

# Compliance Overview

## Highlights

### Equal Access Under the ADA

The ADA requires public and private entities that are open to the public to provide full and equal access to individuals with disabilities.

### Web Accessibility

Just as physical barriers can prevent individuals with disabilities from entering a building, inaccessible websites can deny them equal access to information.

### DOJ Position on Websites

Organizations have flexibility regarding how to comply with the ADA for their websites, but the DOJ will use its enforcement authority to ensure that websites are accessible.

### Website Barrier Examples

Examples of the barriers businesses should avoid using include poor color contrast, color alone to provide information and mouse-only navigation.

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## DOJ Guidance on the ADA and Web Accessibility for Businesses and State and Local Governments

On March 18, 2022, the U.S. Department of Justice (DOJ) issued [guidance](#) on how public and private entities can ensure that their websites are accessible to individuals with disabilities, as required under Titles II and III of the Americans with Disabilities Act (ADA). Title II of the ADA applies to state and local governments, while Title III applies to businesses that are open to the public (also known as “public accommodations”).

Although these entities are currently not required to follow any specific or formal standards for designing or setting up a website, the DOJ guidance suggests using guidelines currently employed by the federal government and other resources. The guidance also describes common website barriers, provides sample enforcement cases and indicates that the agency will continue prioritizing website accessibility in its efforts to enforce the ADA’s general requirements of nondiscrimination and effective communication.

This Compliance Overview provides the DOJ’s guidance.

## Links and Resources

- The [Web Content Accessibility Guidelines \(WCAG\)](#) and [Section 508 Standards](#) are what the federal government follows for its own websites.
- The [18F Accessibility Guide](#) is published by a digital services agency under the federal General Services Administration (GSA).
- [Section508.gov](#) is published by the GSA and includes tools and training on how to implement website accessibility requirements under the ADA.

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## Website Accessibility and Why It Matters

Inaccessible web content means that individuals with disabilities are denied equal access to information. An inaccessible website can exclude people just as much as steps at an entrance to a physical location. Ensuring web accessibility for people with disabilities is a priority for the DOJ. In recent years, a multitude of services have moved online, and people rely on websites like never before for all aspects of daily living. For example, accessing voting information, finding up-to-date health and safety resources, and looking up mass transit schedules and fare information increasingly depend on access to websites.

People with disabilities navigate the web in a variety of ways: People who are blind may use screen readers, which are devices that speak the text that appears on a screen; people who are deaf or hard of hearing may use captions; and people whose disabilities affect their ability to grasp and use a mouse may use voice recognition software to control their computers and other devices with verbal commands.

The ways that websites are designed and set up can create unnecessary barriers that make it difficult or impossible for people with disabilities to use websites. However, these barriers can be prevented or removed so that websites are accessible to people with disabilities.

## Barriers to Website Accessibility

Some examples of website barriers include:

- **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 colorblind may not have access to information when it 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 color 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 and others.
- **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 assistance 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; and
  - 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.

## When the ADA Requires Web Content to be Accessible

The ADA applies to state and local governments (Title II) and businesses that are open to the public (Title III).

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## *State and Local Governments (Title II)*

Title II of the ADA prohibits discrimination against people with disabilities in all services, programs and activities of state and local governments. State and local governments must take steps to ensure that their communications with people with disabilities are as effective as their communications with others. Many state and local government services, programs and activities are now being offered on the web. These include, for example:

- Applying for an absentee ballot;
- Paying tickets or fees;
- Filing a police report;
- Attending a virtual town meeting;
- Filing tax documents;
- Registering for school or school programs; and
- Applying for state benefits programs.

A website with inaccessible features can limit the ability of people with disabilities to access a public entity's programs, services and activities available through that website—for example, online registration for classes at a community college could inhibit people with disabilities from signing up for classes. For these reasons, the DOJ has consistently taken the position that the ADA's requirements apply to all the services, programs or activities of state and local governments, including those offered on the web.

## *Businesses 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.

Where necessary, businesses open to the public must take steps to provide appropriate communication aids and services (often called “auxiliary aids and services”) 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 include:

- Retail stores and other sales or retail establishments;
- Banks;
- Hotels, inns and motels;
- Hospitals and medical offices;
- Food and drink establishments; and
- 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—for example, a veterans' service organization online event registration form could prevent people with disabilities from signing up. For these reasons, the DOJ has consistently taken the position that the ADA's requirements apply to all the goods, services, privileges or activities offered by public accommodations, including those offered on the web.

