IS YOUR WEBSITE ADA COMPLIANT?

by

Cynthia N. Sass, Esquire

Risk Management Committee
Florida Realtors®
A Century of Service Celebration and Convention
Up, Up and Away with Websites and Drones
August 27, 2016

Available Courtesy of:
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I. WHAT IS ACCESSIBILITY?

A. Traditional

- Brick and mortar
- Ramps
- Parking Spaces
- Heights of Sinks

B. Cyberspace

- Adoptive Software
- Specialized Browsers
- Electronic Readers
- Website Coding
- App Availability

II. FREQUENTLY ASKED QUESTIONS

- Do I have to do this?
- Isn’t my website provider responsible instead of me?
- How much time do I have to get it done?
- How much will it cost me?
- What do I actually need to do to become compliant?
- What happens if I don’t?

III. THE LAW AND ACCESSIBILITY

A. Americans With Disabilities Act

1. Title I – Employment

¹ These materials are distributed by the Sass Law Firm for informational purposes only. These materials should not be considered legal advice and should not be used as such.
ENFORCER: U.S. Equal employment Opportunity Commission or U.S. Department of Justice

2. Title II – Accessibility Public Sector
ENFORCER: U.S. Department of Justice

3. Title III – Accessibility Private Entities
ENFORCER: U.S. Department of Justice

B. Other Laws

1. Rehabilitation Act of 1973

2. Florida Civil Rights Act

3. Other States & Local Laws per Jurisdiction

IV. TITLE III: PRIVATE ENTITIES PLACES OF PUBLIC ACCOMMODATION

A. Categories. Out of 12 categories, the sixth pertains to real estate services:

1. Places of lodging (e.g., inns, hotels, motels) (except for owner-occupied establishments renting fewer than six rooms);

2. Establishments serving food or drink (e.g., restaurants and bars);

3. Places of exhibition or entertainment (e.g., motion picture houses, theaters, concert halls, stadiums);

4. Places of public gathering (e.g., auditoriums, convention centers, lecture halls);

5. Sales or rental establishments (e.g., bakeries, grocery stores, hardware stores, shopping centers);

6. Service establishments (e.g., laundromats, dry-cleaners, banks, barber shops, beauty shops, travel services, shoe repair services, funeral parlors, gas stations, offices of accountants or lawyers, pharmacies, insurance offices, professional offices of health care providers, hospitals);

7. Public transportation terminals, depots, or stations (not including facilities relating to air transportation);

8. Places of public display or collection (e.g., museums, libraries, galleries);

9. Places of recreation (e.g., parks, zoos, amusement parks);
10. Places of education (e.g., nursery schools, elementary, secondary, undergraduate, or postgraduate private schools);

11. Social service center establishments (e.g., day care centers, senior citizen centers, homeless shelters, food banks, adoption agencies); and

12. Places of exercise or recreation (e.g., gymnasiums, health spas, bowling alleys, golf courses).

B. Court Decisions:

1. Websites are Public Accommodations. *National Ass’n of the Deaf v. Netflix*, 869 F. Supp. 2d 196, 200-201 (D. Mass. 2012). The court held that Netflix’s watch-instantly video streaming website was a place of public accommodation even though its web-based services could only be accessed in private residences. The court also noted that “the legislative history of the ADA makes clear that Congress intended the ADA to adapt to changes in technology.”


C. Enforcement Agency. NO REGULATION EXISTS AT THIS TIME

1. Title II. Proposed, withdrawn, resubmitted. Comment period extended until October 2016.

2. Title III. Regulations will not be proposed until Title II are finalized DOJ’s position: “the scope and timing of any final rule on web accessibility is speculative and far from imminent” and the obligation to make public accommodations websites accessible exists right now, even in the absence of any new regulations. *Nat’l Assoc. of the Deaf v. Harvard and MIT*.

V. PENALTIES

A. Private Plaintiffs

1. Injunctive relief.

2. Attorneys’ fees and litigation expenses.

B. Government Plaintiffs

1. Injunctive Relief. Modification of website policy.
2. **Fines.** Up to $50,000 for first violation and up to $100,000 for subsequent violations.

3. **Monetary Damages.** For affected individuals.

