

## BLOG

DOJ Plans to Start Over on State and Local Government Website Rule

By [MIKE BELARMINO](#) May. 11, 2016

Tags: [Intergovernmental Affairs](#), [Telecommunications & Technology](#)



On April 28, the U.S. Department of Justice (DOJ) announced its withdrawal of the notice of proposed rulemaking on the accessibility of state and local government websites. The rule sought to revise the Americans with Disabilities Act's (ADA) Title II regulations to require that all state and local government websites adhere to enhanced accessibility requirements, like coding websites to allow for the use of screen readers. The agency began working on the rule in 2010 and was expected to issue the proposed rule this year. Instead, in conjunction with the withdrawal notice, DOJ issued a [Supplemental Advance Notice of Proposed Rulemaking \(SANPRM\)](#) signaling the agency's intent to essentially restart the drafting process.

Through the SANPRM, DOJ is seeking public comment on various issues to help shape and further efforts to draft the website accessibility rule. The SANPRM includes over 100 questions separated into broad topical categories, including the timeframe for compliance, alternative requirements for small public entities, methods of compliance with web accessibility requirements and compliance costs. Counties should be particularly interested in providing feedback to some of the questions in the SANPRM, but it will not be necessary to answer all of them. NACo urges counties to submit comments, data and any feedback to the questions. Instructions on how to submit comments are included in the [SANPRM](#); comments are due on or before August 8, 2016.

In 2014, NACo met with officials at the White House Office of Management and Budget (OMB) to provide the county perspective on the initial advance notice of the proposed rule. In general, NACo agreed with the need to ensure all citizens are able to access information provided on local government websites. However, NACo expressed concerns over the ability of counties, especially smaller counties, to meet new website requirements given that resources and capacity vary widely from county to county. Currently, only federal government websites are required to be accessible. Even though many state and local websites have incorporated accessibility into their design, there are still some local governments that have not.

Website accessibility generally deals with how individuals with varying disabilities interact with information found on webpages. Those individuals must utilize assistive technology to enable them to navigate websites or access information contained on those sites. For example, a blind person would need to rely on a screen reader to convert the visual information on a county's webpage into audio.

In turn, the pages on a county website would need to be developed in a way that incorporates features allowing the use of those screen readers. Also, online forms, a common feature on many county websites, would need to be addressed as well, since they are often among the website features that are challenging for individuals with disabilities to interact with.

NACo staff are currently reviewing the SANPRM and will report developments as they occur.

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DOJ readying release of gov't website accessibility rules

By [MIKE BELARMINO](#), [CHARLIE BAN](#) Dec. 1, 2014



The U.S. Department of Justice (DOJ) could be nearing completion of a proposed rule that would revamp how counties approach the design of their websites. The rule would revise the Americans with Disabilities Act's (ADA) Title II regulation and establish requirements for making available the services, programs, or activities offered by state and local governments to the public via the Web accessible.

DOJ is also considering similar changes to Title III that would address sites of businesses that provide public accommodations.

When the proposed rule is finally released, it would culminate a four-year process that began in 2010. But the work to develop a rule really started before that, when the DOJ began, in 2004, to update the regulations previously adopted to implement Title II and Title III. While website accessibility was not originally part of the revisions, numerous comments were reportedly received urging the department to issue Web accessibility

regulations under the ADA. When the ADA was enacted in 1990, website accessibility was not a consideration because the Internet as we know it today did not exist. Website accessibility generally deals with how individuals with varying disabilities interact with information found on webpages. Those individuals must utilize assistive technology to enable them to navigate websites or access information contained on those sites. For example, a blind person would need to rely on a screen reader to convert the visual information on a county's webpage into audio. In turn, the pages on a county website would need to be developed in a way that incorporates features to allow the use of those screen readers. Also, online forms, a common feature on many county websites, would need to be addressed as well, since they are often some of the website features that are inaccessible to individuals with disabilities.

## Web Extra



### Website Accessibility Rules

Currently, only federal government websites are required to be accessible. Though not required to, many state and local government websites have already incorporated accessibility into their design. The DOJ is seeking to address the remaining sites that haven't and are still engaged in the economic impact analysis that imposing such requirements could have on state and local governments.

If the requirement is implemented, many counties would have to take the first step of running their website through an accessibility audit, a task that would require either purchasing software or enlisting a vendor to perform.

The cost of the audit would vary and could depend on the size of the website, a county's population and how frequently the site is updated. Next, a county would need to address any issues found during the accessibility audit. The costs for this step would vary and depend on the number of items found out of compliance.

Finally, counties would need to develop a process that would provide an ongoing check of their website's compliance with the accessibility requirements. Depending on how often content on the website is updated, this process could be a daily requirement. It remains unclear how soon DOJ will issue the notice of the proposed rule, at which point counties would have the ability to submit comments. NACo will provide any additional information as soon as it becomes available.

The proposed rule is currently at the Office of Information and Regulatory Affairs (OIRA), located within the White House Office of Management and Budget. OIRA is conducting its own review of the rule and must sign off before DOJ can issue the proposed rule for public comment.

NACo had the opportunity recently to meet with OIRA staff to raise several factors, such as county budget cycles and the potential implementation period that should be taken into consideration as the rule continues to be developed.