Municipal Elder Law: An Exercise in Legal Futurism

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MUNICIPAL ELDER LAW: AN EXERCISE IN LEGAL FUTURISM

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I. INTRODUCTION

Several years ago, the author tried to sketch the future frontiers of the developing field of elder law. The author argued that:

To date, the field of Elder Law has focused mainly on state or federal legislation. Little attention has been directed toward secondary legislation at the local or municipal level, such as bylaws of the local authorities, municipal or provincial ordinances, and regulations of cooperative societies or communities. Furthermore, neither academic nor professional training programs have sufficiently addressed the potential advantages of promoting Elder Law using legal tools at the local and municipal level.

The article therefore concluded that:

The existing approaches to Elder Law fail to recognize that their legal “ideologies” are most often developed and implemented at the level of the local authorities, municipalities, or communities. Furthermore, such novel local initiatives ought to be substantiated through available legal frameworks. In this regard, it is up to the local attorneys specializing in Elder Law to take significant steps to guarantee that these initiatives are upheld through innovative local legislation. It is imperative to all the existing approaches to Elder Law to acknowledge the importance of the local legislature in order to materialize their jurisprudential rationale. Ultimately, this opens up a broad range of activities that remain to be effectively implemented by attorneys in the field of municipal Elder Law.

2. Id. at 63.
3. Id. at 64 (citation omitted).
After setting “localism” as a conceptual framework to one of the important future arenas for the development of elder law, the author has started to look more specifically into different legal systems. The first exploratory study was conducted in the author’s home country, Israel. The finding of this study showed a significant gap between informal, non-legal social initiatives as opposed to formal, legally binding mechanisms:

In absolute contradiction to the dynamism and creativity, demonstrated by the Israeli municipalities in the field of developing new services and creative activity-frameworks for older persons, inasmuch as the matter relates to anchoring such diverse initiatives in binding legislative frameworks (such as bylaws or other formal legal instruments)—the picture is dramatically different . . . there is no use whatsoever of the authority to legislate local bylaws in purpose to anchor or advance older residents’ rights in the municipalities’ framework. This outcome is interesting in the sense that as opposed to the existing diversity in the field of local initiative in the field of informal services—absolute uniformity exists as far as the non implementation or the non-usage of the municipal legislative authority.

In an attempt to find out whether this “local-legislative gap” exists in other countries, another exploratory study was conducted, this time in a Canadian context. The findings this time were more complex, as Canadian municipalities were more engaged with using legal authorities with regard to their Older Residents. However, in similar lines to the Israeli picture, the conclusion was that:

These diverse and specific bylaws and provisions [that were found in the Canadian context] within general bylaws only illuminate the broader legal picture. While


5. Id.

there is scattered use of municipal powers on narrow and specific legal issues, there is no attempt to regulate or establish a municipal legal regime that will establish a legally based social policy toward the older population within a municipality.

Finally, during the year 2010, an American study funded by the Borchard Foundation will take place in the United States to try and explore the awareness and usage of American municipalities to their legal abilities to promote the rights of their Older Residents via local bylaws and ordinances.

The common ground for all the above scholarly writing is that while it tries to argue for a general future direction of action (municipal elder law), or describes existing realities in the field (a gap between the potential and the reality), it does not attempt to actually propose concrete legislative steps in this field. Thus, the goal of this article is to try and conduct “an exercise in futurism”: how should a futuristic municipal bylaw look in a utopist world?

After having presented the theoretical, legal, and social frameworks of the local legal attitude towards Older Residents’ rights, this part of the paper shall attempt to present a utopist platform for change. In other words, it shall try to present an imaginative model for a local bylaw that could serve in the future as a base to be considered by municipalities. The bylaw is composed of different “modules,” a manner enabling each municipality to choose specific modules and reject others (the commentaries accompanying the different modules are detailed in their accompanying footnotes). Naturally, this model is only one of many potential models. However, the hope is that this model can serve as a reference to those municipalities who would like to start their local legislative initiative in the future, but who would also like to have a point of reference for their endeavor.

