the abstract confines of international human rights documents. This claim coincides with current literature in the field of environmental gerontology and recent studies in rural aging, which emphasize the importance of local-ecological systems to the lives of older people.⁶

10 ELDER L.J. 329, 347 (2002) (stating that Article 15 of the Convention permits the enforcement of advance medical directives and living wills); P.M.M. Mostermans, *A New Hague Convention on the International Protection of Adults*, 2 INT’L L.F. 10, 12 (2000) (stating that the Hague Convention can be successful in legally protecting adults).

4. According to the United States Census Bureau:

[A] government is defined as an organized entity subject to public accountability, whose officials are popularly elected or are appointed by public officials, and which has sufficient discretion in the management of its affairs to distinguish it as separate from the administrative structure of any other government unit. The Census Bureau recognizes five basic types of local governments—counties, municipalities, townships, school districts, and special districts.

There are 87,900 government units in the United States as of June 30, 2002, according to the preliminary information. In addition to the federal and 50 state governments, there are 87,849 units of local governments. Of these, 38,971 are general purpose local governments—3,034 county governments and 35,937 subcounty governments, including 19,431 municipal governments and 16,506 township governments. The remainder, which comprise over one-half of the total, are special purpose local governments

U.S. CENSUS BUREAU, GC02-1(P), 2002 CENSUS OF GOVERNMENTS, 1 (2002), available at http://www2.census.gov/govs/cog/2002COGprelim_report.pdf.

5. *But see* Israel Doron, *Elder Law: Current Issues and Future Frontiers*, 3 EUR. J. ON AGEING 60, 63 (2006) (calling for development of municipal law as a vehicle for advancing elder rights).

6. In disciplines outside of law, there has been a growing interest both in research and in projects exploring the interactions among the local environment, local settings (e.g., transportation, housing, and social services at the local level), and the well-being of older residents. *See, e.g.*, Verena H. Menec et al., *Conceptualizing Age-Friendly Communities*, 30 CANADIAN J. ON AGING 479, 489 (2011) (“Given the increasing interest in making communities more age-friendly . . . conceptualizing age-friendliness in a holistic way is crucial in ensuring that age-friendly initiatives indeed have their intended effect—to enhance the lives of *all* older adults.”); G. Naegele, *Kommunen im Demographischen Wandel: Thesen zu neuen An- und Herausforderungen für die lokale Alten- und Seniorenpolitik [Municipalities During Demographic Change: Theses for New Requirements and Challenges for Policies Concerning Senior Citizens]*, 43 ZEITSCHRIFT FÜR GERONTOLOGIE UND GERIATRIE [Z. GERONTOL. GERIATR.] 75 (2010) (Ger.); Hans-Werner Wahl & Gerald D. Weisman, *Environmental Gerontology at the Beginning of the New Millennium: Reflections on its Historical, Empirical, and Theoretical Development*, 43 GERONTOLOGIST 616, 625-26 (2003) (stating that environmental gerontology is a major subfield of

But how well, exactly, have modern cities fulfilled their potential role in the global effort to assure the civil and human rights of older persons? In this article, we report and discuss the results of a U.S.-based national survey of local governments conducted for the purpose of determining how these governments have exercised their authority with regard to the rights and privileges of older persons. Specifically, we have examined the municipal codes of towns and cities across the U.S. to identify the extent to which these codes contain language or provisions that specifically aim to address the economic, social, cultural, or other needs of older persons broadly defined. The goal of this survey was to explore the extent to which local government units around the country have, or have not, embraced the concept of “elder rights” within their local legislative powers, and if so, in what substantive legal areas they have done so.

I. A BRIEF PRIMER ON LOCAL GOVERNMENT LAW

Local governments are creatures of state law. They are not mentioned in the federal Constitution; their existence and the scope of their authority to regulate is defined principally by state constitutions and statutes.⁷ The precise scope of municipal legislative power has been in dispute since the early days of the establishment of the United States.⁸

Insofar as the nature of local government authority is concerned, the vast majority of U.S. states are described in the literature as “Dillon’s rule” states. Under Dillon’s rule:

[T]he state legislature is recognized as having plenary (complete) control over municipal government except as limited by the state or federal constitution. As a result of this complete legislative control, local government powers are quite limited and only extend to those powers which are: (1) granted in express words; (2) necessarily implied or necessarily incident to the powers expressly granted; and (3) absolutely essential to the declared objects and purposes of the corporation—not simply convenient, but indispensable.⁹

gerontology, but the field is in a languished state and in need of new theoretical and empirical impulses); see also KATHERINE S. NEWMAN, *A DIFFERENT SHADE OF GRAY: MIDLIFE AND BEYOND IN THE INNER CITY* 221 (2003) (recognizing that the problems associated with aging in an inner city extend to women, blacks, and Latinos); *Ageing and Life Course: Questions and Answers*, WORLD HEALTH ORG., http://www.live.who.int/ageing/age_friendly_cities_q_and_a/en/index.html (last visited Apr. 5, 2012) (“To become a member of the Network a city or community must commit to undertake a process of continually assessing and improving their age-friendliness.”).

7. Deborah A. Dyson, *State-Local Relations*, HOUSE RES. (Oct. 2010), available at <http://www.house.leg.state.mn.us/hrd/pubs/ss/sslcstrel.pdf> (“The U.S. Constitution is silent on local government. Control of local government is not one of the enumerated federal powers of the Constitution, nor is it expressly prohibited to the states. It is, therefore, a residual power left to the states and people by the Tenth Amendment.”).

8. See generally, e.g., Daniel B. Rodriguez, *Localism and Lawmaking*, 32 RUTGERS L.J. 627, 631-32 (2001) (noting that state courts construe municipal power narrowly despite the fact that many state constitutions grant protective home rule power to local governments in matters of “local affairs”).

