

Title II New Final Rule: Need to Know

What is Title II?

Title II of the Americans with Disabilities Act (ADA) prohibits discrimination based on disability by state and local governments. This federal civil rights law requires state and local governments to provide individuals with disabilities effective communication, reasonable modifications, and an equal opportunity to participate in or benefit from their services, programs, and activities.

The Department of Justice's new final rule, published on April 24, 2024, updates Title II regulations with specific requirements about how to ensure that web content (including documents) and mobile applications are accessible to people with disabilities.

New Final Rule Requirements

Standard: Web Content Accessibility Guidelines (WCAG) 2.1, Level AA

All documents, mobile applications, media, and web content must follow WCAG 2.1, Level AA guidelines.

You Must “Usually” Meet Requirements

State and Local government’s documents, mobile applications, media, and web content, usually need to meet WCAG 2.1, Level AA unless a clear exception is available.

Compliance Timeline

State / Government Size	Compliance Date
0 to 49,999 people	April 26, 2027
Special district governments	April 26, 2027
50,000 or more people	April 24, 2026

Conforming Alternate Version Disclaimer

Usually state and local governments should not have a main web page that is inaccessible and a separate accessible version of the same content, because people with disabilities should get equal access to that content on the same page.

New Final Rule Exceptions

Archived Web Content

Web content that meets **all four** of the following points would not need to meet WCAG 2.1, Level AA:

- The content was created before the date the state or local government must comply with this rule, or reproduces paper documents or the contents of other physical media that were created before the government must comply with this rule, **AND**
- The content is kept only for reference, research, or recordkeeping, **AND**
- The content is kept in a special area for archived content, **AND**
- The content has not been changed since it was archived.

Preexisting Conventional Electronic Documents

Documents that meet **both** of the following points usually do not need to meet WCAG 2.1, Level AA:

- The documents are word processing, presentation, PDF, or spreadsheet files; **AND**
- They were available on the state or local government's website or mobile app before the date the state or local government must comply with this rule.

Third Party Content – Non-contractual

Content that is posted by third parties on a state or local government's website or mobile app would not need to meet WCAG 2.1, Level AA.

Individual Documents with Password Protection

Documents that meet **all three** of the following points do not need to meet WCAG 2.1, Level AA:

- The documents are word processing, presentation, PDF, or spreadsheet files, **AND**
- The documents are about a specific person, property, or account, **AND**
- The documents are password-protected or otherwise secured.

Preexisting Social Media Posts

Social media posts made by a state or local government before the date the state or local government must comply with this rule **do not** need to meet WCAG 2.1, Level AA.