4. **Attorneys’ Fees and Costs.**

**VI. WHO IS RESPONSIBLE?** Who is liable for inaccessible websites and apps will vary depending on whether it is a nexus jurisdiction or not.

**A. Non-Nexus Jurisdictions.** The website itself may be a place of public accommodation—the owner, operator, lessor, or lessee of the website may all be liable for the inaccessible website.

**B. In Nexus Jurisdictions (Florida).** The pertinent inquiry is who owns, operates, leases, or leases out the physical place of public accommodation—not who owns, operates, etc., the website in question.

**C. Liability.** To the extent an inaccessible website or app denies a person with disabilities equal access to the goods, services, or facilities of a place of public accommodation—the owner, operator, lessor, or lessee of the place of public accommodation would be liable under Title III.

**VII. WHY SHOULD YOU CARE?**

- National Association of Realtors recommends compliance.
- An accessible website reaches more potential clients.
- Lawsuits are public knowledge and a suit for non-compliance is bad PR.
- Florida is in the top three for ADA lawsuits.

**VIII. TECHNOLOGY FIXES**

- Have your website checked for compliance issues.
- Develop a plan to bring your website into compliance.
- Implement that plan to reduce your potential risk.

**IX. COMPLIANCE PLAN – PROCEDURAL**

- Create a policy and process for implementation.
- Post your compliance plan on an accessible webpage linked to your home page.
• Encourage input on accessibility improvements.

• Train your staff and contractors on your web accessibility policy and procedures.

• Post a telephone number and email address on your home page for requesting accessible information or services and to provide feedback and establish follow-up procedures.

• Periodically test your website using people with a variety of disabilities.

• Routinely run a test of the accessibility of your website.

• Provide alternative means for people with disabilities who cannot use computers to get the information available on your website.

X. CURRENT STANDARDS

• The Web Content Accessibility Guidelines

• WCAG 2.0 - Level A and Level AA
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HANDOUT

by

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CURRENT EVENTS

Agents and Brokers at Risk of Lawsuits Over Website Accessibility

Real Estate Firms Face Legal Challenges Over Websites’ ADA Compliance
– Chicago Tribune – May 11, 2016

Advocates for the Disabled Find Fault in Many Realty Websites

Increasing Legal Scrutiny of Website Accessibility in the Real Estate Industry

Law Firm Targets Real Estate Companies for ADA Suits Over Inaccessible Websites
– American Bar Association Journal – May 12, 2016
REAL ESTATE FIRMS FACE LEGAL CHALLENGES OVER WEBSITES' ADA COMPLIANCE

REPRINT FROM CHICAGO TRIBUNE

BY KENNETH R. HARNEY
THE NATION'S HOUSING | MAY 11, 2016 | 2:01 PM | WASHINGTON

It hasn't gotten much public attention, but here's something that has the real estate brokerage industry upset: A sudden wave of potentially costly and embarrassing legal challenges to companies' websites, alleging violations of the federal Americans with Disabilities Act.

Lawyers representing visually impaired, hearing-impaired and other clients say the vast majority of realty sites don't offer features needed to allow handicapped individuals to shop for homes and absorb content like other visitors. These include alternative texts accompanying images, transcripts for audiovisual content, descriptive links and resizable text, and a variety of other features.

Attorneys at one firm alone — Carlson Lynch Sweet Kılпela & Carpenter LLP in Pittsburgh — have sent out as many as 25 "demand letters" to realty and home building companies in recent months. The letters threaten lawsuits if the firms do not agree to modifications of their sites, plus the prospect of hefty financial penalties.

Benjamin J. Sweet, a Carlson Lynch partner, says website inaccessibility "is an epidemic in this country" in almost every segment of the economy. He added that his firm has "more than 100 clients in 40 states" who either have been plaintiffs in various suits or are being represented through demand letters. Sweet declined to identify specific realty brokerages, citing the potential for litigation. Other law firms reportedly are gearing up legal attacks — a prospect that has the National Association of Realtors worried enough that it recently pleaded with the Department of Justice to accelerate its timetable for releasing long-awaited guidance on the standards that commercial websites must meet to be compliant with the disabilities law.

