

Everything to Know about ADA Compliance





The [Americans with Disabilities Act \(ADA\)](#) is the United States' most important law regarding accessibility and civil rights for people with disabilities. Signed into law in 1990, the ADA prohibits discrimination against anyone based on ability or disability. It came to fruition after a 2-year campaign to advance civil rights to marginalized groups, where disability activists lobbied for laws prohibiting discrimination. The ADA draws on the precedent set by Section 504 of the Rehabilitation Act, which guarantees rights to people with disabilities in the government sector.

What does the ADA cover now?

The ADA is a broad piece of legislation [covering many aspects of accessibility](#) for people with disabilities. The part of the ADA that affects how businesses serve customers is called the ["ADA Title III"](#). The ADA Title III covers public areas and accommodations which apply to businesses, restaurants, hotels, theaters, doctors' offices, libraries, parks, and almost every other place of work.

The ADA highlights two primary requirements:

-  Employers have to make accommodations for employees with disabilities to be able to do their jobs, including disability-friendly entrances, disability-friendly bathrooms, and the right kind of chairs, desks, and office equipment.
-  Businesses of all types have to make it possible for customers with disabilities to access their services, requiring them to make modifications to their premises like wheelchair ramps, accessible bathrooms, American Sign Language (ASL) interpretations, and accommodation for service animals.

Who does the ADA cover now?

In 2018, President George W. Bush signed major changes to the ADA into law. The biggest change involved the [definition of a disability](#). The original ADA defined a person with a disability as someone who has a condition that "substantially limits major life activities." Under the 2018 amendment, "major life activity" was redefined to include daily activities like caring for oneself or performing manual operations. It was also extended to include impairments to major bodily functions like digestive and respiratory functions, and neurological impairments.

Who needs to be ADA compliant?

All types and all sizes of businesses have to comply with ADA legislation, for their customers and employees, if there are over 15 workers. The ADA affects places of entertainment, restaurants, large enterprises, small to medium businesses, retail stores, government offices, employment agencies, and more.

How does the ADA affect websites?

As the internet and websites played a bigger role in how consumers interact with businesses, the way that the ADA applied to web accessibility changed. In 2017, a clear consensus emerged that the ADA also covers the online world. Disability rights activists, legal scholars, and court rulings have agreed that websites, internet portals, and online stores need to be accessible for people with disabilities. In September 2018, Assistant Attorney General Stephen Boyd wrote an official letter to members of Congress explaining it's mandatory that "goods, services, privileges, or activities provided by places of public accommodation be equally accessible to people with disabilities."

Today, U.S. courts apply ADA accessibility requirements to the internet, meaning websites should comply with ADA rules. Reinforcement was displayed by the Department of Justice in 2022 when it released a new guidance on implementing web accessibility standards and practices, clarifying that the ADA indeed covers web accessibility.

What's up with ADA lawsuits?

ADA title III-related lawsuits have skyrocketed. There were at least [11,452 federal filings in 2021](#), which is a 320% increase over a short, eight-year period. And, as of 2020, [365,000 demand letters](#) were sent to businesses that operated inaccessible websites.

There are a few reasons why ADA web accessibility has become such a hot legal topic:

-  **eCommerce is booming:** Total U.S. eCommerce sales reached an all-time high of [approximately \\$960 billion](#) in 2021, and online retail purchases now represent almost 15% of all retail spending.
-  **Increased web accessibility awareness:** High-profile lawsuits mean that people with disabilities now know they have legal recourse when they can't conduct activities online.
-  **The U.S. legal environment makes it easy:** A person with a disability has nothing to lose by filing a lawsuit since ADA Title III requires the defendant to automatically pay the plaintiff's legal fees.

Everyone should take ADA lawsuits seriously

Approximately 85% of ADA lawsuits in federal and state courts during 2018 were filed against small and medium retail businesses. Since it's almost inevitable that the court would find in favor of the plaintiff, small business owners feel that they must settle out of court. The cost of defending a lawsuit could destroy even a medium-sized business, but the average ADA website lawsuit settlement still comes to \$35,000.

Web agencies need to keep ADA title III requirements in mind too. If a client gets sued for having a non-accessible website, that client will turn to the agency that designed it. The client could insist on getting their money back; ruin that agency's reputation for failing to comply with legislation, or even sue the agency for having created a non-ADA-compliant website.

What are the ADA website compliance standards?

The DOJ has frequently referenced the Web Content Accessibility Guidelines (WCAG) 2.0 Level AA as the goal for website accessibility, even though this isn't codified into law. At the moment, WCAG 2.1 is the best measure of web accessibility when it comes to federal law, and it's unlikely that a WCAG 2.1 Level AA compliant website would be sued for inaccessibility.

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