

News from Trenton & Washington, DC

by Dave Garb, Legislative Committee Chair

For this month's newsletter, we will continue the discussion about current federal actions that have been enacted which will have an effect on how local governments provide information on the internet for those with disabilities. We will also explore the latest law that reforms New Jersey's Open Public Records Act—something that has been long overdue.

DOJ's ADA Rule for State and Local Governments

From NATOA:

On April 8th, Attorney General Merrick Garland signed a final rule under Title II of the Americans with Disabilities Act (ADA) to ensure the accessibility of web content and mobile applications (apps) for people with disabilities.

To find out exactly what this ruling means to municipalities and PEG channels specifically, JAG presented an informative session about this very subject during its annual conference in May. The panel guests were Michael Wassenaar, President of the Alliance for Community Media (ACM) and Jeff Bayne, Partner at the law firm of Spiegel & McDiarmid, LLP. This revealing forum opened up the attendees eyes and ears to what was to come and what they need to do to prepare for it.

State and local governments provide many of their services, programs and activities through websites and mobile apps. When these websites and mobile apps are not accessible, they can create barriers for people with disabilities. Requirements for accessibility helps to make sure everyone has access to fully participate in all civic happenings or other community events like town meetings or programs at their child's school.

To understand how everyone can become compliant, review the Web Content Accessibility Guidelines (WCAG) Version 2.1, Level AA, which can be found by visiting the [World Wide Web Consortium \(W3C\)](https://www.w3.org/WAI/standards-guidelines/wcag/). These regulations are the technical standards for state and local governments' web content and mobile apps and will guide these demands. Further information can also be found on these other useful sites:

<https://www.ada.gov/notices/2024/03/08/web-rule/>
<https://www.ada.gov/assets/pdfs/web-rule.pdf>
<https://www.w3.org/WAI/standards-guidelines/wcag/>

One such requirement is for the captioning on videos that are shown on the web. Yes, this means PEG stations that utilize the internet to transmit or showcase their programming (Live-streaming, Video-On-Demand, etc.). Besides this, there were some other unexpected rules that were also added to make our heads spin.

We reminded everyone last December to start budgeting for this, and now we all must figure it out. Fortunately, we have a little bit of time to prepare. The timeline below shows the compliance deadlines. This table shows how much time a state or local government have to comply with this rule.

State and local government size Compliance date

0 to 49,999 persons Three years after the final rule is published 4/8/27

Special district governments Three years after the final rule is published 4/8/27

50,000 or more persons Two years after the final rule is published 4/8/26

In the very near future, this session will be available to watch in its entirety. Where to view it will be discussed in an upcoming newsletter.

Reform to the Open Public Records Act (OPRA)

From the NJLM:

On June 5th, Governor Murphy signed into law [legislation](#) to modernize and reform the Open Public Records Act (OPRA).

This new law will take effect just after Labor Day. It is imperative to remember that the existing requirements

of OPRA remain in effect and the new provisions will not apply to OPRA requests submitted before the effective date.

In a [statement](#), the governor acknowledged that his decision to sign the bill would disappoint many advocates but if he “believed that this bill would enable corruption in any way, I would unhesitatingly veto it.” The Governor noted that “OPRA has not been the subject of any type of comprehensive update until now. Today’s world is very different than 2002, a time when the Internet was far less ubiquitous and there was vastly less access to individuals’ personal information.” Governor Murphy also stated that “After a thorough examination of the provisions of the bill, I am persuaded that the changes, viewed comprehensively, are relatively modest.”

Governor Murphy also stated that “Over a hundred mayors from both parties have asked for it to be enacted into law. I understand that some may view this support cynically, but I do not believe it is fair to dismiss an overwhelming bipartisan consensus from local elected officials. Serving in local elected office is a deeply thankless and glamour-free job, and I have consistently found mayors from both parties to be dedicated and hard-working public servants. Mayors subject themselves to constant scrutiny by their neighbors and their very own communities, especially in the age of social media, and I simply reject the idea that those calling for the bill’s passage are part of a nefarious plot to evade transparency and accountability.”

“The bill encourages public records to be placed on agency websites to the extent feasible, so they will be readily accessible even without an OPRA request, and appropriate funds to support those efforts. Furthermore, if the requestor is referred to the public agency’s website, the bill requires that the agency assist requestors in locating those records. The bill also provides additional flexibility for submitting requests by allowing their submission via form, letter, or email. With regard to personal information, the bill takes a number of positive steps. It defines personal identifying information and specifically adds new protections for month and day of birth, personal email addresses, the street address portion of a person’s primary or secondary home address, information about minors, and information protected under the Health Insurance Portability and Accountability Act of 1996 (HIPAA)”.

This new law will take effect in 90 days, just after Labor Day. It is imperative to remember that the existing requirements of OPRA remain in effect and the new provisions will not apply to OPRA requests submitted before the effective date.

Please visit the following link to review a [special handout](#) that was created by the New Jersey League of Municipalities to help everyone understand OPRA and the changes to it.

JAG (Jersey Access Group) is an organization that advocates, promotes, and preserves the right to media production, distribution, civic engagement, and education in support of diverse community voices, through Public, Educational and Government access facilities and other forms of media.

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