In a letter to the head of the Department of Justice's civil rights division April 29, Tom Salomone, president of the Realtors group, said the "lack of federal regulation governing website accessibility" has "left our members confused about how to mitigate legal risks in this area or what is even required of their websites" under the law. In the meantime, "plaintiffs are using the ADA (Americans with Disabilities Act) to demand restitution from businesses."

The Justice Department, which had been expected to release proposed rules this year, instead postponed them until fiscal 2018. In the meantime, real estate companies say, they are in the dark on precisely how to make their websites accessible to disabled people.

This issue extends far beyond real estate sites. For years, there have been lawsuits filed against prominent firms and organizations alleging website violations of the disabilities law. Target Corp., Hard Rock Cafe, Home Depot and dozens of other retailers have been sued or have entered settlement agreements. Major cases are pending in Massachusetts against Harvard and MIT for
alleged failures to provide adequate captioning on audio and audiovisual material in their websites. Those suits were filed by the National Association of the Deaf.

The focus on realty firms is new and, in the opinion of some companies, unfair given the absence of regulatory guidance. Matthew Rand, managing partner at BHG Rand Realty in Westchester, N.Y., says that while his firm has not been a recipient of a demand letter over its website, "obviously we want to make our site work for everybody." However, he is uncertain about what is expected given the dearth of "clear communication" from the government.

Alisa N. Carr, a partner specializing in disabilities issues at the Leech Tishman law firm in Pittsburgh, says the lack of regulations "makes it difficult for my clients who want to comply with the law."

But Sweet says that in several settlements and statements, the Justice Department has made clear that owners of websites need to base their modifications on a widely-recognized Web Content Accessibility Guidelines standard published by the World Wide Web Consortium. "It's no secret" the department favors this, he said, and the businesses and groups who claim they can't act until the department finalizes its rules are "shedding crocodile tears."

Several major real estate companies declined to comment on whether they have received demand letters regarding their websites. Other firms, including Re/Max, Keller Williams and Better Homes and Gardens, said they have not been targeted to date.

Re/Max launched a new website last month whose designers assured the firm that "we shouldn't have any issues," said spokesman Shaun White.


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April 29, 2016

Ms. Vanita Gupta
Principal Deputy Assistant Attorney General
U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, NW
Office of the Assistant Attorney General, Main
Washington, D.C. 20530

Dear Principal Deputy Assistant Attorney Gupta:

I write on behalf of the more than one million members of the National Association of REALTORS® (NAR) who have become increasingly concerned about the lack of clear guidance from the Department of Justice (DOJ) regarding the application of Title III of the Americans With Disabilities Act (ADA) to a business’ website.

The National Association of REALTORS® is America’s largest trade association, which includes NAR’s eight residential and commercial real estate institutes, societies, and councils. REALTORS® are involved in all aspects of the residential and commercial real estate industries, and belong to one or more of the approximately 1,200 local associations and boards, and 54 state and territory associations of REALTORS®.

In 2010, the DOJ issued an Advance Notice of Proposed Rulemaking (Notice) soliciting public comment regarding what standards the agency should adopt for website accessibility under Titles II and III of the ADA. While the ADA is silent on whether a website is a place of public accommodation under the ADA, the Notice took the position that websites operated by places of public accommodations must also be compliant with the ADA. The Notice generated over 400 public comments. The business community anticipated a rule in the spring of 2016 but was disappointed by the DOJ’s announcement that a final rule will not be published until sometime in 2018.

In the meantime, courts around the country have been asked to resolve the question of whether the ADA’s accessibility obligations extend to a business’ online presence without clear guidance from the DOJ. This has created split opinions among the various circuits. DOJ enforcement actions, as well as demand letters and complaints filed by private litigants, are contributing to confusion from this de facto rulemaking and uncertain state of the law.

A number of demand letters, which include the threat of litigation, have been sent to NAR members alleging that their real estate websites violate the civil rights of individuals with disabilities. The lack of federal regulation governing website accessibility has encouraged these lawsuits and left our members confused about how to mitigate legal risks in this area or what is even required of their websites under the ADA. Without a clear path to compliance, plaintiffs are using the ADA to demand restitution from businesses.