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## How to Make Web Content Accessible to People With Disabilities

Although businesses and state and local governments must ensure that the programs, services and goods they provide to the public—including those provided online—are accessible to people with disabilities, the DOJ has not published regulations detailing standards for web accessibility. This means that businesses and state and local governments have some flexibility in how to prevent discrimination and conduct effective communication.

To ensure the best possible accessibility to online content, businesses and state and local governments should consider various website features. The DOJ strongly recommends that businesses and state and local governments consider existing technical standards as guidance on how to ensure accessibility of website features. This guidance includes the [Web Content Accessibility Guidelines \(WCAG\)](#) and the [Section 508 Standards](#), which the federal government uses for its own websites.

## Web Accessibility Is a DOJ Priority

When Congress enacted the ADA in 1990, it intended for the ADA to keep pace with the rapidly changing technology of our times.

Since 1996, the DOJ has consistently taken the position that the ADA applies to web content. As the sample cases below show, the DOJ is committed to using its enforcement authority to ensure the goods, services, programs and activities businesses and state and local governments make available to the public are also accessible to people with disabilities.

The table below provides some sample cases in which the DOJ has enforced the ADA web accessibility standards.

<b><i>State and Local Governments (Title II)</i></b>	<ul style="list-style-type: none"><li>• <a href="#">Project Civic Access</a> involved numerous agreements with cities and counties across the country that include web accessibility requirements.</li><li>• <a href="#">Miami University in Ohio</a> involved claims that the university provided inaccessible web content and learning management systems.</li><li>• <a href="#">Nueces County, Texas</a> involved claims that an online conference registration form was not accessible to people with disabilities who use software that reads text aloud.</li></ul>
<b><i>Businesses Open to the Public (Title III)</i></b>	<ul style="list-style-type: none"><li>• <a href="#">Rite Aid Corporation</a> addressed barriers in Rite Aid's COVID-19 Vaccine Registration Portal.</li><li>• <a href="#">Teachers Test Prep Inc.</a> involved claims that online video courses were inaccessible to people who are deaf because they did not provide captions.</li><li>• <a href="#">HRB Digital and HRB Tax Group (H&amp;R Block)</a> involved claims that a website did not allow for the use of assistive technology such as screen reader software, refreshable Braille displays, keyboard navigation and captioning.</li><li>• <a href="#">Peapod</a> involved claims that its online grocery delivery services were not accessible to some individuals with disabilities.</li></ul>

Source: U.S. Department of Justice

# Compliance Bulletin

## Form 5500 Deadline is July 31

Each year, employers that are subject to the Employee Retirement Income Security Act of 1974 (ERISA) must **electronically file an annual report** ([Form 5500](#)) for each employee benefit plan they maintain unless a filing exemption applies.

Employers with employee benefit plans that operate on a calendar year basis must file their annual reports for 2025 with the U.S. Department of Labor (DOL) by **July 31, 2026**. An employer may extend this deadline by 2.5 months (until **Oct. 15, 2026**) by filing [Form 5558](#) with the IRS by July 31, 2026.

Small welfare benefit plans (fewer than 100 covered participants) that are unfunded or fully insured (or a combination of unfunded and insured) are exempt from the Form 5500 filing requirement.

### Voluntary Compliance

The [Delinquent Filer Voluntary Compliance Program](#) (DFVCP) was created by the DOL to encourage plan administrators to voluntarily file overdue Forms 5500. The DFVCP gives delinquent plan administrators a way to avoid potentially higher penalty assessments by voluntarily completing their late Form 5500s for a year and paying reduced penalties. Plan administrators are eligible to use the DFVCP only if they make the required filings prior to being notified in writing by the DOL of a failure to file a timely annual report.

## Action Items

- ☑ Employers with calendar year plans that do not qualify for a filing exemption should work with their service providers to electronically file the Form 5500 (including required schedules and attachments) using the DOL's [EFAST2 electronic filing system](#) by **July 31, 2026**.
- ☑ Employers that need additional time should file Form 5558 with the IRS by July 31, 2026. Form 5558 [can be filed electronically through EFAST2 or can be filed on paper](#) with the IRS.

## Penalties

- The DOL can assess penalties for noncompliance with the annual reporting requirements, including submitting incomplete Forms 5500 or not filing Forms 5500 by the due date.
- The DOL has the authority under ERISA to assess penalties of up to **\$2,739 per day** for each day an administrator fails or refuses to file a complete Form 5500.
- The penalties may be waived if the noncompliance was due to reasonable cause.
- Higher penalty assessments may be avoided for plan administrators that use the DFVCP.

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