

Advocacy Recommends that the Justice Department Give Small Governments Regulatory Relief for ADA Website Accessibility Requirements

On October 17, 2023, the Office of Advocacy (Advocacy) submitted comments on the United States Department of Justice (DOJ) Civil Rights Division's proposed rule that would require state and local government entities to make their websites and mobile devices accessible under the Americans with Disabilities Act (ADA).

- The proposed rule adopts the Web Content Accessibility Guidelines (WCAG) 2.1 Level AA as the new technical standard for compliance with Title II of the ADA. These guidelines require 50 success criteria to make a website more accessible for people with disabilities. This includes converting pictures and documents so they can be read with assistive technology for people who are blind or have low visibility. This also includes providing captions for live and prerecorded video for people who are deaf and hard of hearing.
- Advocacy believes that DOJ has underestimated the compliance costs and burden hours of this rule for small entities, particularly the smallest government jurisdictions. Small governments seek to provide accessibility for their constituents but have limited revenues and a lack of internal technical staff to meet this high technical standard.
- Advocacy recommends that DOJ adopt regulatory alternatives to develop final regulations that offer flexibility to small governments while improving website accessibility to the public.
- Advocacy recommends that DOJ adopt the WCAG Level 2.0 as the standard for Title II of the ADA to harmonize with the current federal requirements. Advocacy recommends that DOJ create a safe harbor from abusive litigation challenges. The agency should adopt compliance flexibilities for the smallest governments, if compliance is an undue financial and administrative burden. Advocacy also recommends that DOJ provide more flexibility for captioning requirements. In addition, DOJ should provide more compliance and assistance to help small entities.

A complete copy of Advocacy's letter to DOJ is available at: <<insert link>> For more information please contact Janis Reyes, Assistant Chief Counsel, Janis.Reyes@sba.gov, 202-798-5798.

