3 Media Web

The Essential

ADA Website Compliance Handbook

Introduction

In 1990, the Americans with Disabilities Act (ADA) was passed into law by the United States government. This ushered in new rules and regulations making it a legal requirement for companies to make their businesses equally accessible by all people living with or without a disability.

The ADA requires business' brick and mortar locations to be in compliance but, what you may not realize is that it also requires business websites to be ADA compliant. There is no official language written in the ADA itself that outlines what steps need to be taken to make websites compliant, yet all business websites are expected to be compliant.

Confused yet? It's a complicated matter that needs to be taken seriously. At 3 Media Web, we've helped many business websites become ADA compliant. Business owners often approach us asking for guidance and clarification about what they need to do to bring their business site up to code. As a result, we've put together the following guide to shed some light on the complex world of website ADA compliance.

In this guide, we'll be covering all the essentials such as:

- *What exactly the ADA is and what it means to have an ADA compliant website*
- *Real-world examples of non-compliant websites*
- *How to check if your site is ADA compliant*
- *The WCAG Web Content Accessibility Guidelines (WCAG) and why they're considered the best guidelines to work from*
- *How to bring your website up to standards if it's not already*

Let's start by going into more detail about what the ADA actually is and how it applies to businesses and websites.

What is ADA?

According to the **ADA National Network**, the ADA is defined as:

> *"...a civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the general public."*

This means there are laws being enforced that ensure people with disabilities have the same rights as those living without disabilities. These civil rights protections are intact to prevent discrimination and provide the same opportunities to the disabled as everyone else.

What does the ADA cover?

The ADA is broad in what it all covers. As such, the ADA is broken into five titles which encapsulate the following areas:

- **Title I:** *Employment*
- **Title II:** *State and local government services*
- **Title III:** *Public Accommodations*
- **Title IV:** *Telecommunications*
- **Title V:** *Miscellaneous Provisions*

Between the five titles things such as public transportation, equal employment opportunities, accessibility of private places of public accommodation (including places of business and their websites), closed captioning requirements, as well as accessibility to telecommunications for those with speech and hearing disabilities, are all considered.

What does it mean to have an ADA compliant website?

You may be familiar with ADA laws that require places of business to provide accessible parking, accessible bathroom facilities, and accessible entrances among other things. You're likely less familiar with the ADA requirements regarding a business website. You're not alone!

The truth is, the ADA itself does not specifically mention websites, nor does it provide its own list of requirements. This, of course, leads to frustration for business website owners who want to do the right thing but simply can't figure how to go about making their website ADA compliant.

Despite the lack of clarity, the Department of Justice maintains the stance that the ADA can and should be interpreted as including websites that are operated for business purposes. This falls under Title III as business websites are considered a "private place of public accommodation".

The Web Content Accessibility Guidelines 2.0

ADA compliant websites ensure all people find the online experience to be user-friendly. People living with any disability need to be considered. For example, visual disabilities, auditory disabilities, or physical disabilities.

While there are no official requirements listed on the ADA itself, in court cases (more on that in just a moment), judges have referred to **Web Content Accessibility Guidelines (WCAG) 2.x** as the current standards.

The WCAG introduces standards on many different things involved in website development. But it largely comes down to whether or not a website is compatible with modern screen reading software. Screen reading software makes it possible for the visually and hearing-impaired to use the internet in the same way everyone else can. Screen readers will read a website and output it as an audio or braille transcription.

Having a Section 508 VPAT certification as a US-based company is no longer optional. The VPAT demonstrates your website's conformance with ADA accessibility standards. Learn more about getting your site ADA compliant and VPAT certified.