9. Diane Lang, *Dillon’s Rule . . . And the Birth of Home Rule*, MUN. REP. (Dec. 1991), available at

According to the National League of Cities (“NLC”), “Dillon’s [r]ule allows a state legislature to control local government structure, methods of financing its activities, its procedures and the authority to undertake [sic] functions.”¹⁰

The remaining states are characterized as “home rule” jurisdictions. In very general terms, home rule can be defined as the transfer of power from the state to units of local government for the purpose of implementing local self-government. In most states, it also provides those local governments with some measure of freedom from state interference as well as some ability to exercise powers and perform functions without a prior express delegation of authority from the state.¹¹

Home rule is based on a principle of “localism”—citizens should have closer access to and control over the governing power affecting their social and economic liberties. Limitations on local government power stem from the sources of law that create them as well as from constitutional principles derived from, for example, the Supremacy, Commerce, and Equal Protection Clauses of the U.S. Constitution.¹²

While the difference between Dillon’s rule and home rule has theoretical

<http://celdf.org/downloads/New%20Mexico%20Home%20Rule.pdf>. The term “Dillon’s rule” derives from a 19th century judicial decision authored by John Forest Dillon, the Chief Justice of the Iowa Supreme Court. *Clinton v. Cedar Rapids & Mo. River R.R.*, 24 Iowa 455, 476-82 (1868). *See also* *Hunter v. Pittsburgh*, 207 U.S. 161, 178 (1907) (“Municipal corporations are political subdivisions of the State, created as convenient agencies for exercising such of the governmental powers of the State as may be entrusted to them.”); *Merrill v. Monticello*, 138 U.S. 673, 681 (1891) (citing to Judge Dillon, who stated that municipals possess only the powers granted in express words, those necessarily implied or incident to the powers expressly granted, and those that are essential to the declared objects and purposes of the municipal).

10. *Local Government Authority*, NAT’L LEAGUE CITIES, <http://www.nlc.org/build-skills-networks/resources/cities-101/local-government-authority> (last visited Apr. 5, 2012). The NLC website provides a more specific breakdown on a state-by-state basis:

[Thirty-one] states employ Dillon’s [r]ule to all municipalities: Arizona, Arkansas, Connecticut, Delaware, Georgia, Hawaii, Idaho, Kentucky, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New York, North Carolina, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Texas, Vermont, Virginia, West Virginia, Washington, Wisconsin and Wyoming.

. . . [E]ight states employ the rule for only certain municipalities: Alabama, California, Colorado, Illinois, Indiana, Louisiana and Tennessee.

The only exception to the exclusive selection of home rule or Dillon’s rule is the state of Florida, which employs home rule but reserves taxing authority for the state.

. . . [T]en states . . . employ home rule: Alaska, Iowa, Massachusetts, Montana, New Jersey, New Mexico, Ohio, Oregon, South Carolina and Utah.

Id.

11. *Id.*

12. Municipal governments usually stand on the same footing as state governments with regard to their obligations to respect the primacy of federal law and individual rights. The most notable exception to this general statement arises in contexts implicating the Eleventh Amendment, which does not afford sovereign immunity to municipal (as contrasted with state) governments. *See* *Mt. Healthy Bd. of Educ. v. Doyle*, 429 U.S. 274, 280-81 (1977) (holding that the defendant school board was not entitled to Eleventh Amendment immunity because local school boards are more like a county or city than an arm of the state); *see also* *Monell v. N.Y. Dep’t. of Soc. Servs.*, 436 U.S. 658, 690 (1978) (holding that 42 U.S.C. § 1983 applies to municipalities and other local governments). For a good overview of the scope of the Eleventh Amendment’s protections, see *Federal Practice Manual for Legal Aid Attorneys* § 8.1, SHRIVER CTR., available at <http://federalpracticemanual.org/node/47#17> (last updated 2010).

significance and will affect the outcome of disputes that arise between states and local governments established within them,¹³ states in fact tend to give local governments very broad legislative authority with respect to a wide variety of substantive legal areas that have an impact on the lives of citizens. In both Dillon's rule and home rule jurisdictions, local government units have generally used their legislative powers in particular substantive areas. These areas include assessing and collecting local taxes,¹⁴ controlling and zoning local land use,¹⁵ establishing and enforcing building codes,¹⁶ assuring access to transportation,¹⁷ and protecting the public safety through law enforcement agencies and fire departments.¹⁸

The broad legal authorities that local governments typically enjoy—either as an aspect of a Dillon's rule delegation of specific regulatory powers or through the exercise of home rule jurisdiction—have not always been used to effect positive social change or protect disadvantaged groups. To the contrary, local government and the municipal arena have long been the stage for gross discrimination against and social exclusion of under-privileged social groups.¹⁹ Examples of such local discriminatory legislation include exclusionary zoning to preserve white neighborhoods,²⁰ ordinances aimed at illegal immigrants,²¹ and anti-busing

13. See, e.g., *Hunter*, 207 U.S. at 178-79 (“The State, therefore, at its pleasure may modify or withdraw all such [municipal powers], may take without compensation such property, hold it itself, or vest it in other agencies, expand or contract the territorial area, unite the whole or a part of it with another municipality, repeal the charter and destroy the corporation.”); *Merrill*, 138 U.S. at 691 (“Municipal corporations are established for purposes of local government, and in the absence of specific delegation of power cannot engage in any undertakings not directed immediately to the accomplishment of those purposes.”).

14. E.g., Matthew J. Meyer, *The Hidden Benefits of Property Tax Relief for the Elderly*, 12 ELDER L.J. 417, 419 (2004) (acknowledging that property taxes serve as a significant revenue source for local governments).

15. E.g., Michael Kling, *Zoned Out: Assisted-Living Facilities and Zoning*, 10 ELDER L.J. 187, 198 (2002) (providing that local municipalities commonly use exclusionary zoning to exclude “undesirable” segments of the population).

16. E.g., Eric J. Heikkila & Edwin J. Blewett, *Using Expert Systems to Check Compliance with Municipal Building Codes*, 58 J. AM. PLAN. ASS'N 72, 72 (1992) (“The regulation and enforcement of building codes is a primary function of local governments.”).

17. E.g., Paul J. Masotti et al., *Healthy Naturally Occurring Retirement Communities: The Need for Increased Collaboration Between Local Public Health Agencies and Municipal Government*, 24 J. HOUSING FOR ELDERLY 249, 251 (2010) (“[M]unicipal government responsibilities [include] those affecting housing, transportation, green space, and zoning policies.”).

18. E.g., Richard Briffault, *Our Localism: Part I—The Structure of Local Government Law*, 90 COLUM. L. REV. 1, 32 (1990) (noting that the New Jersey Supreme Court has recognized that local government functions and services of police and fire protection are funded mainly by the local revenues (citing *Robinson v. Cahill*, 303 A.2d 273, 287 (1975))).

19. See Kristina M. Campbell, *Local Illegal Immigration Relief Act Ordinances: A Legal, Policy, and Litigation Analysis*, 84 DENV. U. L. REV. 1041, 1058 (2007) (describing a Missouri ordinance that contained an “English only” provision).

