



NEW FEDERAL RULE ON WEB CONTENT AND MOBILE APP ACCESSIBILITY

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APRIL 10, 2026

OVERVIEW OF RULE

- U.S. Department of Justice issued new rule on April 24, 2024, titled: “Nondiscrimination on the Basis of Disability; Accessibility of Web Information and Services of State and Local Government Entities”
 - A public entity with a population with more than 50,000 must be in compliance with the new rule on or before April 24, 2026, while an entity with under 50,000 has until April 26, 2027.
- The rule requires compliance with Web Content Accessibility Guidelines (WCAG) 2.1, Level AA
 - In short, websites and apps must be accessible to people with various forms of disabilities
- Rule applies to the following (even when provided by a private entity on behalf of a public entity):
 - Website content
 - “Web content” is defined as the information and experiences available on the web, like text, images, sound, videos, and documents.
 - Mobile applications

EXCEPTIONS TO THE RULE

■ Archived web content

- The content was created before the date the state or local government must comply with this rule, or reproduces paper documents or the contents of other physical media (audiotapes, film negatives, and CD-ROMs for example) that were created before the government must comply with this rule, AND
- The content is kept only for reference, research, or recordkeeping, AND
- The content is kept in a special area for archived content, AND
- The content has not been changed since it was archived.

■ Pre-existing conventional electronic documents

- The documents are word processing, presentation, PDF, or spreadsheet files; AND
- They were available on the state or local government's website or mobile app before the date the state or local government must comply with this rule

EXCEPTIONS TO THE RULE, CONTINUED

- Content posted by a third party where the third party is not posting due to contractual, licensing, or other arrangements with a public entity
 - Third parties sometimes post content on state and local governments' websites or mobile apps. Third parties are members of the public or others who are not controlled by or acting for state or local governments. The state or local government may not be able to change the content third parties post.
- Individualized documents that are password-protected
 - The documents are word processing, presentation, PDF, or spreadsheet files, AND
 - The documents are about a specific person, property, or account, AND
 - The documents are password-protected or otherwise secured
- Pre-existing social media posts
- “Undue burden” exception
 - Under the ADA rules, state and local governments do not need to take actions that would result in a fundamental alteration or an undue burden. This is also true for this rule. Determining what is a fundamental alteration or undue burden is different from entity to entity and sometimes from one year to the next.

EXCEPTIONS TO THE RULE, CONTINUED

- In some limited situations, state and local governments may be able to show that their web content or mobile apps do not meet WCAG Version 2.1, Level AA in a way that is so minor that it would not change a person with a disability's access to the content or mobile app. If the state or local government can show that, then they are not violating the rule.
 - **Example:** A state's web page with information about a park has text with a color contrast ratio that is 4.45:1. WCAG 2.1, Level AA requires a color contrast ratio of 4.5:1 for this text. It can be hard for some people with vision disabilities to see text on a web page if there is not enough contrast between the color of the text and the background color. But that very small difference in color contrast ratio probably would not change whether most people with vision disabilities could read the text on the website and access the information about the park. If the state can prove the difference in color contrast is so small that it would not make it harder for people with disabilities to access the information about the park, the state would not violate the rule.