II. A LOCAL BYLAW MODEL: THE RIGHTS OF OLDER RESIDENTS

A. Module 1. Declarations, Objects, and Goals

“Older Resident” is defined as a person who is a resident of the municipality, who is also a “Senior Citizen” or “Older Person” as these terms are defined under the national or federal legislation.

7. Id. at 304.
8. The issue of defining “who is an Older Person” is a fascinating legal
By enacting this bylaw, the municipality undertakes to act towards fulfilling the following objects and goals:  

- Preventing and eliminating discrimination and ageism: the municipality will abstain from discriminating against its Older Residents due to their age, whether directly or indirectly, whether personally, collectively, or institutionally.
- Promoting equality and anti-ageism: the municipality will actively promote equality of Older Residents within the municipality and adopt anti-ageist policies. Among other manners of action, the municipality will act towards promoting equality by manner of participation, integration, normalization, and mainstreaming aging and Older Residents.
- Respecting independence, dignity, and autonomy: the municipality will act to promote the Older Residents’ independence, self respect, and personal freedom while recognizing the personal, religious, cultural, and ethnic distinction of each of them, and while granting freedom of choice from amongst diverse services.
- Empowerment, participation, and citizenship: the municipality will act for enhancement of the Older Residents’ social and political power by providing information, counseling, legal representation, and by having them take an active role in designing and defining the services provided by the municipality.

question, the discussion of which exceeds this paper’s boundaries. Notwithstanding, the assumption is that a statutory framework formally defining “who is an Elder” exists in every country. Thus, for instance, within the welfare and social security legislation framework, a definition of the entitlement age for old age pension usually exists. In many cases, this legal age usually symbolizes the age from which a person is considered to be “old” on the legal level. The general idea in this context is that reference will be made to the federal or state legislation that defines the formal age of an Older Person for reasons of legislative harmony and uniformity. Notwithstanding, a municipality can choose to adopt a different age for defining the formal age of “old” by a manner reflecting its unique social and cultural values. Therefore a city may decide, due to its cultural distinction, that residents will be considered to be “older” only after having crossed the age of ninety, or that “Older Residents”—irrelevant of their chronological age—will be only those who become grandparents.

9. The goal of this part is to set the general “tone” and ideology behind the local legislation. This part is more declaratory in nature. Nevertheless, this part has an important symbolic and educational value—to reflect the significance of the social issue involved. Moreover, it is important in this part to refer to key socio-legal concepts, such as “ageism,” “equality,” or “mainstreaming” that are detailed in the specific modules of the bylaw later on.
• Development, coordination, and financing of services for Older Residents: the municipality will act independently and will encourage additional local, private, and public entities to initiate and develop new services that are adapted to its Older Residents. The municipality will act for enhancing the coordination and cooperation between the different services and towards improving the quality of human and professional services available to its Older Residents.

B. Module 2. Institutions and Organizations

In addition to the municipality’s existing departments and wings dealing with the local older population, the municipality, aiming to fulfill the objects of these bylaws, will establish, finance, and operate the hereinafter specified institutions and bodies.

1. Municipal Advisor on the Matters of Senior Citizens

The municipality will appoint a paid advisor for the Older Residents’ matters (hereinafter “the Advisor”). The Advisor’s duty will be to advise the Municipality Head, the municipality’s Council, and the entirety of the municipality’s departments and employees in all that directly and/or indirectly pertains to the Older Residents’ matters within the municipality. Within this framework, the Advisor will periodically meet with the Municipality Head and the different municipality’s functionaries in order to discuss the Older Residents’ matters.

The Advisor will be acquainted with the array of services and

10. This Module’s object is to create organizational and institutional frameworks to enable and actively cause an alteration of Older Residents’ status and social situation within the municipality. The legislative rationale is grounded in realizing and understanding that statutory declarations are not sufficient in order to bring about social change, but such intentions must also be backed and intensified by formal local government bodies, which will be focused on and devoted to the matter. Moreover, the Module’s goal is to sever the traditional affiliation between the services provided to Older Persons and their linkage to the welfare departments—a historical affiliation that re-enforced a stereotype of frailty and need for the services provided for Older Persons.

