BBK

BEST BEST & KRIEGER LLP
ATTORNEYS AT LAW



# *The Changing Accessibility Requirements for Local Governments*

November 17, 2026

 | © 2026 Best Best & Krieger LLP

# Agenda

- New (Web Content Accessibility Guidelines 2.1) accessibility standard and timelines.
- Resources.
- Efforts to answer questions.

*Gerry will offer his best insights, but no one should rely upon his comments as legal advice.  Consult with your city/county/ organizational counsel.*

# RULES AT A GLANCE (Thanks Mike Wassenaar)

Captions

1. Any government or government employed video that is on government websites (or anywhere on the web) or as part of a local government app has to have closed captioning, whether it's VOD or live streaming. (Success Criterion 1.2.4 Captions (Live))

Audio Description

1. All Prerecorded Videos (i.e., not live streamed) will need audio descriptions. (Success Criterion 1.2.5 Audio Description (Prerecorded) Level AA)

# Americans with Disabilities Act: Title II

Passed in 1990 and clarified in 1996

Divided into titles:

- Title I: Employment
- Title II: State and local government services
- Title III: Public accommodation (private businesses)

New DOJ Rule published on April 24, 2024 – Requires compliance with Web Content Accessibility Guidelines (WCAG) 2.1, Level AA for web content and mobile applications.

- There is a private right of action to sue for Title II violations. *U.S. v. Georgia*, 546 U.S. 151, 154 (2006); *Barnes v. Gorman*, 536 U.S. 181, 184–185 (2002); *Frame v. City of Arlington*, 616 F.3d 476, 482–483 (5th Cir. 2010) (*reh. en banc granted*).
- Counties, cities, and other local government entities do not have immunity from ADA claims. *Board of Trustees of University of Alabama v. Garrett*, 531 U.S. 356, 369 (2001).

# Compliance Deadlines

| Population of Government | Compliance Date |
|---|---|
| 50,000 or more persons | April 26, 2027<br>(3 years following adoption of rule.) |
| 0 to 49,000 persons | April 26, 2028<br>(4 years following adoption of rule.) |
| Special district governments | April 26, 2028<br>(4 years following adoption of rule.) |

# What is "Web Content"?

"The information and sensory experience communicated to the user by means of a user agent (e.g., a web browser), including code or markup that defines the content's structure, presentation, and interactions.

Examples: text, images, sounds, videos, controls, animations, and conventional electronic documents.

# WHO IS SUBJECT TO WEB CONTENT ACCESSIBILITY GUIDELINES

All governments (See start date)

- Websites and social media
- Video and audio streaming
- Web and mobile applications

- Applies to all third-party government vendors
- State requirements (courts, legislators, etc.)

# 5 Limited Exceptions to 28 CFR§ 35.200

1. Archived content
2. Preexisting conventional electronic documents not used for public entity services, programs, or activities
3. Third party content (So long as 3rd Party is not Public Entity Contractor)
4. Individualized, password protected materials; and
5. Preexisting social media posts

# What should cities/counties do?

- Make sure everyone understands this is not just PEG.
- Create policies to ensure digital content is accessible.
- Create processes for people to make accessibility requests and report issues.
- Train staff on compliance.
- Demand website or app vendors document their plans for compliance.

# Training Resources// Check Your League




www.njlm.org/1438/Digital-Accessibility

ada.gov/resources/small-entity-compliance-guide

mn.gov/mnit

# Website Evaluation Tools

WebAIM
web accessibility in mind

WAVE
webaim.org

W3C® Web Accessibility Initiative WAI

w3.org/WAI/
test-evaluate/tools/list

# Online Training System




Participants will gain practical guidance on:

- ✔ Digital accessibility fundamentals and ADA/WCAG requirements
- ✔ Accessible social media communications
- ✔ Website and mobile app accessibility
- ✔ Creating accessible documents from the start
- ✔ PDF remediation techniques and workflows

Whether you are responsible for communications, website management, document creation, or compliance, this series provides actionable tools to help ensure equitable access for all users.

Registration details https://lnkd.in/gvdeHXp5

## Sign-up for upcoming sessions or view prior sessions

## BBK Telecom Updates

# Presenter Contact Info



## Gerard Lavery Lederer

**PARTNER**

**Gerard.Lederer@bbklaw.com**
**(202) 370-5304**
**(202) 664-4621 (mobile)**

Gerry's unique background as a nationally recognized telecommunications, cable and small cell advocate combined with his experiences as a registered federal lobbyist provides clients unparalleled service in seeking both legislative and transactional solutions. Prior to joining Best Best & Krieger LLP as a partner in the Municipal Law practice group in Washington, D.C., Gerry was an attorney with Miller & Van Eaton, a highly regarded local government rights of way law firm, and he was the former General Counsel of The United States Conference of Mayors.