

LEGAL UPDATE

DOJ Issues Guidance on Web Accessibility and the ADA

On March 18, 2022, the U.S. Department of Justice (DOJ) issued new [guidance](#) on web accessibility requirements under the Americans with Disabilities Act (ADA). The new guidance describes how businesses that are open to the public and state and local governments can ensure that their websites are accessible to individuals with disabilities.

ADA and Web Accessibility

Under the Title III of the ADA, businesses open to the public must provide full and equal enjoyment of their goods, services, facilities, privileges, advantages or accommodations to people with disabilities. Similarly, Title II of the ADA requires state and local governments to provide equal access to all services, programs and activities.

The DOJ, which enforces Titles II and III of the ADA, has consistently taken the position that these ADA requirements apply to web content. In the new guidance, the DOJ indicates that it will continue prioritizing web accessibility.

Website Design Resources

While acknowledging that no specific, enforceable standards apply to businesses or state and local governments, the DOJ guidance suggests that these entities follow the [Web Content Accessibility Guidelines \(WCAG\)](#) and [other standards](#) that apply to the federal government. The guidance also provides examples of common web accessibility issues and samples of enforcement actions the DOJ has taken against businesses in the past.

Common Website Issues

According to the DOJ, some barriers make it difficult or impossible for people with disabilities to use websites. Some examples include the use of poor contrast (which can make it difficult for those with limited vision to read) and mouse-only navigation (as some individuals may only be able to use keyboard navigation) and the lack of captions on videos for the hard of hearing.

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Highlights

Equal Access Under the ADA

The ADA requires public and private entities that are open to the public to provide individuals with disabilities full and equal access to their services.

DOJ Position on Websites

Since 1996, the DOJ's position has been that the ADA's accessibility requirements apply to websites.

Flexibility and Enforcement

While public and private entities have flexibility to determine how to comply with the ADA, the DOJ provides compliance tips and resources to help organizations avoid enforcement actions for inaccessible web content.

The DOJ has indicated that it will continue prioritizing website accessibility for individuals with disabilities.