11. Some countries created similar bodies on the federal or state level. For instance, in Israel, within the Senior Citizen Law’s framework, the institution of Advisor on Senior Citizens’ Affairs was established on the national level. Israel Doron, Law and Older People—The Rise and Fall of Israel’s Senior Citizens’ Act, 20 J. AGING & SOC. POL’Y 353, 359 (2008).
rights that the municipality is obligated to supply to the Older Residents, by virtue of any law and/or by virtue of the central government, and will act towards their actual provision by the municipality. Within this framework, the Advisor will also act to develop and strengthen the coordination and cooperation among the different entities providing services to the Older Residents in the municipality.

Once a year, the Advisor will submit to the Municipality Head, to the public council, and to the municipality’s council an annual report regarding the Older Residents’ condition within the municipality, as well as a report regarding the state of performance and fulfillment of this bylaw.

2. Older Residents’ Public Council

The municipality will establish and operate a public council for the matters of Older Residents within the municipality (hereinafter “the Council”). In designing and creating the Council, emphasis will be given to providing adequate representation of the entirety of the Older Residents’ population’s components within the municipality, including representation for women, minority group members, and residents who are “old old.”

The Council’s duty will be to represent the Older Residents’ diversified positions and interests in relation to the municipality’s activities and thus assist the Municipality Head and the Council to develop, shape, and promote the municipality’s policy in all that pertains to Older Residents.

Within this framework, the Council will act to identify the needs of Older Residents within the municipality which do not receive adequate or appropriate response, and to recommend to

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12. A local public council, established by Older Residents for the promotion of their own interests, may be an important democratic tool to enhance their local political participation and engagement.

the Council and the Municipality Head ways to answer such needs, which will include developing new services and allotting resources.

3. **Ombudsman for the Older Residents**

The Council for the matters of Older Residents in the municipality will choose an ombudsman for Older Residents’ matters amongst its members. The ombudsman’s duty will be to serve as a formal representative for the Older Residents within the municipality for the purpose of reviewing and handling claims and complaints on any matter or subject whatsoever that pertains to violating Older Residents’ rights within the municipality.

The ombudsman shall examine and investigate any claim or complaint submitted thereto, and provide their findings and recommendations to the complainants, the municipality’s body against which the complaint was submitted, the Advisor on the matters of Older Residents, and the Municipality Head.

4. **Older Residents’ Information and Counseling Centers**

The municipality will establish and finance the activity of a body to serve as an information and counseling center for matters of Older Residents’ rights in the municipality.

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14. The importance and significance of an ombudsman is well recognized in the field of protecting the rights of residents of long-term care institutions. See, e.g., Ruth Huber et al., National Standards for the Long-Term Care Ombudsman Program and a Tool to Assess Compliance: The Huber Badrak Borders Scales, 41 GERONTOLOGIST 264 (2001). This model bylaw proposes to adopt and broaden the scope of this institution to the whole field of Older Persons rights within the specific municipality.

15. An interesting phenomenon found within the healthcare services context is that in relative terms, the “voice” of the Older Persons—i.e., their complaints—is unheard. This is due to the fact that in general, older healthcare recipients complain less, even when they feel their rights were violated. Hence, the need to provide specific formal avenues for complaints of Older Persons is of great importance. See generally Iddo Gal & Israel Doron, Informal Complaints on Health Services: Hidden Patterns, Hidden Potentials, 19 INT’l J. FOR QUALITY HEALTH CARE 158, 158–63 (2007) (making the same conclusion with respect to recent immigrants and minority group members).

16. Research shows that one of the key issues in promoting the rights of Older Persons is the lack of knowledge on these rights. Hence, providing legal information and empowering Older Persons by providing legal information services are of great importance. See generally Israel Doron & Perla Werner, Facts on Law and Ageing Quiz: Older People’s Knowledge of Their Legal Rights, 28 AGEING & SOC’Y 1159 (2008) (critiquing Israel’s research tool for assessing the knowledge older citizens have of their legal rights).