GET CERTIFIED NOW

The WCAG standards were developed by the Web Accessibility Initiative (WAI) and are the same standards government websites must follow to become ADA compliant. A requirement that was put in effect in **January of 2018 as an amendment to Section 508 of the Rehabilitation Act of 1973.**

The WCAG has three different "levels of conformance" when it comes to ADA compliant websites:

- **Level A:** *minimum level of conformance (not really where you want to be)*
- **Level AA:** *industry standard (the sweet spot)*
- **Level AAA:** *exceptional conformance (not always realistically possible)*

While it would be great if all websites could meet Level AAA requirements, even the WCAG states that it is unrealistic for most sites to do. As such, they suggest most business websites should strive to meet Level AA conformance on all 61 guidelines they detail in the **WCAG**.

The **Web Accessibility Initiative** has done a great job detailing the best practices to make the website accessible to all users. Unfortunately, the keyword here is detailed. While comprehensive, the WCAG 2.0 was written for web developers. As such, it includes a wealth of technical terms that may not be fully understood by a person with limited knowledge of websites. If you need help making sense of ADA website compliance laws to bring your site up to speed, contact our ADA compliance experts at **3 Media Web**.

How is it enforced?

First, let's understand that the primary motivation behind retrofitting any website to bring it up to WCAG requirements should be making the internet a more accessible place for all individuals regardless of their disability status.

> "The Web Accessibility Initiative adds, those with disabilities should be able to "perceive, understand, and interact with the web," and should also be able to "contribute to the web" in a manner that is meaningful.
>
> Improving web accessibility enhances the user experience for said individuals. While the motivations behind prioritizing accessibility may range from altruistic (improving the lives of people with disabilities) to selfish (avoiding negative public blowback), the end-goal of opening the Internet to a broader user base remains the same."
>
> - **Why Is Everyone So Concerned With Accessibility Lately?** | **3 Media Web**

A business website that is not accessible by a person with disabilities is considered to be discriminatory. 3 Media Web believes that **"accessibility is not an afterthought."**

Furthermore, it's being enforced legally as quickly as lawyers can file lawsuits. In 2018, there were over **2,250 reported website accessibility lawsuits** filed in the United States. That's an astounding 177% increase from the 814 similar lawsuits filed in 2017. They're expected to have an even more drastic increase in 2019 since more and more cases against non-compliant websites have won in federal courts.

Zero-Tolerance for non-compliance

It's also important to note that there is no wiggle room for non-compliance surrounding the law. In other words, if your business website isn't ADA compliant and you don't have a suitable alternative, it's not going to do much good pleading ignorance or insisting you're working on addressing the violation.

To add to the confusion, no dates have been set stating when business websites needed to be ADA compliant by.

Further complicating the matter, no notice is required to be given before a business could be hit with a lawsuit. In 2018, the House of Representatives passed a piece of legislation that would have forced plaintiffs to give written notice to a non-compliant business before filing a lawsuit. The notice would have granted the plaintiffs 60 days to bring their website up to WCAG 2.0 standards. Sadly, the Senate subsequently failed the bill.

It's safe to say that, based on the rulings of related lawsuits, if a site isn't presently compliant, it is subject to a lawsuit it's unlikely to win.

Unfortunately, many businesses have already learned this lesson the hard way.

Case Example:

There's an ongoing case against Domino's Pizza that has been making headlines lately, but Dominos isn't the first business to face such a lawsuit. In fact, grocery chain Winn-Dixie lost it's historic first-of-it's-kind lawsuit in 2017. The plaintiff, who is unable to see their computer screen, uses a screen reader like the popular **JAWS software** to view the Winn-Dixies website. While the site allowed the plaintiff to buy groceries, they were unable to find coupons or refill prescriptions the same way as someone who wasn't using software like JAWS.

And it's not just large corporations being targeted. If you think your small business is less susceptible to being sued versus a business the size of, say, Dominos, think again.

The Avanti Hotel

Avanti Hotel, a 10-room hotel in Palm Springs, California is being sued after a visually impaired woman was unable to book a room on their website. The lawsuit states Avanti's hotel cannot be read by a screen reader rendering it impossible for the disabled to make a reservation online. At the time of writing this lawsuit is still ongoing; however, it is expected that Avanti will settle out of court. While the total cost to bring the Avanti website up to standards is projected to be around $3,000, the damages in addition to lawyer fees could bring the hotel's total costs to over $25,000.

