



Municipal Excess Liability Joint Insurance Fund

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BULLETIN

TO: All Members

FROM: Fred Semrau, Fund Attorney

DATED: July 16, 2019

RE: Website Compliance with the Americans with Disabilities Act (ADA)

In light of a growing number of website-accessibility lawsuits against public and private entities throughout the country, members should be aware that their websites, just like their buildings, are subject to the requirements of the Americans with Disabilities Act (ADA) and potentially State anti-discrimination laws.

Federal courts and the U.S. Department of Justice have found that the ADA requires public and private websites to be accessible to individuals who are hearing or visually impaired. For example, in [Robles v. Domino's Pizza, LLC](#), the Ninth Circuit Court of Appeals affirmed that the ADA places a legal duty on businesses to ensure that disabled individuals have “full and equal enjoyment” of websites. 913 F.3d 898, 904 (9th Cir. 2019). We would expect New Jersey federal and State courts to follow suit.

We strongly recommend that members speak with their municipal attorneys and IT professionals about bringing their websites into compliance. While no federal regulations for website compatibility currently exist, courts look to the international Web Content Accessibility Guidelines, as providing appropriate website accessibility. Mechanisms may include features such as closed-captioned video, adjustable-size text, and document compatibility. In the meantime, it would be prudent to post a prominent notice, such as the one below, to assist the public with accessibility issues.

If you have any trouble with accessing information contained within this website, please contact [insert name of website administrator with telephone number and email address].

We bring this matter to your attention in an effort to assist our members in avoiding unnecessary legal exposure. However, as indicated above, please contact your municipal attorney and website administrator for specific advice regarding review and remediation of websites to achieve ADA compliance.