17. See, for example, the Los Angeles, California-based legal aid for elders
All information regarding rights and services provided to the municipality’s Older Residents will be centralized in the Information Center. The Information Center will endeavor to actively distribute the information in different and diversified manners of communication. The same will be accessible to the Older Residents who will be able to receive information during office hours personally, by phone, by fax, and via the Internet, all in a comprehensible language suiting their abilities.

5. Local Strategic Master Plan for the Matters of Older Residents

The municipality will prepare and confirm a local strategic master plan to the matters of Older Residents (hereinafter “the Master Plan”). The Master Plan will take into account projected demographic, social, and economic changes that will affect the local older population.

The Master Plan will provide a comprehensive policy analysis on developing services for the Older Residents in the municipality that will address the future changes and needs of the local older population.

The Master Plan will be prepared with participation and involvement of the Older Residents within the municipality.

Every ten years, pursuant to the Master Plan’s approval, the municipality will act to update its Master Plan.

6. Participation in the Decision-Making Process

In all its decisions and policy-making processes, the municipality will include the voice of Older Residents in decision-making processes. Bet Tzedek Legal Services, that provides legal counsel to poor Older Persons, http://www.bettzedek.org (last visited Oct. 26, 2010).
making through the different bodies and civic society organizations representing them.\textsuperscript{20}

Specifically, the municipality will summon the Advisor and Council members to each of the municipality’s meetings or discussions, in which subjects directly and/or indirectly relating to the interests or rights of Older Residents arise. In each meeting attended by the Advisor, they will have the opportunity to voice their opinion prior to the receipt of any decision pertaining to the matters of the Older Residents’ status.\textsuperscript{21}

\section*{7. Volunteerism in Old Age}

The municipality shall operate, finance, and uphold specific social frameworks to encourage, through public education and coordination, Older Residents’ continued involvement and activity in the municipality by manner of volunteering.\textsuperscript{22}

Specifically, the municipality shall operate and uphold social frameworks to encourage inter-generational and multi-generational volunteerism, which will involve volunteering by and with different age-groups within the local community.

\section*{8. Celebrating “Older Residents’ Day”}

Once a year, the municipality shall note and honor the activity, involvement, and importance of its Older Residents. Unless decided otherwise, this will be performed by the municipality as near as possible to the International Day of Older Persons, taking place on October 1st each year.\textsuperscript{23}

\begin{thebibliography}{9999}
\bibitem{20} This section expresses awareness of the importance that Older Persons will have their voices heard in the processes of social policy-making.
\bibitem{21} For a similar arrangement regarding the status issues of women in Israel, see \textit{The Authority for the Advancement of the Status of Women, PRIME MINISTER’S OFFICE}, \url{http://www.pmo.gov.il/PMOEng/PM+Office/Departments/deswomen.htm} (last visited Oct. 26, 2010).
\bibitem{22} On importance of volunteering in older age, see N. Morrow-Howell et al., \textit{Effects of Volunteering on the Well-Being of Older Adults}, 58B J. GERONTOLOGY 137, 137–45 (2003).
\bibitem{23} An annual noting of Older Resident Day may serve as an efficient instrument for raising public awareness of Older Residents’ rights. This method is being looked into at the national and international levels in relation to different minority and weakness groups, and was also concretely adopted by the U.N. in all that relates to noting the International Day of Older Persons. \textit{See United Nations, International Day of Older Persons}, \url{http://www.un.org/depits/dhl/olderpersons/} (last visited Oct. 26, 2010).
\end{thebibliography}
9. Older Resident Municipal Card

The municipality shall grant each Older Resident with an “Older Resident Card.” This card, for all purposes of this bylaw, will serve as an identification card that entitles the holder to all the rights of an Older Resident.

The municipal Older Resident card will be respected by all local service providers and local businesses.

10. Data Collection and Local Scientific Research

The municipality will act to collect statistical data regarding the condition of Older Residents in its boundaries, while taking care to safeguard their privacy, secrecy, and personal dignity.

The municipality will encourage “evidence based practices,” and for that matter will financially support scientific studies that examine and evaluate the effectiveness of its social programs and of the various aspects of this bylaw.

