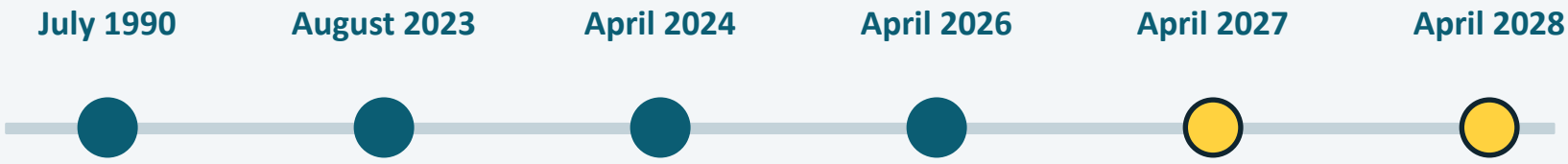
NADO
National Association of Development Organizations

# WEB AND MOBILE ACCESSIBILITY UNDER ADA TITLE II

Juliette Wilder, Manager of Government Relations|October 21, 2026

# Rule timeline: from the ADA to compliance




**July 1990 — ADA enacted**

Title II covers state and local governments.

**August 2023 — Proposed rule**

DOJ proposes a web and mobile accessibility rule.

**April 2024 — Final rule**

Published. WCAG 2.1 Level AA is required.

**April 2026 — Deadlines extended**

Interim final rule adds one year to both deadlines.

**April 2027 — Large entity deadline**

Populations of 50,000 or more must comply.

**April 2028 — Small entity deadline**

Under 50,000 and special districts must comply.

Teal markers are rule milestones. Gold markers are compliance deadlines. Before the extension, the deadlines were April 2026 and April 2027.

# The Rule in Simple Terms

### Who must comply

State and local governments and their instrumentalities, including special districts, public schools, and public colleges.

### The standard

Web content and mobile apps must meet WCAG 2.1 Level AA.

### The source

DOJ final rule published April 24, 2024, amending the Title II regulation at 28 CFR Part 35.

***Hasn't this been a thing since 2003?***

**Yes and no.** DOJ first wrote its guidance on Website Accessibility for state and local governments in 2003. However, after a failed attempt to finalize regulations back in 2010, this is the first time a final rule has been published that sets regulations for state and local government as well as establishes legal consequences for non-compliance.

# Response to DOJ Rule

**Pushback Against Cost of Compliance**→ NACO and NLC raised alarms over the cost of this rule exceeding $1 billion nationwide.

**Pushback against Interim Final Rule** → U.S. Small Business Administration's Office of Advocacy recommend that DOJ withdraw the rule citing Supreme Court decisions.

**Pushback against Compliance Delays** → National Federation of the Blind sued DOJ over delays of compliance deadlines. Alleging violation of APA.

**Where is it headed?** → The Justice Department's regulatory agenda, published on August 14, 2026, indicates that the agency is considering further extensions to compliance deadlines and changes that could make the rule less burdensome.

# What is covered, and what is not

## In scope

- Websites and web apps
- Mobile apps
- Online forms, payments, and portals
- PDFs and documents posted online
- Meeting video and captions
- Content run by vendors on your behalf

## Exceptions

- Archived web content kept only for reference
- Older documents posted before the deadline, unless still in use
- Third-party content you do not control by contract
- Individualized password-protected documents
- Older social media posts

# Legal Protections

## Undue Burden

Entities are not required to take any action that would result in **significant difficulty or expense**. However, they still must make whatever changes are feasible and provide alternative means of access.

*For example:* if you have an interactive map of flood zones that would cost $85,000 to re-engineer to make it keyboard-navigable and your entire IT budget for the year is $90,000.

## Fundamental Alteration

Entities are not required to take steps that would **fundamentally alter the nature** of the program or service. However, they must provide an alternative means of access.

*For example:* if your map can't be made accessible without rendering the map unusable.

## Minimal Impact Exception

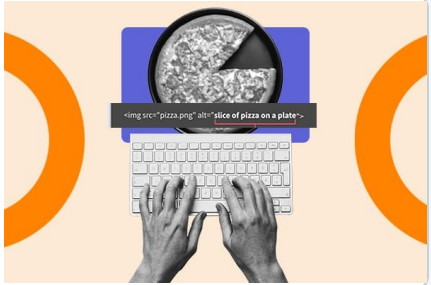
Entities who demonstrate that their noncompliance has only a **minimal impact on access** doesn't violate the rule.

*For example:* if your map's contrast ration is 4.45:1 instead of 4.5:1 that difference is negligible enough.

# Core Four of Accessibility

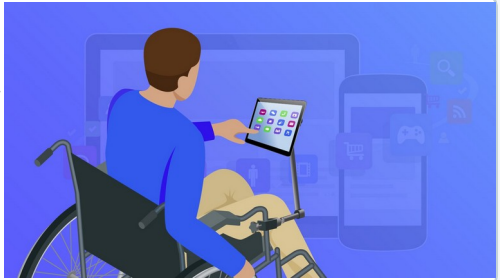
## Perceivable

Alt text for images, captions for video, enough color contrast.



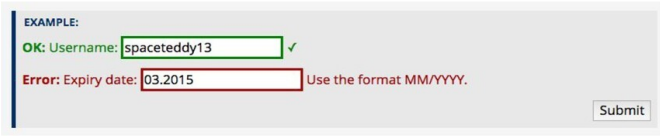

## Operable

Everything works by keyboard. No time limits that cannot be extended.



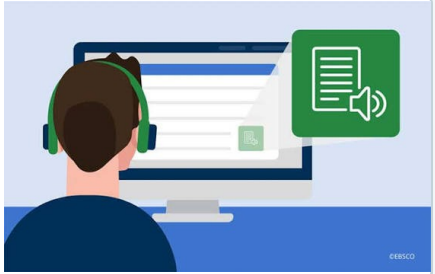
## Understandable

Clear labels, consistent navigation, helpful form errors.




## Robust

Clean code that works with screen readers and other assistive technology.



# THANK YOU