20. See, e.g., Paul Diller, *Intrastate Preemption*, 87 B.U. L. REV. 1113, 1122 (2007) (“There is a well-known darker side to local authority Despite the many well-meaning and successful policy experiments cities have adopted in recent decades, it is widely acknowledged that municipalities sometimes use their power more to exclude undesirable persons and land uses than to engage in good-faith policy experimentation, often in an attempt to externalize certain social costs on to other communities. City bans on sex offenders are arguably examples of this phenomenon. Municipal bans on trash disposal are another example.” (footnote omitted)); see also, e.g., Marc Seitles, *The Perpetuation*

initiatives whose effect would be to preserve de facto segregation in the public schools.²²

Yet “social justice localism” does exist. For example, hundreds of towns and cities across the country have adopted broadly protective human rights ordinances that go well beyond the statutory protections from discrimination addressed in federal and state laws.²³ The effort to advance the rights of same sex couples through ordinances extending many of the benefits of marriage to domestic partners achieved success years before state law began to reflect movement in the direction of equality.²⁴ The so-called living wage movement has for the most part targeted local communities,²⁵ and environmental protection efforts have generally been more effective when implemented at the local, rather than the state or federal, level.²⁶

of Residential Racial Segregation in America: Historical Discrimination, Modern Forms of Exclusion, and Inclusionary Remedies, 14 J. LAND USE & ENVTL. L. 89, 92 (1998) (explaining that in the early 20th century, segregationist zoning ordinances and private, racially restrictive covenants legally enforced racial segregation in the urban ghetto).

21. See generally, e.g., John Ryan Syllaios, *The Future of Discriminatory Local Ordinances Aimed at Regulating Illegal Immigration*, 16 WASH. & LEE J. CIVIL RTS. & SOC. JUST. 639, 640 (2010) (providing that in 2006 city councils across the United States drafted ordinances targeting illegal aliens).

22. See, e.g., *Washington v. Seattle Sch. Dist. No. 1*, 458 U.S. 457, 462 (1982) (responding to the school board’s adoption of busing desegregation, the Citizens for Voluntary Integration Committee drafted an initiative to prevent racial integration through busing); Dean Katz & Constantine Angelos, *State Anti-Busing Plan Thrown Out*, SEATTLE TIMES, June 30, 1982, at A1 (declaring that the Supreme Court had ruled that Washington’s initiative to prohibit Seattle’s busing desegregation plan was unconstitutional).

23. E.g., Stacy Laira Lozner, *Diffusion of Local Regulatory Innovations: The San Francisco CEDAW Ordinance and the New York City Human Rights Initiative*, 104 COLUM. L. REV. 768, 768 (2004) (noting that in 1998 San Francisco became the first U.S. city to pass a local ordinance with a design inspired by the United Nations Human rights regime).

24. See Samuel P. Tepperman-Gelfant, *Constitutional Conscience, Constitutional Capacity: The Role of Local Governments in Protecting Individual Rights*, 41 HARV. C.R.-C.L. L. REV. 219, 262 (2006) (noting that in 2005 the California State Legislature became the first state legislature in the U.S. to pass a bill legalizing same-sex marriage); Michael A. Woods, *The Propriety of Local Government Protections of Gays and Lesbians from Discriminatory Employment Practices*, 52 EMORY L.J. 515, 542 (2003) (“[The Supreme Court of New York] upheld New York City’s domestic partnership law, which extended benefits to the domestic partners of municipal employees.”).

25. See Paul K. Sonn, *Citywide Minimum Wage Laws: A New Policy Tool for Local Governments*, Economic Policy Brief No. 1, 1 (May 2006), available at http://brennan.3cdn.net/61d71f6dc9f7116f1d_phm6bx3n9.pdf (examining the efforts of cities in Washington to enact minimum wage laws in response to the state’s refusal to preserve the value of the federal minimum wage); see also MICHAEL REICH ET AL., UC BERKELEY INST. OF INDUS. REL., *ECONOMICS OF CITYWIDE MINIMUM WAGES: THE SAN FRANCISCO MODEL 2-5* (Sept. 2005), available at <http://www.irle.berkeley.edu/research/minimumwage/sfminimumwage.pdf> (summarizing the impact of San Francisco’s minimum wage ordinance on pay, employment, prices, employment, and job tenure).

26. See e.g., Jamison E. Colburn, *Localism’s Ecology: Protecting and Restoring Habitat in the Suburban Nation*, 33 ECOLOGY L.Q. 945, 1007 (2006) (noting that local government initiatives benefit from the freedom to experiment because they operate with less bureaucracy than state or federal agencies); Keith H. Hirokawa, *Sustaining Ecosystem Services Through Local Environmental Law*, 28 PACE ENVTL. L. REV. 760, 825 (2011) (“When local governments adopt an ecosystem services approach, they confront the environment in unique ways—not because environmental protection and ecosystem services protection are necessarily at odds, but because ecosystem services allows communities to value local ecologies in ways the federal scheme may overlook.”).

This complex socio-legal picture raises the following question: if there is indeed a growing gerontological understanding that the “local level” is of great importance to the lives and well-being of older persons, and if there is an established American legal understanding that, despite the historic constitutional “split” between Dillon’s rule and the home rule, localities in practice possess both theoretical and actual legal powers to influence the rights of their communities’ older residents, then to what extent do they actually exercise these powers? The research discussed in Part II below was intended to explore and answer this question.

II. METHOD

The research design was intended to determine if U.S. cities and towns, as a general matter, have utilized their state-delegated authority to its fullest extent in an effort to further the rights of their older residents. The research method tracks that of an earlier pilot study conducted in Minnesota.²⁷ The Minnesota pilot study included both quantitative and qualitative elements. The national study incorporated only the quantitative element of the pilot.²⁸

Survey sample. The pool from which the sample was selected comprised 997 cities of populations between 25,000 and 500,000 used in a study of national city typologies described by the NLC in 2005.²⁹ The sample of cities surveyed consisted of a total of 152, including an even distribution of cities chosen randomly from within each of six typologies as well as some cities that were not classified according to any typology.³⁰ Once the sample had been selected, additional variables that were assigned to each city included geographic region, total

27. The results of the Minnesota pilot study are reported in Kim Dayton & Israel “Issi” Doron, *Municipal Elder Law: A Minnesota Perspective*, 20 *ELDER L. J.* (forthcoming 2012).