On top of being discriminatory and unlawful, a non-ADA compliant website could be costing you business. According to the **American Community Survey (ACS)**, over 56-million Americans report living with a disability. That's roughly 1 out of every 5 United States citizens who won't be able to access your business online.

How To Tell If Your Website Is ADA Compliant

With all the court cases and lack of definition in the ADA, you might feel daunted by the task of getting your website ADA compliant. But, there's good news to be had. Finding out if your website is compliant and getting it up to par most likely won't be as scary of a process as it all sounds. With that in mind, let's take a look at some of the ways we at 3 Media Web recommend as great starting points.

ADA Website Design Compliance Issues You Can Check Right Now

First, check out the resources available on the 3 Media Web site for those needing assistance getting their website up to compliance. In regards to design, there are a few things you check for yourself right now:

#1
Font

Check the font size on your website. Fonts that are smaller than size 12 can be difficult to read. Additionally using proper headings such as H1, H2, and so on make content easier to scan. A good rule of thumb to go by in many cases is that bigger is better.

#2
Color & Contrast

Look for low-contrast areas on your website and eliminate them. You might not think about it, but the contrast of your website is crucial. In fact, the contrast is a common accessibility problem. When we are designing sites, we make sure to use accessible contrast on all images, graphics, text, and other design elements.