C. Module 3. Employment and Professional Training

1. Encouraging Employment in Old Age

The local municipality will encourage its employees to continue to work in their older years and will promote a multi-generational workforce and “age positive” policies.

24. In order to receive various benefits or discounts, a person will need to prove that he or she is indeed an Older Resident. The Older Resident card provided by the local municipality can easily resolve these issues.

25. Collecting methodical information constitutes basic and preliminary conditions for the purpose of analyzing and evaluating the bylaw’s and local policy’s success level in reaching their goals. In absence of based and tested data, there is no way to understand and improve the local policy and make distribution of resources more effective.

26. An empirical study based on reliable data constitutes the main road for promoting, developing, and improving the existing service array and enables breakthroughs for innovative services development as well as improves current situations for Older Residents. See New Ways to Care for Older People: Building Systems Based on Evidence, at xv (Evan Calkins, et al. eds., 1999) (advocating innovations in geriatric care based on data from randomized clinical trials, and noting that “[i]n some instances, the data and the resulting recommendations disagree with geriatric orthodoxy.”); see generally Ross C. Brownson et al., Evidence-Based Public Health (2003) (discussing the need and development of evidence-based analysis in the public health setting).

27. See generally Deborah SMEATON ET AL., OLDER WORKERS: EMPLOYMENT PREFERENCES, BARRIERS AND SOLUTIONS, (Pol’y Studies Inst. 2009), available at
The local municipality will provide vocational in-service training to ensure that older employees are updated and are able to advance their professional knowledge.

In hiring new employees, the municipality will act in a manner of positive discrimination, so that preference will be given to work applicants who are of older age.  

2. Encouragement and Support for Workers Caring for Their Elderly Parents

The municipality will adopt “family friendly working policies” that will allow its employees to combine their work duties with their informal care responsibilities for their older parents or older relatives.

Specifically, all municipal employees who are providing care for an older parent will have the right to choose one or more of the following options:

• Take a paid “family care responsibility” leave;
• Take a un-paid “family care responsibility” leave;
• Change to flexible working hours; and
• Change to part-time.

The detailed provisions of each of the above-mentioned options will be further decided between the municipality and its employee’s labor union.

28. The philosophical and legal justification of “corrective discrimination,” also worded as “affirmative action,” is known to be very controversial and discussion thereof exceeds this paper’s limits. Notwithstanding, assuming that from a constitutional point of view it is possible to justify a policy actively seeking to justify a historical injustice, or recognizing that without active preference it is impossible to generate social change, adopting such a policy pattern is certainly possible. Moreover, in light of the United States Supreme Court ruling in General Dynamics Land Sys., Inc. v. Cline, 540 U.S. 581 (2004), it is not unlawful to favor older over younger workers under the Age Discrimination in Employment Act (ADEA).


30. For an overview of the different available policy options to support family care-giving while balancing workforce demands, see B.C. LAW INST., CANADIAN CTR. FOR ELDER LAW, CARE/WORK: LAW REFORM TO SUPPORT FAMILY CAREGIVERS TO BALANCE PAID WORK AND UNPAID CAREGIVING (April 14, 2010), available at http://www.bcli.org/ccel/publications/study-paper-family-caregiving.
The municipality will ensure that all its workers and service providers caring and/or providing services to Older Residents will be certified, and possess the knowledge and proficiency needed in rendering services and caring for the senior population.

The municipality will also ensure and demand continuance of maintaining their level and professional skill throughout their employment period.

Within this framework, all the municipality’s employees in the field of Older Residents’ services will be referred to vocational in-service training that will not diminish from forty hours, financed by the municipality, at least once every two years.

D. Module 4. Financial Discounts

Due to its awareness of the need to consider existing financial limitations of some of the Older Residents, the municipality will act to alleviate and reduce the financial expenditures imposed thereof, as hereinafter specified.32

For each service that the municipality provides to its residents, including parking and transportation services, a discount will be defined and granted to all the municipality’s senior residents.33

For each tax the municipality legally collects from its residents directly or indirectly, a discount will be defined and granted to the municipality’s senior residents.34
For each cultural, social, or leisure activity the municipality directly or indirectly conducts or provides, a financial discount will be granted to the senior residents.\textsuperscript{35}

For each of the municipality’s contractual engagements with the suppliers or service providers, whether private or external, the municipality shall include contractual provisions within the contract’s framework to obligate the granting of discounts to its senior residents.