28. An Academic Research Grant from the Borchard Foundation Center on Law and Aging funded both research projects. For a discussion of the theoretical framework that shaped our research methodology, see Israel (Issi) Doron, *Municipal Elder Law: An Exercise in Legal Futurism*, 37 *WM. MITCHELL L. REV.* 80, 81-83 (2010) (discussing the possibility of using “localism” as framework for developing and promoting Older Residents’ rights).

29. NAT’L LEAGUE CITIES, FROM MELTINGPOT CITIES TO BOOMTOWNS: REDEFINING HOW WE TALK ABOUT AMERICA’S CITIES 4-9 (2005), available at <http://www.nlc.org/file%20library/build%20skills%20networks/networks/from-meltingpot-cities-boomtowns-rpt-2005.pdf>. The list of cities used to develop these typologies, and the classification assigned by NLC to each city, was obtained from Professor Jeffrey Blankenship of the University of Southern Alabama. See E-mail from Jeff Blankenship, Professor, Univ. of S. Ala., to Kim Dayton, Professor of Law and Dir., Ctr. for Elder Justice & Policy, William Mitchell Coll. of Law (Oct. 16, 2010) (on file with authors). See generally Jeffrey M. Blankenship, *An Analysis of Municipal Financial Behavior Using the National League of Cities’ Typology* 16-20, 79-94 (Aug. 4, 2007) (unpublished Ph.D. dissertation, Auburn University), available at http://etd.auburn.edu/etd/bitstream/handle/10415/951/BLANKENSHIP_JEFFREY_0.pdf?sequence=1 (discussing the NLC methodology for selecting and typing cities included in the pool of cities typed).

30. Our sample was not proportional to the overall representation of each typology in the total pool. This was an intentional component of the research design that enabled us to consider a comparable number of communities from each city type. A list of cities included in the sample is set out in Appendix B.

population, percentage of elderly in the population,³¹ and type of municipal government.³² All cities in the final sample afforded online access to their municipal codes.³³

The survey instrument. The survey instrument for data collection was based on a survey tool developed as part of a pilot study conducted in the state of Minnesota.³⁴ The instrument was designed as a closed and structured questionnaire capable of capturing quantitative data regarding local laws specifically or implicitly conferring rights or privileges on older persons, or depriving them of such rights or privileges. The survey tool is reproduced in Appendix B.

Procedure. Each city's online code of ordinances was treated as a searchable database. To locate any local laws affecting the rights and privileges of older persons in place in the sample municipalities, we performed a search of each set of ordinances using a rich variety of keywords. All local regulations identified through the search were categorized as falling within one or more of sixteen areas of law. These categories were based on prior research and reflect the substantive components of a proposed model ordinance discussed in an earlier article that was written as part of the research project.³⁵

Limitations. The research results are limited by the size of the sample, the restricted range of city populations reflected in the original pool, the non-proportional nature of the sample's allocation of city typologies relative to the pool, and the requirement of online access to the sample cities' ordinances.

III. FINDINGS

The quantitative research tool ultimately identified more than one thousand individual local ordinances that could be considered to involve or affect the rights of older persons. These ordinances were assigned to one or more of the fifteen conceptual categories described in Appendix A. Tables 1a, 1b, and 1c provide a general summary of our results.

31. Information on geographic region, total population, and percentage elderly were based on U.S. Census Bureau data.

32. The type of municipal government was based on each city's self-identification as having a council-manager, mayor-council, commission, town meeting, or representative town meeting form of government.

33. A small number of cities included in the original, randomly selected sample were replaced with new randomly chosen cities of the same typology because their municipal codes were not available online.

34. See Dayton & Doron, *supra* note 27.

35. See Doron, *supra* note 28, at 83-97 (delineating specific elements of a model local bylaw).

Table 1a: Frequency and distribution of ordinances, by city type.

Cities by Type	Average Population	Number in Sample	Average Number of Categories Represented (N=15)	Percentage of Categories Represented
Boomtown	71,453	22	6.5	45%
Centerville	34,192	21	6.3	43%
Excluded	45,859	22	6.3	42%
Gold Coast	58,341	22	6.4	42%
Meltingpot	67,423	22	7.7	51%
Metro	272,147	22	9.0	59%
Spread	58,751	21	5.8	39%

Table 1a shows that, among the cities in the sample, the “Metro” cities tended to legislate with respect to a broader range of legal subject matter than other types of cities. This is consistent with Table 1b, which shows that the largest cities in the sample had ordinances in more categories than other cities—the average population of “Metro” cities is nearly 300,000.

Table 1b: Frequency and distribution of ordinances, by population classification.

Cities by Population	Count	Average Number of Categories Represented (N=15)	Percentage of Categories Represented
25,000-49,999	75	6.4	44%
50,000-99,999	39	6.5	43%
100,000-199,999	23	7.8	53%
200,000 to 499,999	15	9.0	53%

Table 1c shows the survey results when cities are categorized by the total percentage of elderly within the population. Surprisingly, there is little difference with regard to the average number of categories in which ordinances exist based on this factor.

Table 1c: Frequency and distribution of ordinances, by percent elderly/total population.

Cities by Percentage of Population Age 65 and Older	Count	Average Number of Categories Represented (N=15)	Percentage of Categories Represented
Under 10%	52	7.0	44%
10% to 14.99%	68	7.1	50%
15% to 19.99%	25	6.0	43%
20%+	7	7.0	35%

One notable finding was the wide variations in the sample cities' apparent willingness to enact ordinances affecting older persons depending on legal subject matter. For example, almost all municipalities of all typologies had enacted ordinances pertaining to land use and zoning, and almost all had disability-related provisions in place. A majority of municipalities of all city types had adopted at least one ordinance pertaining to housing that also implicated older persons. In contrast, we found very few communities that had chosen to regulate regarding elder abuse, except that almost half of all cities of the "Metro" typology had such ordinances in place.

Tables 2a, 2b, and 2c show the differences we found among city types with regard to various categories of ordinances adopted by the cities included in the national sample.

Table 2a: Occurrence of ordinances, by city type and category.

City Typology	Accessi- bility	Crime / Elder Abuse	Disability	Employ- ment	Financial Relief
Boomtown	9%	5%	100%	41%	50%
Centerville	9%	9%	100%	45%	45%
Excluded	23%	18%	91%	27%	59%
Gold Coast	5%	23%	100%	18%	41%
Meltingpot	5%	0%	100%	50%	50%
Metro	23%	45%	100%	86%	41%
Spread	18%	18%	95%	36%	45%

Table 2b: Occurrence of ordinances, by city type and category.