Remember to always avoid low-contrast layering, like red/green or blue/purple. A better choice is light backgrounds with dark fonts, or the inverse, while making things easy to spot.
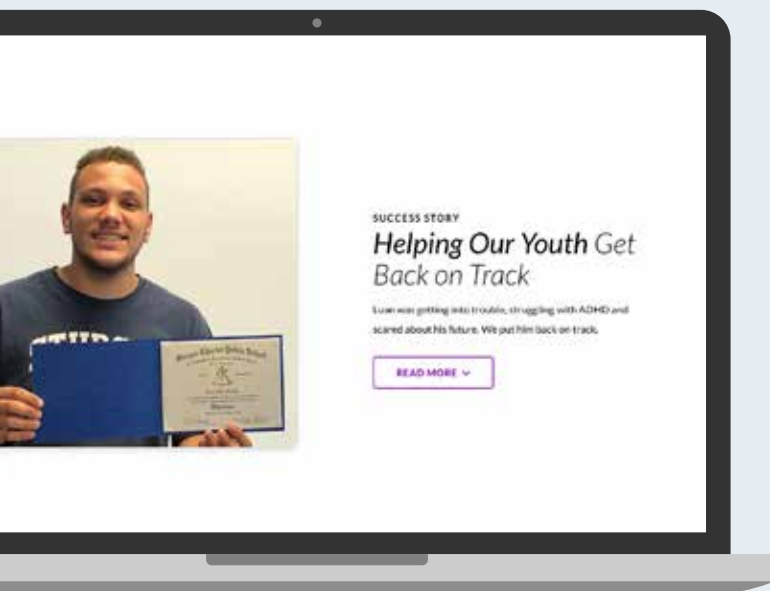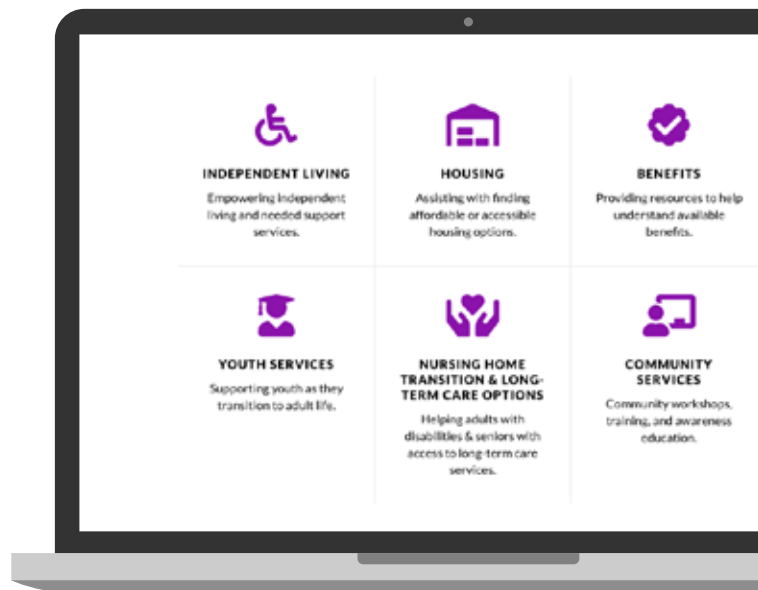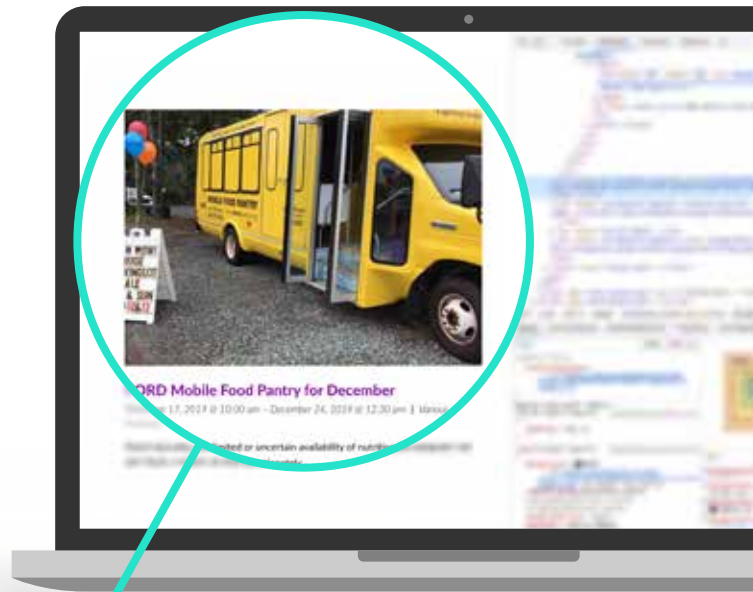

#3
Canvas

Is your website busy and crowded with too many graphics, photos, and other elements? Busy websites are not user-friendly. There needs to be enough white space to make your content easy to read.

#4
Descriptive Text

Does your website make proper use of alt and descriptive text? Did you know that 43% of web images lack sufficient alt-text on images and descriptive labels on buttons? This ever-important text helps the visually disabled understand what the images and graphics on your site are.

```html
▼<figure>
    <img width="550" height="395" src="https://
    www.cordcapecod.org/wp-content/uploads/pantry-bus.jpg"
    alt="mobile food pantry bus">
</figure>
<h3 class="event_title">CORD Mobile Food Pantry for
December</h3>
```

Use Online Tools To Make It Even Easier

First, there are great online utilities available that will run an analysis on your site to check it for ADA compliance. Some good ones to try out are **WAVE** and **Lighthouse**. Both can be used at no cost, though they each have their limitations. For a baseline idea of whether or not your site needs some work to become compliant, either are suitable options.