For each tender consisting of granting goods and services, the municipality shall include the obligation to grant discounts to the senior residents as part of the tender conditions, whether such goods and services pertain to the senior residents directly or indirectly.

The municipality’s Council shall determine the discount rate’s measure and terms for its receipt.

Once a year, the municipality shall distribute a written notice to all its senior residents specifying the rates and fields of discount to which they are entitled and manners of receiving thereof.

\textbf{E. Module 5. Physical Environment, Accommodation, and Transportation}

Being aware of the senior residents’ special needs within the municipality, the municipality will: create an “age-friendly” physical environment; create a safe and accessible ecological setting; integrate the needs of seniors in urban and community planning; and provide a diverse choice of accommodation solutions to respond to the needs as hereinafter specified.\textsuperscript{36}

\begin{flushleft}
Permits, Business Regulations’; then follow “Article 1.1 Telephone, Electricity and Gas Users Tax”; then follow “Sec. 21.1.12. Exemptions and Refunds”).
\end{flushleft}

\textsuperscript{35} For an example of discounts for municipality-held classes, see L.A., Cal., ADMIN. CODE § 22.117 (2010), http://www.amlegal.com/nxt/gateway.dll?f=templates&ftn=default.htm&eid=amlegal:laac_ca (follow “Division 22 Departments, Bureaus and Agencies Under the Control of the Mayor and Council”; then follow “Chapter 7 Cultural Affairs Department”, then follow Article 3 Powers and Duties in General”; then follow “Sec. 22.117. Program and Facility Use and Admission Fees”).

\textsuperscript{36} This Module is built upon the developing field of environmental gerontology, which emphasizes the environment’s influence on the lives of Older Persons. Chris Phillipson, \textit{Urbanisation and Ageing: Towards a New Environmental Gerontology}, 24 AGEING & SOC. 963, 963 (2004); see also HANS-WERNER WAHL, THE MANY FACES OF HEALTH, COMPETENCE, AND WELL BEING IN OLD AGE 3–6 (Hans-Werner Wahl et al., eds., 2006) (summarizing some of the issues aging individuals face when living in an urban environment). For a more concrete example of the
The municipality will, through its representatives in different urban planning committees, create, plan, and approve outline plans to allot and define areas and assignments for the purpose of creating accommodation solutions for the senior populations within the municipality. The municipality will encourage and act towards the establishment of institutionalized accommodation solutions within the municipality to answer the Older Residents’ needs. Within this framework the municipality will cooperate with governmental, public, and private bodies to erect institutionalized accommodation frameworks for continuing care for older persons in various mental or physical conditions.

The municipality will act and encourage “aging in place” and the continuance of its Older Residents living in their home within the community through encouragement, creation, and supply of different in-home services. All public buildings owned and/or managed and/or used by the municipality will be physically accessible, safe, and secure for Older Residents.


37. For an example of this kind of activity in New York City, see the role of cities in providing housing assistance aforementioned. For examples of specific local bylaw legislation that encourages creating accommodation solutions for the elderly in the city of Los Angeles, see L.A., CAL., ADMIN. CODE § 22.601 (2010), http://www.amlegal.com/nxt/gateway.dlf=templates&fn=default.htm&vid=amlegal:laac_ca (follow “Division 22 Departments, Bureaus and Agencies Under the Control of the Mayor and Council”; then follow “Chapter 24 Los Angeles Housing Department”; then follow “Article 1 Designation and Purpose of Department”; then follow “Sec. 22.601. Purpose Defined”). For regularization in the British Columbia province, see Planning Tools for Supportive Housing, http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/43_208_2008. For an interesting local initiative that grants a right to establish an additional housing unit on each lot for the purposes of providing accommodation solutions for elderly tenants (i.e., the landowners’ older parents), see CHARLOTTE, N.C., ORDINANCES app. A, § 12.407 (2010), http://library.municode.com/HTML/19970/level4/PH_AA_C12_P4.html#PH_AA_C12_P4_s12.407

38. For an interesting example in this field, see imparting the service to receive snow plowing from access ways to the homes of the elderly and the disabled, as enacted in VALLEY VIEW, OH., ADMIN. CODE § 240.16(a)(1), (b), (d) (2010), http://www.valleyview.net/building/240.doc.

