

Advocacy Recommends that Justice Department Analyze Small Business Costs for Rule on ADA Accessibility of Websites

On January 24, 2011, Advocacy filed public comments with the Department of Justice (DOJ) regarding the agency's advance notice of proposed rulemaking (ANPRM), *Nondiscrimination on the Basis of Disability; Accessibility of Web Information and Services of State and Local Government Entities and Public Accommodations*. This ANPRM seeks public input on possible revisions to Title II and Title III of the Americans with Disabilities Act.

- The Americans with Disabilities Act (ADA), signed into law in 1990, is a comprehensive civil rights law prohibiting discrimination on the basis of disability. Title III of the ADA currently sets standards for public accommodations to make their buildings accessible for people with disabilities. Public accommodations are businesses that are open to the public and affect commerce; Title III lists 12 categories such as hotels, restaurants, theatres and retail establishments.
- This ANPRM states that DOJ may revise Title III of the ADA to require that websites operated by public accommodations be made accessible to people with disabilities. DOJ is also contemplating revisions to Title II of the ADA, which would require that websites operated by state and local governments also be made ADA-accessible.
- DOJ's rule discusses barriers to web accessibility faced by people with disabilities (such as visual impairments), and the use of assistive technology (such as screen readers) that enable them to navigate Web sites. DOJ's rule asks questions regarding various accessibility standards that might enable the use of assistive technology on websites, coverage limitations, compliance issues, effective dates and the possible cost impacts on small entities.
- Advocacy believes that a rule requiring website accessibility for businesses and other covered entities would have a significant economic impact on a substantial number of small entities. Advocacy urged DOJ to complete an initial regulatory flexibility analysis (IRFA) following the ANPRM to assess the impact of this rule on small entities, as required by the Regulatory Flexibility Act.

A complete copy of Advocacy's comments can be found at www.sba.gov/advo/816. Please contact Janis C. Reyes at Janis.Reyes@sba.gov or (202) 205-6533 if you would like more information.