There are also more niche tools available that let you check specific ADA compliance requirements. For example, this **simple web tool** allows you to check the level of compliance for different font and background combinations. Having a contrast ratio that meets compliance level AA is important in becoming ADA compliant and tools like this one makes it easy for anyone to check.
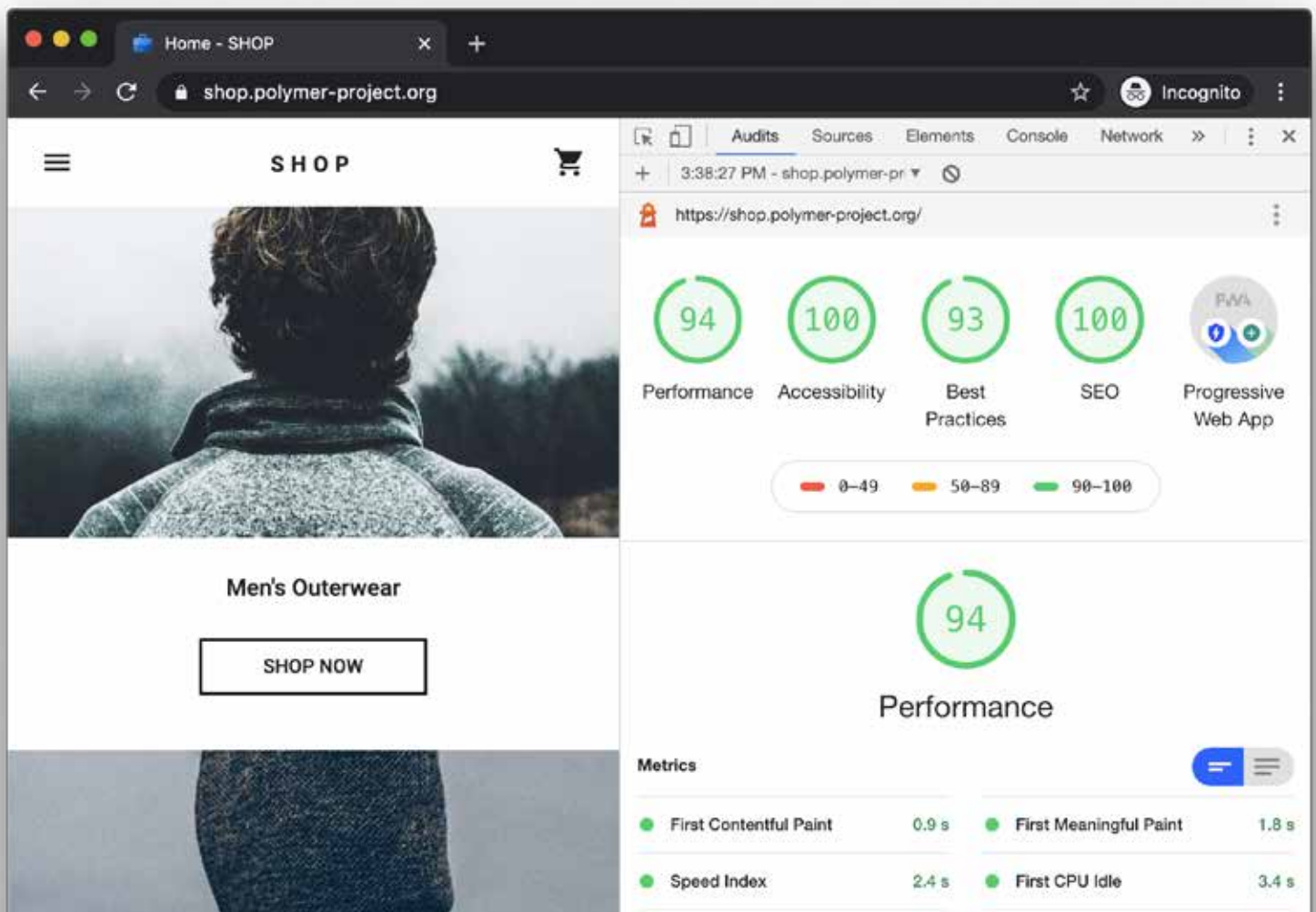
Don't Skip The Manual Check

You should also manually check to see if your site if ADA compliant. It's the only way to make sure your website is meeting all the requirements. If you're working with a professional web developer, they should be able to do a manual check of your entire site.

