

# ADA Title II Web Accessibility Rule — Executive Summary

**Effective:** June 24, 2024

**Source:** DOJ Final Rule, 28 CFR Part 35, Subpart H

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## What It Is

The DOJ issued a final rule requiring state and local governments to make web content and mobile apps accessible to people with disabilities. This is the first time specific technical standards have been mandated for government digital content under the ADA.

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## Who Must Comply

- State and local governments (cities, counties, townships, villages)
  - Special districts (water, fire, parks, transit, etc.)
  - School districts
  - Public universities and colleges
  - Any entity receiving government contracts for public services
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## Compliance Deadlines

Entity Type	Deadline
Population ≥ 50,000	<b>April 24, 2026</b>
Population < 50,000 or special district	<b>April 26, 2027</b>

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## The Standard

**WCAG 2.1 Level AA** — 50 success criteria (30 Level A + 20 Level AA)

Covers: perceivability, operability, understandability, robustness

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## What's Covered

- Websites and all web content
  - Mobile apps
  - PDFs, Word docs, spreadsheets, presentations ("conventional electronic documents")
  - Online forms, applications, portals
  - Video/audio content (captions required)
  - Social media posts (after compliance deadline)
  - Third-party content provided through contracts
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## Five Exceptions

1. **Archived web content** — Must meet ALL conditions:
    - Created before compliance deadline
    - Retained only for reference/research/recordkeeping
    - Not altered since archiving
    - Stored in dedicated area clearly labeled as archive
  2. **Preexisting conventional electronic documents** — PDFs/Word/Excel/PPT that:
    - Were posted before compliance deadline
    - Are NOT currently used to apply for, access, or participate in services
  3. **Third-party content** — Posted by public (e.g., Facebook comments), unless posted through contract/licensing arrangement
  4. **Individualized password-protected documents** — About a specific person, their property, or account (e.g., utility bills, tax records)
  5. **Preexisting social media posts** — Posted before compliance deadline
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## Critical Nuance on Exceptions

The **"currently used" trigger kills the preexisting document exception.** If an old PDF is linked from a current page, used in a current program, or required for any current service — it must be remediated regardless of age.

**Archived doesn't mean "old."** Just having old content doesn't make it archived. It must be moved to a clearly designated archive area and never modified.

**On request, you still must provide accessible versions.** Even if content qualifies for an exception, if someone requests it in an accessible format, you must provide it under existing ADA effective communication requirements.

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## Defenses

- **Undue burden** — Compliance would be so costly/difficult as to be prohibitive (must document in writing)
- **Fundamental alteration** — Compliance would change the nature of the service
- **Minimal impact** — Minor non-conformance that doesn't affect ability to use content

These are narrow and require documentation.

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## Enforcement

No new mechanisms — existing ADA enforcement applies:

- DOJ lawsuits
  - Administrative actions
  - Settlement agreements
  - Private lawsuits remain possible
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## Note on Current Status (Jan 2026)

DOJ announced plans to issue a new NPRM exploring ways to reduce compliance costs. However, the rule remains in effect, deadlines stand, and no executive orders have paused enforcement. Private lawsuits can proceed regardless of DOJ priorities.