Some states and local governments have started to enact their own laws regarding website accessibility for government agencies and, given the DOJ’s delay in issuing a rule, it’s foreseeable that such governments would attempt to enact similar laws pertaining to private businesses. If there is a rise in state and local requirements...
regarding website accessibility for businesses, along with the varying court opinions on the issue, it could subject businesses to inconsistent rules across jurisdictions. This is yet another reason why the DOJ’s swift guidance on this topic is needed now more than ever.

Recognizing the growing confusion around web site accessibility requirements under the ADA, NAR urges the DOJ to issue a final rule providing clear guidance as soon as possible. Thank you for your consideration of this timely issue. If I may be of assistance to you, please contact me or our Director of Real Estate Services, Sarah Young, at 202-383-1233 or scyoung@REALTORS.org.

Sincerely,

Tom Salomone
2016 President, National Association of REALTORS®
IS YOUR WEBSITE ADA COMPLIANT?

BY LESLEY M. MUCHOW
April 2, 2016

It may only be a matter of time before the online world is held to the same accessibility standards that buildings are. Here’s how to get ready.

When you think of the Americans with Disabilities Act (ADA), you might envision ramps to make it easier for people who use wheelchairs to physically access buildings. But today, with so much commerce being conducted online, some courts are finding that websites must also be accessible to people with visual and other impairments. That could mean big changes to how your professional, brokerage, and association websites work in the future.

The ADA is silent on the issue of online accommodation because the Act predates the widespread use of the Internet. Without clear guidance, consumers and businesses have had to turn to courts around the country to resolve the question of whether the ADA’s accessibility obligations extend to a business’s online presence. Courts are split on the question of if and when a business is obligated to create an accessible website. However, an accumulation of case law now asserts that a business’s accessibility obligations do indeed extend to its website, so it’s a smart risk management decision to evaluate your own websites now.

To further underscore the timeliness of undertaking this evaluation, activity at the Department of Justice, the federal agency responsible for enforcing the Act, demonstrates that it is likely only a matter of time before a clear mandate of web accessibility under the ADA is issued. The DOJ has long taken the broad position that the ADA’s obligations extend to all websites under Title III, the section of the ADA that applies to businesses. Back in September 2010, the DOJ issued an Advance Notice of Proposed Rulemaking regarding the accessibility of web information and services, which sought to add web accessibility requirements to Title III. Meanwhile, DOJ enforcement actions, demand letters, and complaints filed by private litigants are adding up. While a final rule isn’t expected until sometime in 2018, the DOJ’s position—and the significant amount of enforcement activity it’s conducted to underscore that position—means it’s time for professionals to start thinking about making changes.

At this point you may be asking yourself, “What exactly does an accessible website look like?” In practice, it doesn’t necessarily look all that different to people without disabilities. An accessible website allows adaptive software and specialized browsers used by persons with disabilities to augment content and make it easier to consume. For example, these programs might add text descriptions to complex graphics, voice-overs that read text aloud, or transcripts of videos. Accessible websites allow the specialized programs and browsers to easily interact with a website in order to improve and help maximize a person’s experience on the site, obtaining the site’s information in a format that takes their disability into account.
So what can you, as a business owner, do to get ahead of this issue? As a first step, contact your website provider to inquire about the current accessibility of your site, and ask what it’s currently doing to create or improve accessibility. If you operate your own website and do not have the technical expertise in-house, consult one of the many technical experts who specialize in creating and maintaining accessible websites. A technical expert can help identify where your site might fail to comply with the “Web Content Accessibility Guidelines 2.0,” a technical standard created by the World Wide Web Consortium to help developers and site managers make the web more accessible.

Once you understand what accessibility improvements to your website are needed, changes can be implemented incrementally. In their settlement orders, the DOJ has generally allowed businesses up to 18 months to implement necessary accessibility changes to their sites. And remember, even after your website is updated, you should ensure ongoing compliance with the Web Content Accessibility Guidelines 2.0 when you add new content or website features. Educate and train relevant personnel to ensure they are knowledgeable about and focused on your business’s online accessibility. Technical experts are also available to monitor your website and alert you when a change or remediation is necessary.

You might also consider making it easier for users of your site who may be disabled to get in touch. A simple feedback form can help them inform you about what accessibility features may need to be improved or added. And adding contact information for someone at your business who can respond to a particular user’s inability to access the site, or a portion of it, is a proactive step your business can take to address site accessibility issues up front in order to avoid running into legal problems later.

