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DOJ WEBSITE ACCESSIBILITY GUIDANCE

I. INTRODUCTION

The Department of Justice (DOJ) has issued guidance providing additional clarity about website accessibility and how businesses can ensure compliance with the Americans with Disabilities Act (ADA). The guidance provides examples of website accessibility barriers, clarifies when the ADA requires web content to be accessible and offers tips for improving website accessibility.

The guidance describes how businesses open to the public can make sure that their websites are accessible to people with disabilities as required by the ADA.

II. EXAMPLES OF WEBSITE ACCESSIBILITY BARRIERS

The ways in which websites are designed and set up can create unnecessary barriers that make it difficult or impossible for people with disabilities to use websites. The guidance provides the following examples of website accessibility barriers:

- **Poor color contrast.** People with limited vision or color blindness cannot read text if there is not enough contrast between the text and background (for example, light gray text on a light-colored background).
- **Use of color alone to give information.** People who are color-blind may not have access to information when that information is conveyed using only color cues because they cannot distinguish certain colors from others. Also, screen readers do not tell the user the color of text on a screen, so a person who is blind would not be able to know that color is meant to convey certain information (for example, using red text alone to show which fields are required on a form).
- **Lack of text alternatives (“alt text”) on images.** People who are blind will not be able to understand the content and purpose of images, such as pictures, illustrations, and charts, when no text alternative is provided. Text alternatives convey the purpose of an image, including pictures, illustrations, charts, etc.
- **No captions on videos.** People with hearing disabilities may not be able to understand information communicated in a video if the video does not have captions.
- **Inaccessible online forms.** People with disabilities may not be able to fill out, understand, and accurately submit forms without things like:
 - Labels that screen readers can convey to their users (such as text that reads “credit card number” where that number should be entered)
 - Clear instructions
 - Error indicators (such as alerts telling the user a form field is missing or incorrect)

- **Mouse-only navigation (lack of keyboard navigation).** People with disabilities who cannot use a mouse or trackpad will not be able to access web content if they cannot navigate a website using a keyboard.

III. WHEN THE ADA REQUIRES WEB CONTENT TO BE ACCESSIBLE

Businesses that are open to the public (Title III)

Title III prohibits discrimination against people with disabilities by businesses open to the public (also referred to as “public accommodations” under the ADA). The ADA requires that businesses open to the public provide full and equal enjoyment of their goods, services, facilities, privileges, advantages, or accommodations to people with disabilities. Businesses open to the public must take steps to provide appropriate communication aids and services (often called “auxiliary aids and services”) where necessary to make sure they effectively communicate with individuals with disabilities. For example, communication aids and services can include interpreters, notetakers, captions, or assistive listening devices. Examples of businesses open to the public:

- Retail stores and other sales or retail establishments
- Banks
- Hotels, inns and motels
- Hospitals and medical offices
- Food and drink establishments
- Auditoriums, theaters and sports arenas.

A website with inaccessible features can limit the ability of people with disabilities to access a public accommodation’s goods, services and privileges available through that website.

IV. HOW TO MAKE WEB CONTENT ACCESSIBLE TO PEOPLE WITH DISABILITIES

The DOJ does not have a regulation setting out detailed standards, but the Department’s long-standing interpretation of the general nondiscrimination and effective communication provisions applies to web accessibility. Businesses can currently choose how they will ensure that the programs, services and goods they provide online are accessible to people with disabilities.

Existing technical standards provide helpful guidance concerning how to ensure accessibility of website features. These include the [Web Content Accessibility Guidelines \(WCAG\)](#) and the [Section 508 Standards](#), which the federal government uses for its own websites. [Check out the resources section for more references.](#)

Even though businesses have flexibility in how they comply with the ADA’s general requirements of nondiscrimination and effective communication, they still must ensure that the programs, services and goods that they provide to the public—including those provided online—are accessible to people with disabilities. Businesses should consider a variety of website features when ensuring that their websites are accessible.

The [resources section](#) has links to organizations that explain how to make websites accessible. Examples of what businesses should do to make websites accessible include (but are not limited to) the following practices:

- **Color contrast in text.** Sufficient color contrast between the text and the background allows people with limited vision or color blindness to read text that uses color.

- **Text cues when using color in text.** When using text color to provide information (such as red text to indicate required form fields), including text cues is important for people who cannot perceive the color. For example, include the word “required” in addition to red text for required form fields.
- **Text alternatives (“alt text”) in images.** Text alternatives convey the purpose of an image, including pictures, illustrations, charts, etc. Text alternatives are used by people who do not see the image, such as people who are blind and use screen readers to hear the alt text read out loud. To be useful, the text should be short and descriptive.
- **Video captions.** Videos can be made accessible by including synchronized captions that are accurate and identify any speakers in the video.
- **Online forms.** Labels, keyboard access and clear instructions are important for forms to be accessible. Labels allow people who are blind and using screen readers to understand what to do with each form field by explaining what information goes in each box of a job application or other form. It is also important to make sure that people who are using screen readers are automatically informed when they enter a form field incorrectly. This includes clearly identifying what the error is and how to resolve it (such as an automatic alert telling the user that a date was entered in the wrong format).
- **Text size and zoom capability.** People with vision disabilities may need to be able to use a browser’s zoom capabilities to increase the size of the font so they can see things more clearly.
- **Headings.** When sections of a website are separated by visual headings, building those headings into the website’s layout when designing the page allows people who are blind to use them to navigate and understand the layout of the page.
- **Keyboard and mouse navigation.** Keyboard access means users with disabilities can navigate web content using keystrokes, rather than a mouse.
- **Checking for accessibility.** Automated accessibility checkers and overlays that identify or fix problems with your website can be helpful tools, but like other automated tools such as spelling or grammar checkers, they need to be used carefully. A “clean” report does not necessarily mean everything is accessible. Also, a report that includes a few errors does not necessarily mean there are accessibility barriers. Pairing a manual check of a website with the use of automated checkers can give you a better sense of the accessibility of your website.
- **Reporting accessibility issues.** Websites that provide a way for the public to report accessibility problems allow website owners to fix accessibility issues.

The foregoing Compliance Update is for informational purposes only and does not constitute legal advice. As a reminder, the NBA general counsel is the attorney for the Nebraska Bankers Association, not its member banks. The general counsel is available to assist members with finding resources to help answer their questions. However, for specific legal advice about specific situations, members must consult and retain their own attorney.