City Typology	Health	Housing	Local Taxation	Other	Recreation and Leisure
Boomtown	50%	27%	41%	73%	27%
Centerville	32%	73%	32%	50%	36%
Excluded	32%	73%	23%	27%	36%
Gold Coast	64%	55%	9%	73%	45%
Meltingpot	50%	82%	32%	91%	73%
Metro	64%	64%	64%	73%	77%
Spread	45%	64%	41%	23%	18%

Table 2c: Occurrence of ordinances, by city type and category.

City Typology	Unique Institutions	Unique Legislation	Income Support	Parking / Transportation	Statutory Definition of Old Age	Zoning / Land Use / Urban Planning
Boomtown	32%	0%	23%	73%	18%	86%
Centerville	32%	0%	0%	68%	18%	91%
Excluded	36%	14%	5%	50%	68%	59%
Gold Coast	27%	14%	0%	68%	27%	82%
Meltingpot	45%	5%	0%	68%	45%	82%
Metro	36%	9%	23%	86%	36%	86%
Spread	36%	27%	14%	36%	18%	68%

Ordinance content. A review of some representative ordinances identified through the research offers additional insights.

Legal definitions of “elderly” and similar concepts. In the pilot study conducted in Minnesota, one interesting aspect of our findings was the variation in local definitions of old age. Likewise, to the extent that this concept was defined within ordinances identified in the national study, variances existed here as well. Although there were almost no “general” local ordinances defining the concept, specific ordinances pertaining to housing, zoning, or taxation sometimes did

contain definitions. For example, the Fort Worth, Texas municipal code provides exemptions from certain occupancy restrictions for “housing for elderly,” defining “elderly” as fifty-five years of age or older, or sixty-two years of age or older, depending on the precise nature and purpose of the housing unit(s) in question.³⁶ In one Florida town, the zoning laws define an “aged person” as “any person age sixty (60) or over who is currently a resident of the state and who, because of a functional impairment, requires personal assistance with the activities of daily living but does not require nursing home or institutional care.”³⁷ In other cities, senior citizens are those residents aged sixty-five and older.³⁸

Unique institutions or administrative positions. In the pilot study, only two municipalities (of thirty-three in the sample) had established formal entities or positions that are specifically intended to address the interests of older residents, or provide a dedicated forum in which older residents may voice their point of view and influence the decision making process within the municipality. Among the national sample, we found that such entities or positions had been created by ordinance in a larger share of the sample communities, as evidenced in the various tables above. These entities included senior citizens advisory councils,³⁹ boards,⁴⁰

36. FORT WORTH, TEX., CODE OF ORDINANCES ch. 17, art. III, div. 4, § 17-89 (2010).

Exemptions; exclusions. (a) Housing for elderly exempted. (1) The provisions of this division relating to familial status do not apply to housing for older persons. (2) In this section “housing for older persons” means housing: a. That the Secretary of the United States Department of Housing and Urban Development determines is specifically designed and operated to assist elderly persons under a federal or state program; b. Intended for, and solely occupied by, persons sixty-two (62) years of age or older; or c. Intended and operated for occupancy by at least one (1) person fifty-five (55) years of age or older per unit as determined by the Secretary of the United States Department of Housing and Urban Development. To the extent that such a determination falls within the jurisdiction of the commission, the following factors at minimum must be present for the dwelling(s) to qualify for the exemption: 1. The existence of significant facilities and services specifically designed to meet the physical or social needs of older persons, or if the provision of such facilities and services is not practicable, that such housing is necessary to provide important housing opportunities for older persons; and 2. That at least eighty (80) percent of the units are occupied by at least one (1) person fifty-five (55) years of age or older per unit; and 3. The publication of, and adherence to policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons fifty-five (55) years of age or older.

Id.

37. COCONUT CREEK, FLA., CODE OF ORDINANCES ch. 13, art. III, div. 1, § 13-301 (2010).

38. *E.g.*, NEW HAVEN, CONN., CODE OF ORDINANCES tit. III, ch. 19, § 19-16(6)(iii) (2011) (for purposes of recreational activity fees); BEAVERCREEK, OHIO, CODE OF ORDINANCES tit. XIII, ch. 131, § 131.01 (2011) (defining “elderly person” as “[a] person who is 65 years of age or older”).

39. *E.g.*, HENDERSON, NEV., CODE OF ORDINANCES tit. 2, ch. 2.22, § 2.22.020 (2011) (“The purpose of the senior citizens advisory commission shall be to advise and make recommendations to the city council on subjects of particular interest to senior citizens and others similarly situated. Such subjects may include . . . transportation, housing, utility rates, recreation and cultural arts, employment, and other matters concerning the health, safety, and welfare of senior citizens.”).

40. *E.g.*, LONGMONT, COLO., CODE OF ORDINANCES tit. 2, ch. 2.84, §§ 2.84.010–.030 (2011) (establishing a senior citizens advisory board, appointed by the city council, whose duties include advising on the use of the senior center, reviewing budget requests to senior citizen programs, and serving “as a liaison between the city council and community of senior citizens in matters of public interest”).

and commissions,⁴¹ as well as separate departments or units within the local government authority.⁴²

Zoning and urban planning. Control of land use through zoning is one of the traditional areas in which local governments have had authority, either through specific delegations or under the home rule doctrine, to regulate and restrict personal and economic rights. As in the Minnesota study, the national survey revealed that this sphere was one of the few in which almost all in the sample had exercised their authority in a manner specifically implicating older persons. Ordinances in this category tended to address the location of housing and institutional facilities serving the elderly, and care for the elderly. They included references to various forms of housing aimed at older seniors, such as board-and-care homes, nursing facilities, and other specific community-based housing options designed specifically for older residents. Examples of such laws include zoning laws that include “nursing homes” as a permissible use within residential districts,⁴³ laws creating special districts for senior-exclusive or senior-friendly residential areas,⁴⁴ and laws prohibiting new construction of assisted living facilities and nursing homes in coastal areas at high risk for flooding due to hurricanes.⁴⁵

Employment and age discrimination. Many cities in the national sample have adopted employment discrimination ordinances prohibiting discrimination in employment based on age.⁴⁶