With more and more business being conducted over the Internet, and the likely changes to the regulatory landscape, getting out in front of the online accessibility issue is a smart business decision. Not only can it help you avoid legal risks down the road, it also establishes your business as accessible to all and may enhance your reputation and even your bottom line.

If you are attending the 2016 REALTORS® Legislative Meetings & Trade Expo in Washington, D.C., don’t miss the Risk Management and License Law Forum on May 11 from 12:15 p.m. to 1:45 p.m. The program, dedicated to website accessibility, will feature two expert speakers on the issue, including an attorney who specializes in the Americans with Disabilities Act and who has vast experience in website accessibility claims, along with a technical expert who creates and maintains accessible websites.

Lesley Muchow-Walker is Deputy General Counsel with the National Association of REALTORS®.

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ACCESSIBILITY IS A BROKER’S RESPONSIBILITY

BY ERICA CHRISTOFFER
January 30, 2015

Is your office accessible to clients with disabilities? Here are some tips from NAR legal counsel for making sure your brokerage is and continues to be ADA compliant.

When was the last time you evaluated the accessibility of your office?

Real estate offices are considered places of public accommodation under Title III of the Americans with Disabilities Act. Broker-owners must understand and comply with the law by making sure physical office spaces are accessible to people with disabilities. Compliance not only protects a business against legal action, it also helps ensure that reputable service is being provided to all clients in the community.

In the National Association of REALTORS®’ monthly video series, Window to the Law, NAR Associate Counsel Lesley Walker addresses frequently asked questions that NAR receives about the ADA and outlines the responsibilities of a brokerage owner.

Here are elements of Title III that brokers should be mindful of in order to stay aligned with the ADA.

Physical Space
“We recommend that real estate offices and real estate board offices conduct a physical audit of their office spaces to determine the accessibility of the space and what, if any, changes need to be made,” Walker says.

She points to the Department of Justice’s list of 21 modification examples considered “readily achievable” for places of accommodation – meaning such modifications can be completed without much difficulty or expense. This list includes installing ramps, widening doorways, repositioning office furniture and phones, making cutouts in sidewalks and entrances, installing flashing alarms, lights, and more.

Walker suggests that office managers schedule routine ADA evaluations to ensure ongoing ADA compliance.

Home Offices
Do your salespeople conduct business at home? Make sure they understand how the ADA applies to their home offices.

“Any portion of a home that is used as a home office where business is conducted with customers would also be considered a place of accommodation requiring ADA compliance,” Walker says.
If your agents are meeting with clients in their home office, then the home office is considered a place of public accommodation under the ADA just like a brokerage office, and your agents must adhere to the same obligations.

**Communication**

ADA also requires real estate offices to remove communication barriers by offering auxiliary aids. Walker says it is important to open up a dialog and ask customers what auxiliary aid or service they may require to facilitate effective communication. An example of this would be providing an interpreter for a client with a hearing impairment.

Paying for such accommodations is the broker’s responsibility. The brokerage does not necessarily have to provide the exact auxiliary aid requested, Walker says, but must provide one that enables effective communication for the disabled individual.

Real estate offices are not required to provide personal assistance devices, however, such as hearing aids or wheelchairs.

**Meetings and Events**

Planning to host a conference or special event? It is the responsibility of the business or organization hosting the event to meet ADA obligations. The facility housing the gathering may take on ADA responsibility if it’s outlined in the rental contract agreement. Walker says it’s important to make sure that the contract indemnifies your business if the facility violates the ADA. The responsibility of providing auxiliary aids still falls on the host. Walker suggests asking event or meeting attendees in advance if they require any communication aids.

**Websites**

The question of whether a website is a place of public accommodation under the ADA is still unresolved, Walker says.

“Twenty years ago, when the ADA was first enacted, the Internet existed, but it certainly did not play an integral part of our everyday personal and professional lives the way it does today,” Walker says.

Courts’ decisions are split on this issue. In January 2010, the Department of Justice took the position that websites are places of public accommodation, and plans to issue proposed regulations on this subject. Issuance of such regulations has been delayed until at least March of this year.

“This would be a good time to begin familiarizing yourself with measures that need to be taken to make a website accessible,” Walker says.