39. Accessibility includes, for example, an obligation to allot private parking spaces for disabled and elderly persons’ vehicles. See, e.g., COLUMBUS, OH., CODE
In planning the public transportation scheme within the municipality, emphasis will be placed on the Older Residents’ special needs. Special emphasis will be placed on accessibility via public transportation to public facilities, leisure, culture, and recreation sites, and on public education about the use of public transport in old age.40

F. Module 6. Confronting Elder Abuse and Neglect

Being aware and recognizing the existence of the social phenomenon of elder abuse, seeking to prevent its existence, and minimizing its damage pursuant to discovery, the municipality will enact henceforth:41

The municipality will develop, establish and/or define an “elder abuse multi-disciplinary team” that will include professionals from diverse disciplines. It will be headed by the Advisor to the Matters of Older Residents, whose function will be to review cases of elder abuse and neglect, and address systemic elder abuse problems within the municipality (hereinafter the “Multidisciplinary Protection Team”).42

40. See, e.g., CHI., ILL., MUN. CODE tit. 9, ch. 68, § 040 (2010), http://www.amlegal.com/nxt.gateway.dll/Illinois/chicago_il/municipalcodeofchicago?f=templates$fn=default.htm$3.0$vid=amlegal:chicago_il (follow “Title 9 Vehicles, Traffic and Rail Transportation”; then follow “Ch. 9–68 Restricted Parking—Permits and Regulations”; then follow “9–68–040 Athletic events at Wrigley Field”) (designating an application for privately owned busses to park within a public staging area at Wrigley Field Stadium and giving preference to applications for busses driving elders).

41. This Module is build upon the growing awareness of the important social phenomenon of elder abuse and neglect. See generally MARY JOY QUINN & SUSAN K. TOMITA, ELDER ABUSE AND NEGLECT: CAUSES, DIAGNOSIS, AND INTERVENTION STRATEGIES (2d ed. 1997).

42. This approach is built upon existing knowledge and success of multidisciplinary work on the local level to combat elder abuse and neglect. See, e.g., Pamela B. Teaster et al., A National Look at Elder Abuse Multidisciplinary Teams, 15 J. ELDER ABUSE & NEGLECT 91 (2005).
The Multidisciplinary Protection Team will develop information and education programs for the municipality’s residents to increase awareness and knowledge of the elder abuse and neglect phenomenon.  

The Multidisciplinary Protection Team will develop and prepare a written procedure and protocols to guide all municipality workers in everything that pertains to identification, reporting, and intervention measures in cases of elder abuse and neglect.

The Multidisciplinary Protection Team will act in cooperation with the other governmental bodies, as well as private and public entities, to increase coordination in caring for and addressing the need of older victims of abuse and neglect.

The Multidisciplinary Protection Team will develop strategies for enhancing security of Older Residents through volunteer-based programs.

G. Module 7. Health and Prevention

Being aware of the importance of early prevention to the Older Residents’ quality of life and health, the municipality will act and encourage the activity, creation, and cooperation in these fields, as hereinafter specified.

The municipality will develop, establish, and define a multidisciplinary team to be headed by the Advisor to the Matters of Older Residents. Its function will be to initiate, develop, and encourage social initiatives in the field of public-health education towards old age, and healthy life-style in old age (hereinafter the

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43. Some municipalities surpass themselves and define elder attack as a criminal offense on the local level, and even charge the convicted with minimum sentencing. See, e.g., CHI., ILL., MUN. CODE tit. 8, ch. 4, § 080 (2010), http://www.amlegal.com/nxt/gateway.dll/Illinois/chicago_il/municipalcodeofchicago?f=templates$fn=default.htm$3.0$rid=amlegal:chicago_il (follow “Title 8 Offenses Affecting Public Peace, Morals and Welfare”; then follow “Ch. 8–4 Public Peace and Welfare”; then follow “8–4–080 Definitions—Assault defined—Mandatory sentence”).

