

# Web Content Regulation Deadlines Fast Approaching



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Community Action Agencies (CAAs) face upcoming deadlines for complying with federal regulations that improve public access to web content, mobile apps, and kiosks. These rules require public and private CAAs to conform with specific standards to make online content more perceivable, operable, understandable, and robust for individuals with disabilities.

CAAs with 15 or more employees must comply with the Department of Health and Human Services (HHS) rules (HHS Web Rules) by **May 11, 2026**; CAAs with 14 or fewer employees must comply by **May 10, 2027**. Similar regulations issued by the Department of Justice (DOJ) also apply separately to public CAAs, with deadlines starting **April 24, 2026**.

## HHS Section 504 Regulations

The HHS Web Rules will soon require all CAAs to ensure their web, app, and kiosk content is accessible to individuals with disabilities. In May 2024, HHS issued a final rule that updated its regulations implementing Section 504 of the Rehabilitation Act of 1973 (Section 504), a federal statute that prohibits discrimination on the basis of disability in programs or activities supported by federal funds.<sup>1</sup> Section 504 applies to all organizations that receive federal financial assistance, including both public and private CAAs.<sup>2</sup> Federal agency regulations, including from HHS, that implement Section 504 have existed for decades.<sup>3</sup> The HHS Web Rules amend these regulations and extend Section 504 principles to the modern era by requiring certain accessibility standards for grantees' online content.

The HHS Web Rules require all HHS grantees to comply with the Web Content Accessibility Guidelines (WCAG) 2.1 Level AA success criteria and conformance requirements for all web content and mobile apps.<sup>4</sup> WCAG 2.1 is a set of standards and recommendations created by the World Wide Web Consortium's Web Accessibility Initiative (WAI), a nonprofit body that aims to make web content more accessible. The standards address a swath of topics, including audio descriptions and captions, keyboard shortcuts, animations and flashing graphics, pointer target sizes, color contrast, and text spacing.<sup>5</sup>

The HHS Web Rules also address the use of kiosks. While they do not require kiosks to comply with WCAG 2.1, the WCAG 2.1 criteria offers helpful guidance for compliance with the HHS Web Rules (e.g., using sufficiently large text size for a visually impaired individual to use it independently). The HHS Web Rules do require CAAs to ensure that kiosks do not exclude any individual with disabilities from participating in a CAA's programs or services.<sup>6</sup>

The HHS Web Rules enumerate five exceptions for web or app content that need not comply with WCAG 2.1: archived web content; preexisting conventional electronic documents<sup>7</sup>; content posted by a third



party (unless the third party is posting due to “contractual, licensing, or other arrangements” with the CAA); individualized, password-protected documents; and preexisting social media posts.<sup>8</sup> The HHS Web Rules also discuss other exemptions and alternatives, such as where a recipient can demonstrate that compliance would require a fundamental alteration in the nature of a program.

### DOJ Title II Regulations

In addition to the HHS Web Rules, public CAAs must also comply with similar new web and app regulations under Title II of the Americans with Disabilities Act (Title II). Title II is a federal statute that prohibits disability discrimination by public entities in all programs, services, and activities, regardless of whether the entity receives federal funding.<sup>10</sup> Public entities subject to Title II include states, local governments, and their departments, agencies, and instrumentalities. Public CAAs are public entities under Title II because they are typically a part of, or controlled by a portion of, a local government.

The DOJ issues regulations that implement Title II.<sup>11</sup> In April 2024, the DOJ made changes to the Title II regulations that clarified the statute’s protections against disability discrimination in web content and mobile apps (Title II Web Rules).<sup>12</sup> Like the HHS Web Rules, the Title II Web Rules require public entities to comply with the WCAG 2.1 Level AA standards in all of their web content and mobile apps. The Title II Web Rules also include exceptions, exemptions, alternatives, and definitions that are similar (and in many cases identical) to the HHS Web Rules. Unlike the HHS Web Rules, the Title II Web Rules do not directly address kiosks, but the DOJ explains in the preamble to its final rule that the general responsibilities public entities have under Title II may extend to the use of kiosks regardless.