**Noncompliance?**
There are consequences for not complying with the ADA. Private parties can bring lawsuits against your office. The attorney general also has the authority to file a lawsuit when there is a pattern of alleged discriminations or in cases of general public importance. If a real estate office is found to be noncompliant, the company can face monetary and civil penalties, Walker says.

Don’t forget to check your state laws as well, Walker says. State law may provide greater protection for people with disabilities than the ADA, requiring brokers to comply with both state and federal laws.

Learn more from NAR’s Americans with Disabilities Act Compliance Kit.

Erica Christoffer is a multimedia journalist and contributing editor with REALTOR® Magazine. In addition to writing print and online articles, Erica oversees the magazine's Broker to Broker content, co-manages the 30 Under 30 program, and manages the YPN Lounge.

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PURPOSE OF THIS CHECKLIST: This checklist is designed for use in conducting a preliminary assessment of the accessibility of your agency’s website. The goal is to review your website and your agency’s website policies and procedures and see if there are red flags alerting you to ADA accessibility concerns.

MATERIALS AND INFORMATION NEEDED: To assess the accessibility of your website you will need:

- If already created, a copy of your Website Accessibility Policy.
- Information describing specific actions taken to make your existing website accessible to people with disabilities.
- Information about website accessibility training taken by staff and/or contractors responsible for developing and posting webpages and content.
- Information about any procedures used to obtain input from people with disabilities regarding the accessibility of your website.
- Any input provided by people with disabilities about their experiences accessing your website.
- The assistance of your website manager.

Assessing Current Webpages and Content on Your Website

This section will help you determine if your website has some of the most common accessibility problems. It will not identify all website accessibility problems.

1. Does the top of each page with navigation links have a “skip navigation” link? (This feature directs screen readers to bypass the row of navigation links and start at the webpage content, thus enabling people who use screen readers to avoid having to listen to all the links each time they move to a new page.)

☐ Yes
☐ No
2. Do all links have a text description that can be read by a screen reader (not just a graphic or “click here”)?

☐ Yes
☐ No

3. Do all of the photographs, maps, graphics and other images on the website currently have HTML tags (such as an “alt” tag or a long description tag) with text equivalents of the material being visually conveyed?

☐ Yes
☐ No

4. Are all of the documents posted on your website available in HTML or another text-based format (for example, rich text format (RTF) or word processing format), even if you are also providing them in another format, such as Portable Document Format (PDF)?

☐ Yes
☐ No

5. If your website has online forms, do HTML tags describe all of the controls (including all text fields, check boxes, drop-down lists, and buttons) that people can use in order to complete and submit the forms?

☐ Yes
☐ No
☐ N/A

6. If your website has online forms, does the default setting in drop-down lists describe the information being requested instead of displaying a response option (e.g., “your age” instead of “18 - 21”)?

☐ Yes
☐ No
☐ N/A
7. If a webpage has data charts or tables, is HTML used to associate all data cells with column and row identifiers?

☐ Yes
☐ No
☐ N/A

8. Do all video files on your website have audio descriptions of what is being displayed to provide access to visually conveyed information for people who are blind or have low vision?

☐ Yes
☐ No
☐ N/A

9. Do all video files on your website have written captions of spoken communication synchronized with the action to provide access to people who are deaf or hard of hearing?

☐ Yes
☐ No
☐ N/A

10. Do all audio files on your website have written captions of spoken communication synchronized with the action to provide access to people who are deaf or hard of hearing?

☐ Yes
☐ No
☐ N/A

11. Have all webpages been designed so they can be viewed using visitors’ web browser and operating system settings for color and font?

☐ Yes
☐ No

**Website Accessibility Policy and Procedures**

This section will help you identify potential problems with the ongoing process of
ensuring website accessibility

12. Do you have a written policy on website accessibility?
   □ Yes
   □ No

13. Is the website accessibility policy posted on your website in a place where it can be easily located?
   □ Yes
   □ No
   □ N/A

14. Have procedures been developed to ensure that content is not added to your website until it has been made accessible?
   □ Yes
   □ No

15. Does the website manager check the HTML of all new webpages to confirm accessibility before the pages are posted?
   □ Yes
   □ No

16. When documents are added to your website in PDF format, are text-based versions of the documents (e.g., HTML, RTF, or word processing format) added at the same time as the PDF versions?
   □ Yes
   □ No
   □ N/A

17. Have in-house staff and contractors received information about the website accessibility policy and procedures to ensure website accessibility?
   □ Yes
18. Have in-house and contractor staff received appropriate training on how to ensure the accessibility of your website?