Such ordinances are laudable, of course, in that they evince a local government policy against age bias. For the most part, though, they are redundant of federal and state laws that also prohibit age discrimination in employment and in this sense do not promote the rights of older persons beyond those rights they

41. *E.g.*, AKRON, OHIO, CODE OF ORDINANCES tit. 3, ch. 31, art. 1, § 31.38 (2011) (establishing a Senior Citizens Commission to function “in an advisory capacity to the Mayor and Council with respect to all matters affecting the senior citizens of the city” and to make recommendations for improving “the delivery system of Municipal services to senior citizens who are in need of such services, but are unable to take advantage of such services for various reasons”); NEW HAVEN, CONN., CODE OF ORDINANCES, tit. III, ch. 16 1/2, art. I, § 16 1/2-5(d), (i) (2011) (establishing a commission on aging, appointed by the mayor, whose duties include assessing seniors’ needs, working with other agencies to “foster the development of programs and services that address the needs of seniors to live with maximum independence and enhance the quality of their lives,” and “increas[ing] advocacy for the aging”).

42. *E.g.*, OAKLAND, CAL., CODE OF ORDINANCES tit. 2, ch. 2.30, §§ 2.30.020, .040 (2011) (designating “Senior Centers” as a “Tier I” department of city government).

43. *E.g.*, CAROL STREAM, ILL., CODE OF ORDINANCES ch. 16, art. 8, § 16-8-4(B)(6) (2011) (permitting nursing homes in a district zoned for general residential use).

44. *E.g.*, GLENDALE, ARIZ., CODE OF ORDINANCES art. VI, § 6.601 (2011) (creating a “Senior Citizen Overlay District,” the purpose of which “is to provide for a residential community conducive to the lifestyle and sensitive to the particular needs of senior citizens, retirees and persons of advanced age”).

45. *E.g.*, ST. PETERSBURG, FLA., CODE OF ORDINANCES ch. 16, § 16.30.040.1(B) (2011) (prohibiting new construction of “hospitals, nursing homes and assisted living facilities” in “Hurricane Evacuation Level A Zones”).

46. *E.g.*, BLAINE, MINN., CODE OF ORDINANCES ch. 58, art. I, § 58-5(5) (2011) (“There shall be no discrimination against any person seeking employment or employee because of . . . age”); NEWPORT NEWS, VA., CODE OF ORDINANCES ch. 2, art. XX, div. 1, §§ 2-557 to 2-557.1 (2011) (“In the solicitation or awarding of contracts, the city shall not discriminate against a bidder or offeror because of . . . age . . . or any other basis prohibited by state law relating to discrimination in employment.”).

already have. Several ordinances explicitly referenced affirmative action policies referencing “age” as a criterion for affirmative action,⁴⁷ but no ordinances in the sample group encouraged affirmative action in behalf of older persons by creating explicit financial or other incentives for local businesses to hire older workers.

Tax and fee relief. In many jurisdictions, state law mandates certain tax relief for older persons. Usually this relief takes the form of deferrals that allow tax liability to accrue as liens against property or an estate. Perhaps not surprisingly, a majority of municipalities in the sample group had enacted ordinances pertaining to local taxation of and financial relief for older persons, in effect implementing a state policy favoring low-income seniors over other taxpayers at the local level. The precise nature and contours of these relief measures varied considerably, depending in significant part on the correlative state law. Some ordinances concerned complete or partial exemption from, or deferral of, certain local property tax-related obligations for lower income seniors.⁴⁸ Similarly, many municipalities provide or at least allow full or partial relief to older persons from the obligation to pay fees or other usage charges that apply to other residents.⁴⁹ We found many examples of local ordinances providing or authorizing private entities to offer discounts, reduced rates, or preferential fees intended to offer financial relief for older persons. In general, however, these ordinances offered only modest benefits to older persons rather than addressing their economic needs in a broad, systematic way.⁵⁰

Recreation and leisure. A number of local ordinances contain references to and accommodations for the leisure activities of older persons. For example, some local ordinances permitted senior citizen organizations and the like to engage in

47. *E.g.*, ST. PETERS, MO., MUN. CODE tit. I, ch. 125, art. I, § 125.020 (2011) (“The City of St. Peters shall continue its affirmative action plan in which the City’s overall policy is to recruit, hire, train and promote employees without discrimination due to . . . age”); CARY, N.C., CODE OF ORDINANCES ch. 2, art. III, div. 2, §§ 2-87(h)-(i) (2010) (“Recruitment of applicants for town employment will actively provide for measures to improve the diversity of the applicant pool. The town shall select employees on the basis of the applicant’s qualifications for the job and award them . . . without regard to age . . .”).

48. *E.g.*, MOUNTAIN VIEW, CAL., CODE OF ORDINANCES ch. 17, art. VI, §§ 17.202, 17.206-207 (2011) (providing a deferred tax assessment programs for low-income seniors, age sixty-two and older); ROME, N.Y., CODE OF ORDINANCES ch. 66, art. III, § 66-96 (2011) (“(a) All real property in the city owned by one or more persons, each of whom is 65 years of age or over as provided in Real Property Tax Law, § 467, shall be exempt from taxation on such real property by the city to the extent of ten to 50 percent of the assessed valuation thereof. However, this exemption shall not be granted: (1) If the income of the owner or the combined income of the owners of the property exceeds \$24,000.00 for the 12 months immediately preceding the date of making application for the exemption. A maximum 50 percent exemption is allowable for owners with a combined income of \$16,500.00 or less, with five percent less exemption for each \$900.00 to \$1,000.00 by which the total income exceeds \$16,500.00 up to a total of \$24,000.00, as set forth more specifically [in the following table].”).

49. *E.g.*, CHARLOTTE, N.C., CODE OF ORDINANCES ch. 13, art. II, div. I, § 13-47(b) (2011) (excepting elderly from “privilege tax” on motor vehicles).