The Title II Web Rules became effective in June 2024, but the DOJ provided additional time for public entities to comply based on population size. For public CAAs attached to local governments (e.g., cities, counties, towns) with populations of 50,000 or more, the compliance deadline is **April 24, 2026**. For CAAs that are a part of local governments of between 0-49,999 people or a special district government<sup>13</sup>, the compliance deadline is **April 26, 2027**.

### Takeaways & Next Steps

CAAs should consider taking the following next steps to analyze compliance with the HHS Web Rules and Title II Web Rules, address any legal or technical concerns, and create a system for continued adherence:

- **Assess your CAA’s online presence to determine where the WCAG 2.1 standards apply.** HHS and the DOJ have each released a fact sheet that includes a detailed overview of the new regulations: [HHS Fact Sheet: New Requirements on the Accessibility of Web Content, Mobile Apps, and Kiosks](#); [DOJ Fact Sheet: New Rule on the Accessibility of Web Content and Mobile Apps Provided by State and Local Governments](#).
- **Maintain documentation in support of any deviations from the WCAG 2.1 standards.** Such documentation may consist of a memo to file or letter from legal counsel regarding the application of



an exemption, exception, or alternative to a CAA's web content, apps, or kiosks. This will help show the existence of an established and legally supported rationale for any variation from the regulatory standards.

- **Work with technical professionals and legal counsel to make updates, if any, necessary for your CAA.** CAAs with a web presence, mobile apps, or a kiosk set-up should consult with experts when assessing and facilitating compliance with upcoming deadlines. The DOJ has released a webinar that includes helpful examples that illustrate how the Title II Web Rules function in practice: [Webinar: Americans with Disabilities Act Title II Web & Mobile Application Accessibility Rule](#). Given the similarities between the Title II Web Rules and HHS Web Rules, these examples may be helpful for private and public CAAs.
- **Focus on updates to web content, apps, and kiosks that are necessary for your CAA.** Updates will vary for each CAA and could include actions like reformatting website pages or navigation bars, adding captions and image descriptions to content, or selecting a new font or color scheme. WAI has a large number of training materials available on the technical standards of WCAG 2.1, such as the [Accessibility Fundamentals Overview](#) and [WCAG 2.1 "Understanding Docs"](#).
- **Review agreements with third parties that create, post, or manage the CAA's web content.** This could include an arrangement with another local nonprofit to co-host an event app or a contract with a design firm for CAA website upkeep. The HHS Web Rules and Title II Web Rules apply to web and app content made pursuant to "contractual, licensing, or other arrangements" with a CAA, not just websites or apps a CAA manages on its own. A CAA that uses an external party to develop or maintain its web presence should not assume they are aware of these requirements or that they have preemptively complied with WCAG 2.1.
- **Implement policies and procedures to review and update, as needed, future online content to meet WCAG 2.1 standards.** A CAA may need to train and work with its information technology/IT, communications, or public relations staff with respect to these ongoing efforts. The DOJ guidance on the Title II Web Rules for small entities discusses the use of policies and staff training on legal and technical requirements: [Accessibility of Web Content and Mobile Apps Provided by State and Local Government Entities: A Small Entity Compliance Guide](#).



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## END NOTES

<sup>1</sup> HHS, [Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance \(89 FR 40066\)](#)

<sup>2</sup> [29 U.S.C. § 794](#)

<sup>3</sup> [45 CFR 84.1\(a\)](#); [HHS Form 690, Assurance of Compliance](#)

<sup>4</sup> [45 CFR 84.84\(b\)](#); [45 CFR 84.10 “WCAG 2.1”](#)

<sup>5</sup> [WCAG 2.1](#)

<sup>6</sup> [45 CFR 84.83](#); [45 CFR 84.10 “Kiosks”](#)

<sup>7</sup> [45 CFR 84.10 “Conventional electronic documents”](#)

<sup>8</sup> [45 CFR 84.85](#)

<sup>9</sup> [45 CFR 84.86](#); [45 CFR 84.88](#)

<sup>10</sup> [42 U.S.C. § 12132 et seq.](#)

<sup>11</sup> [28 CFR Part 35](#)

<sup>12</sup> [DOJ, Nondiscrimination on the Basis of Disability; Accessibility of Web Information and Services of State and Local Government Entities \(89 FR 31320\)](#)

<sup>13</sup> [28 CFR 35.104 “Special district government”](#)

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