44. There are many examples of local initiatives for improving the safety of Older Persons at the local level. See, e.g., THE NAT’L ASS’N OF TRIADS, http://www.nationaltriad.org/About_NATI.htm (last visited Sept. 5, 2010).

45. In many countries, health care services are financed by the federal or national government. Nevertheless, even in those countries, the local governments can still play an important role in promoting public and private health of its Older Residents. An important example in this field is the “Healthy Cities Project” in Europe, which is described and discussed in Ingrid M. Keller & Alexandre Kalache, Promoting Health Aging in Cities: The Healthy Cities Project in Europe, 12 J. CROSS-CULTURAL GERONTOLOGY 287 (1997).
“Multidisciplinary Health Team”).

The Multidisciplinary Health Team will act to establish cooperation and coordination between the different health services suppliers, the state, and the national healthcare bodies acting within the municipality, in everything that pertains to providing and granting health services to Older Residents.

H. Module 8. Education, Culture, and Leisure

Because it is aware of the importance of cultural and leisure activities to the Older Residents, the municipality will develop, finance, and promote activities in this field, as hereinafter specified.\(^{46}\)

The municipality shall employ a paid employee, who will develop and hold culture and leisure events as well as educational frameworks for the municipality’s Older Residents.

The planning, establishment, and operation of cultural and leisure events within the municipality will be performed, coordinated, and carried out while taking into account the interests and needs of the municipality’s Older Residents.\(^{47}\)

I. Module 9. Miscellaneous Directives

The rights provided under this bylaw are in addition to all existing rights, services, and/or any other existing benefits provided within the municipality.

The rights and services detailed in this bylaw are not intended to prevent and/or exclude further development of additional services, rights, entitlements, and/or initiatives for advancing the Older Residents’ status and rights within the municipality.

\(^{46}\) This Module reflects existing knowledge about the relationships between leisure activities and life satisfaction in old age. See, e.g., Saraswati Mishra, Leisure Activities and Life Satisfaction in Old Age: A Case Study of Retired Government Employees Living in Urban Areas, 16 ACTIVITIES, ADAPTATION & AGING 4, 7 (1992); see also Michael Crowe et al., Does Participation in Leisure Activities Lead to Reduced Risk of Alzheimer’s Disease?: A Prospective Study of Swedish Twins, 58B J. GERONTOLOGY: PSYCHOL. SCI. 249 (2003).

\(^{47}\) For basing the need to consider and relate to Elder Residents in everything that pertains to leisure activities, see the bylaw of the city of Raleigh relating to defining the roles of the Recreation Division of the Department of Parks and Recreation. RALEIGH, N.C., MUN. CODE § 9-3001 (2010), http://library.municode.com/HTML/10312/level3/DIVIICOGEOPT9PAREC_UAF_CH3RE.html.
III. CONCLUSION

This article’s intention is not to idealize legislation at the local government level. The author has noted elsewhere that one needs to be cautious when looking into local authority:

At the local level, conservative communities or those with a specific cultural orientation may well find a legal basis for hostility or statutory policy antagonistic to minorities and unprivileged sectors which do not belong to the majority. Thus, for example, it is known that local authorities have in the past attempted to rid themselves of their poorer citizens in order to attract stronger and richer groups of citizens to immigrate. Disadvantaged citizens constitute a burden on the local authorities, both because of their minimal financial contribution and because of the high level of services which they require.48

Nevertheless, in an ideal world, local governments can use their powers in creative and diverse ways to legally promote the rights of their Older Residents, and base these rights within legal and binding bylaws and ordinances. The model bylaw presented in this article is only one example which can be further developed, expanded, and changed to fit the unique needs and ideas of local communities. So far, research suggests that the use of this potential legislative power is low, and the hope is that the proposed bylaw only shows the wide range of existing legislative opportunities that are open to local municipalities all around the globe.

48. See Doron, supra note 6, at 310.