- [ ] Yes
- [ ] No
- [ ] N/A

19. Have in-house and contractor staff who create web content or post it on your website received copies of the Department of Justice’s technical assistance document “Accessibility of State and Local Government Websites to People with Disabilities”?

- [ ] Yes
- [ ] No

20. If your website contains inaccessible content, is a specific written plan including timeframes in place now to make all of your existing web content accessible?

- [ ] Yes
- [ ] No
- [ ] N/A - website is completely accessible

21. Have you posted on your website a plan to improve website accessibility and invited suggestions for improvements?

- [ ] Yes
- [ ] No

22. Does your website home page include easily locatable information, including a telephone number and email address, for use in reporting website accessibility problems and requesting accessible services and information?

- [ ] Yes
- [ ] No

23. Do you have procedures in place to assure a quick response to website visitors with disabilities who are having difficulty accessing information or services available via the website?
24. Have you asked disability groups representing people with a wide variety of disabilities to provide feedback on the accessibility of your website? (Note: Feedback from people who use a variety of assistive technologies is helpful in ensuring website accessibility.)

☐ Yes
☐ No

25. Have you tested your website using one of the products available on the Internet to test website accessibility? (Note: Products available for testing website accessibility include no-cost and low-cost options. These products may not identify all accessibility issues and may flag issues that are not accessibility problems. However, they are, nonetheless, a helpful tool in improving website accessibility.)

☐ Yes
☐ No

26. Are alternative ways of accessing web-based information, programs, activities, and services available for people with disabilities who cannot use computers?

☐ Yes
☐ No

**ACTIONS:**

If the answer to any of the above questions is “No,” there may be accessibility problems with your website. Here are some steps to take to ensure that your website – and the programs and services offered on it – are accessible to people with disabilities.

- Establish a policy that your webpages will be accessible and create a process for implementation.

- Check the HTML of all new webpages. Make sure that accessible elements are used, including “alt” tags, long descriptions, and captions, as needed.

- Ensure that your webpages are designed in a manner that allows them to be displayed using a visitor’s own settings for color and fonts.
If images are used, including photos, graphics, scanned images, or image maps, make sure to include text equivalents for them, using “alt” tags and/or long descriptions for each. Ensure that the text equivalents convey the meaningful information presented visually by the image.

If you use online forms and tables, make those elements accessible.

Ensure that videos appearing on your website include appropriately synchronized audio description and captions.

When posting new documents on the website, always provide them in HTML or another text-based format (even if you are also providing them in another format, such as PDF). If documents are provided in both formats, provide both formats at the same time so people with disabilities have the same degree of access as others.

Develop a plan for making your existing web content accessible, including specific steps and timeframes. Describe your plan on an accessible webpage that can be easily located from your home page. Encourage input on accessibility improvements, including which pages should be given high priority for change. Let citizens know about the standards or guidelines that are being used to provide accessibility. Make accessibility modifications to the more popular webpages on your website a priority.

Ensure that in-house staff and contractors responsible for webpages and webpage content development are properly trained on your web accessibility policy and procedures.

Provide a way for visitors to request accessible information or services and provide feedback about accessibility problems by posting a telephone number and email address on your home page. Establish procedures to assure a quick response to people with disabilities who use this contact information to access web-based information or services.

Periodically enlist people with a variety of disabilities to test your webpages for accessibility and ease of use; use this information to increase your website accessibility.

Consider using one of the no-cost or low-cost resources available on the Internet to test the accessibility of your website. (Please note, however, that these products may not identify all accessibility problems on your website.)

Ensure that alternative means are available for people with disabilities who are unable to use computers to access information, programs, and services that are normally provided on your website.

ADA Tool Kit for State and Local Governments
DISCLAIMER

The laws and cases referenced in these materials may have changed since the date of publication.

These materials are being made available for informational purposes only and are not to be relied upon as legal advice.

If you have an employment law question, we urge you to seek legal counsel.