50. *E.g.*, LONG BEACH, N.Y., CODE OF ORDINANCES ch. 24, art. II, div. 1, § 24-32(b)(1) (2008) (providing that for taxicab fares, “[s]enior citizen rates will be \$1.00 lower than the applicable zone”); MIDWEST CITY, OKLA., CODE OF ORDINANCES ch. 30, art. I, § 30-3(b)(11) (2011) (providing lower green fees for seniors’ use of municipal golf courses).

bingo-related activities on terms not available to most other entities.⁵¹ At least one ordinance provided that “[t]he recreation division of the Department of Parks and Recreation *shall* have as its objectives the planning, administering and supervising of a wide variety of recreation program opportunities and the fulfilling of the leisure needs of all ages and skill levels including programs for . . . the elderly”⁵²

The conflation of old age and disability. As was the case in Minnesota, one interesting finding was the prevalence of local laws regarding older individuals and persons with disabilities as members of a single group to be protected or otherwise treated differently than others in the community.⁵³ This occurred with respect to a variety of topics, including tax relief and similar financial considerations, entitlement to special services offered by the municipality, and differences in zoning restrictions or requirements. Although such ordinances do offer benefits to the elderly, they implicitly reflect an assumption that old age itself is a “disability,” or that all older persons are also disabled. One could argue that such stereotypes contribute to widespread ageism, and in the long run may do more harm than good with regard to advancing the rights of older persons and contributing to positive images of aging.

IV. DISCUSSION AND RECOMMENDATIONS

There is broad consensus at the international, national, and state levels that the demographic challenges posed by aging societies can be addressed in part through the development of age-friendly local environments. At present, however, a considerable gap exists between the ideals underlying such consensus and the actual creation of elder-centered and elder-embracing cities and towns. As a recent report by the AARP and the National Conference of State Legislatures observes, “[t]he great majority of older adults have a strong desire to live in their own homes and communities. However, unsupportive community design, unaffordable and inaccessible housing, and a lack of access to needed services can thwart this desire.”⁵⁴

51. *E.g.*, OAKLAND, CAL., CODE OF ORDINANCES tit. 5, ch. 5.10, §§ 5.10.070–.080 (2011) (limiting the conduct of bingo games to “senior citizen organizations” and other pre-approved entities); LA PORTE, TEX., CODE OF ORDINANCES ch. 50, art. I, § 50-3(16) (2011) (exempting the “senior citizens center” from the general ban on bingo games).

52. RALEIGH, N.C., CODE OF ORDINANCES pt. 9, ch. 3, § 9-3001 (2011). These provisions could, of course, be interpreted as indications of age-based stereotyping of the nature of older persons’ needs and interests with respect to recreational activities.

53. *E.g.*, CONCORD, N.C., CODE OF ORDINANCES ch. 46, art. II, § 46-33(b)(6) (2011) (“Backyard garbage and recycling service to elderly, disabled, or handicapped persons will be provided when there is no one in residence in the household physically capable of transporting the approved rollout carton curbside. A statement signed by a physician currently treating the householder may be required to substantiate the existence of disability.”); LA PORTE, TEX., CODE OF ORDINANCES ch. 66, art. II, div. 2, § 66-56 (2011) (“Exception to payment of ad valorem taxes. Sixty thousand dollars of the assessed value of residence homesteads of an individual who is disabled for purposes of payment of disability insurance benefits under Federal Old-Age, Survivors’ and Disability Insurance, or is 65 years of age or older shall be exempted from ad valorem taxes levied by the city.”).

54. NICHOLAS FARBER & DOUGLAS SHINKLE, NAT’L CONF. OF ST. LEGISLATURES, AGING IN

Our research attempted to examine and study the extent to which law—amongst other social tools—is actually utilized in order to address the above challenge by using local legislative powers. Unfortunately, our findings in this study suggest that local law is not currently fulfilling its potential as a means to expand the rights of older citizens. Few cities across the country appear to have taken more than minor steps in the direction of developing clear, ordinance-based policies that will truly foster age-friendly cities and committed public agendas for achieving the objective of “aging in place” on a large scale. While our results were disappointing, they were not unexpected. As with prior studies (conducted in Minnesota, Canada, and Israel), our results reveal historical patterns of regulation (and non-regulation) that do little to foster goals such as those expressed in the Dublin Declaration cited at the beginning of this article. The ordinances we found that do explicitly acknowledge the needs and rights of seniors tend almost entirely to fall within the most traditional spheres of local regulatory authority, such as land use laws and taxation. Many ordinances focus on age as a negative attribute; some arguably work to isolate and stigmatize age by relegating congregate housing options for compromised seniors to commercial districts or other non-residential areas. Few local governments have been creative in their efforts to create aging-friendly communities through positive law; few government officials seem aware of their potential as leaders of the global effort to protect and serve the needs of a rapidly aging population.

As noted at the beginning of this article, international human rights law has been an important focus of the work of many legal scholars and advocacy organizations as a tool for social change in the field of rights of older persons. We believe, however, that great potential exists for the development of an enhanced body of local “elder law.” Advocates for older persons, including lawyers and advocacy organizations, should take their cues from environmental and human rights activists and begin participating in legislative processes not only at the national and state levels, but at the municipal level as well. For example, organizations such as the AARP, the National Academy of Elder Law Attorneys, the National Senior Citizens Law Center, and similar stakeholders should consider devoting a more significant share of their resources to promote, educate, and advocate in behalf of expanded local laws promoting elder rights. Public policy advocacy initiatives ought to target the local legislative process, not just state and national legislatures. Second, practitioners, including elder law, civil rights, and other attorneys who represent older persons, should better utilize the local legislation that exists and serve as agents for social change in their localities by proposing, drafting, and assisting in the implementation of local ordinances pertaining to older persons. Third, municipal leaders, politicians, and local administrators should be educated on the potential economic benefits of using local law as a vehicle for social change in this field, especially in light of the growing political power of older residents.

In an earlier article, we suggest that “one means to help accomplish these

objectives would be for states to mandate that local governments representing communities of a certain size designate a government official who is responsible for the affairs of older persons vis-à-vis local government activity.”⁵⁵ As we noted, such an approach has been shown to have significantly improved municipal response to the mandates contained in the 1991 Americans with Disabilities Act. The referenced study offers support for our view that local law can become a force expanding and protecting the rights and privileges of older persons only in the context of proactive measures—perhaps implemented at the national or state level—to increase the awareness, knowledge, and commitment of local officials regarding the issues confronting older persons.

Social experiments undertaken at the municipal level have shown the potential of “thinking locally.” For example, the state of Florida has collaborated with the AARP in its “Communities for a Lifetime” (CFL) project. CFL “is a statewide initiative that assists Florida cities, towns and counties in planning and implementing improvements that benefit their residents, both youth and elder.” Similar “acts of localism” include the “Blue Zone” experiment in Albert Lea, Minnesota, and the “Green House” project, which funds development of intergenerational co-housing within communities.