Although not required to do a basic manual check, using screen reader software is a direct way to discover inadequacies on your website.

The WCAG compliance standards are available for anyone to access on the **W3 website**. It's not the most riveting read but it does help explain everything that needs to be done. At the very least, you can use it as a reference guide while you are checking your site for ADA compliance.

Fortunately, there is also a **checklist you can access here** to check your website. The checklist may seem a little long, but it does aid in the process of analyzing your site. The checklist is the same one used by State and Local governments when bringing their websites into ADA compliance.

To give you an idea of what to expect from the checklist, you'll see some of the following:

- *All links have a text description readable by a screen reader, including images with links*
- *Videos on your site also have audio descriptions available to people who are blind or with low vision*
- *Audio files have written transcriptions that are synchronized with the action for deaf or individuals who are hard of hearing*
- *The top any page with navigation links also has a "skip navigation" link and is otherwise fully navigable using only a keyboard*
- *Every page is designed so it can be viewed using visitors' browser and/or operating system settings for color and font*

The 3 Media Web Web-Dev Accessibility Process

Whenever our ream of web developers are working on client projects, they follow a 5-step process that ensures our work meets all ADA and WCAG guidelines. Since all our web developers are experts in WCAG 2.0, Section 508, and W3C Standards, the process they've put in place takes the guesswork out of ADA compliance. Here are the five steps our experts follow:

☑ Step 1 - Identify priority website pages & sections.

Whenever our ream of web developers are working on client projects, they follow a 5-step process that ensures our work meets all ADA and WCAG guidelines. Since all our web developers are experts in WCAG 2.0, Section 508, and W3C Standards, the process they've put in place takes the guesswork out of ADA compliance.

☑ Step 2 - Baseline WCAG 2.0 conformance testing.

We've mentioned a few tools above you can use for testing. As a professional web development agency specializing in ADA compliance, we also have access to a compliment of industry-standard tools that are used to evaluate WCAG 2.0 Level AA conformance.

☑ Step 3 - Automated UX & content scanning.

In addition to the baseline testing mentioned above, we also employ similar accessibility tools that will evaluate the content of your site. These tools check for everything that relates to the user experience on your website including functions like sliders, accordions, and media players.

☑ Step 4 - Conduct manual Q.A. & expert user review.

Remember how we were just saying, "Don't skip a manual check"? We meant it! For every site we work on, our team performs a series of manual reviews to double check for ADA compliance. Tools are great, but sometimes the automated tests don't cover everything.

☑ Step 5 - Accessible web development begins.

Those first four steps pave the way for development. It's in this step where the ADA violations we've found are corrected and new, accessible design is implemented.

Additionally, we encourage you to learn more about the **web-dev accessibility process our experts follow here.**

How To Make Your Website ADA Compliant

There is no single solution that says exactly what you need to do to make your website ADA compliant until a proper analysis is completed. In fact, most websites will require multiple solutions. It all depends on how many violations are present and which part of the WCAG they are not in compliance with.

As we stated earlier, it's best to have your website analyzed by someone familiar with WCAG 2.0 Level AA standards. If you suspect your website requires improvements to make it WCAG Level AA compliant, we recommend working with a reputable web design firm or developer who has experience bringing websites up to compliance. Check to make sure they are familiar with WCAG 2.0 standards and who specialize in building ADA compliant websites.

We've said it once, and we'll say it again, **accessible web design is about more than aesthetics**. It also has a lot to do with your business goals, marketing challenges, and target audience. At 3 Media Web, we take all those factors into account at the beginning of every client's ADA website compliance project we work on.

Using a professional makes the process of getting your website ADA compliant quick and painless. In some cases, the updating process can be as short as a week or two, but it's best to prepare for a range closer to a couple of months just to make sure everything is perfect. If you have any specific questions about getting your website ADA compliant, feel free to contact us here at **3 Media Web** --we have ADA website compliance experts ready to help.

Need Help With Making Your Website ADA Compliant?

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