Final thoughts. In general, the data collected in the study confirmed the original hypothesis that local governments do not commonly exercise their authority to its fullest extent in behalf of elder persons. This means that there is enormous room for action, initiatives, and creative, original approaches to addressing the often unique economic, social, and cultural issues facing the elderly. Given the general tendency of local governments to avoid legislating in behalf of their elderly residents, it is incumbent upon advocates operating at the state, national, and international levels to provide education and encouragement to local governments, and in some situations exert pressure, including the highly motivating pressure that can result from litigation. Thinking—and acting—locally may indeed be the most practical, efficient, and effective means to achieve the lofty aims expressed in global pronouncements such as those articulated so recently at the Dublin Conference.

55. Dayton & Doron, *supra* note 27 (forthcoming).

APPENDIX A: SAMPLE CITIES

Boomtowns	Metro Centers	Spread Cities	Excluded Cities
Blaine, MN	Akron, OH	Barberton, OH	Atlantic City, NJ
Blue Springs, MO	Bakersfield, CA	Baytown, TX	Bayonne, NJ
Carol Stream, IL	Cincinnati, OH	Clearwater, FL	Bedford, TX
Cary, NC	Dayton, OH	Daytona Beach, FL	Chattanooga, TN
Coconut Creek, FL	Des Moines, IA	Fairbanks, AK	Cleveland, TN
Concord, NC	Hampton, VA	Gresham, OR	Dana Point, CA
Coral Springs, FL	Long Beach, CA	Haltom City, TX	Danville, CA
DeSoto, TX	Minneapolis, MN	Iowa City, IA	Del Rio, TX
Glendale, AZ	Modesto, CA	Janesville, WI	Fair Law, NJ
Grapevine, TX	New Haven, CT	Kingsport, TN	Hackensack, NJ
Henderson, NV	Newport News, VA	La Crosse, WI	Hesperia, CA
La Porte, TX	Oakland, CA	Midwest City, OK	Homestead, FL
League City, TX	Omaha, NE	Monroe, LA	Kearny, NJ
Longmont, CO	Pittsburgh, PA	Mooched, MN	Laguna Niguel, CA
Mesquite, TX	Raleigh, NC	New Britain, CT	Long Beach, NJ
Missouri City, TX	Salt Lake City, UT	Peoria, IL	Maywood, IL
Nampa, ID	St. Petersburg, FL	Saratoga Springs, NY	Minot, ND
Roswell, GA	Stockton, CA	St. Charles, MO	Paramus, NJ
St. Peters, MO	Tulsa, OK	Urbana, IL	Petersburg, VA
Tigard, OR	Virginia Beach, VA	Victoria, TX	Rochester Hills, MI
Tracy, CA	Waterbury, CT	Wichita Falls, TX	Twin Falls, ID
West Des Moines, IA	Wichita, KS	Woonsocket, RI	Winona, MN

Meltingpot Cities	Centervilles	Gold Coast Cities
Bell Gardens, CA	Alamogordo, NM	Beavercreek, OH
Brownsville, TX	Auburn, NY	Boca Raton, FL
Cambridge, MA	Bowling Green, OH	Brooklyn Park, MN
Freeport, NY	Cape Girardeau, MO	Buffalo Grove, IL
Hoboken, NJ	Concord, NH	Burbank, IL
Huntington Park, CA	Conroe, TX	Burnsville, MN
Inglewood, CA	Enid, OK	Kirkland, WA
Kissimmee, FL	Freeport, IL	Lakewood, CA
La Puente, CA	Hopkinsville, KY	Long Beach, NY
Maywood, CA	Huntsville, TX	Los Altos, CA
Monterey Park, CA	Juneau, AK	Mountain View, CA
Newark, CA	Laramie, WY	Novato, CA
North Chicago, IL	Leavenworth, KS	Oak Forest, IL
Paramount, CA	Marion, IN	Rancho Palos Verdes, CA
Pico Rivera, CA	Mason City, IA	Richardson, TX
Salinas, CA	Meridian, MS	Rochester, MN
Seaside, CA	New Iberia, LA	Santa Clara, CA
South San Francisco, CA	Rome, NY	St. Clair Shores, MI
Turlock, CA	Santa Paula, CA	Stow, OH
Vallejo, CA	Shawnee, OK	Torrance, CA
West Covina, CA	Walla Walla, WA	Walnut Creek, CA
West New York, NJ	Wilson, NC	Wauwatosa, WI

APPENDIX B: QUANTITATIVE INSTRUMENT

Age-specific ordinances: Is there specific legislation focusing solely on “senior citizens”/“older residents”? (Yes/No)

If yes = reference + copy paste content

Unique legal institutions: Is there a statutory “senior citizens”/“older residents” advisory board or any other statutory institution specifically for older residents? (Yes/No)

If yes = reference + copy paste content

Statutory definition of “older resident”: Is there a local legal definition of what is an “older resident”/“senior citizen”? (Yes/No)

If yes = reference + copy paste content

Local taxation: Are there specific local tax ordinances regarding older residents? (Yes/No)

If yes = reference + copy paste content

Zoning/urban planning: Are there specific local zoning or local urban planning ordinances regarding older residents? (Yes/No)

If yes = reference + copy paste content

Private or public transportation/parking: Are there specific local transportation ordinances regarding older residents? (Yes/No)

If yes = reference + copy paste content

Crime/elder abuse: Are there specific local crime prevention/elder abuse & neglect/ordinances regarding older persons? (Yes/No)

If yes = reference + copy paste content

Financial relief: Are there specific local ordinances regarding financial [tax] relief for older residents? (Yes/No)

If yes = reference + copy paste content

Housing: Are there specific local ordinances regarding housing for older residents? (Yes/No)

If yes = reference + copy paste content

Accessibility: Are there specific local ordinances regarding accessibility for older residents? (Yes/No)

If yes = reference + copy paste content

Recreation/leisure: Are there specific local ordinances regarding recreation/leisure activities for older residents? (Yes/No)

If yes = reference + copy paste content

Health: Are there specific local ordinances regarding specific/unique health care services for the older residents? (Yes/No)

If yes = reference + copy paste content

Income support/social security: Are there local ordinances regarding poverty/income support for poor older residents? (Yes/No)

If yes = reference + copy paste content

Employment: Are there local ordinances regarding age discrimination in employment or the promotion of employing older workers? (Yes/No)

If yes = reference + copy paste content

Other: Are there any other kind of local ordinances or by-laws regarding older residents? (Yes/No)

If yes = reference + copy paste content