



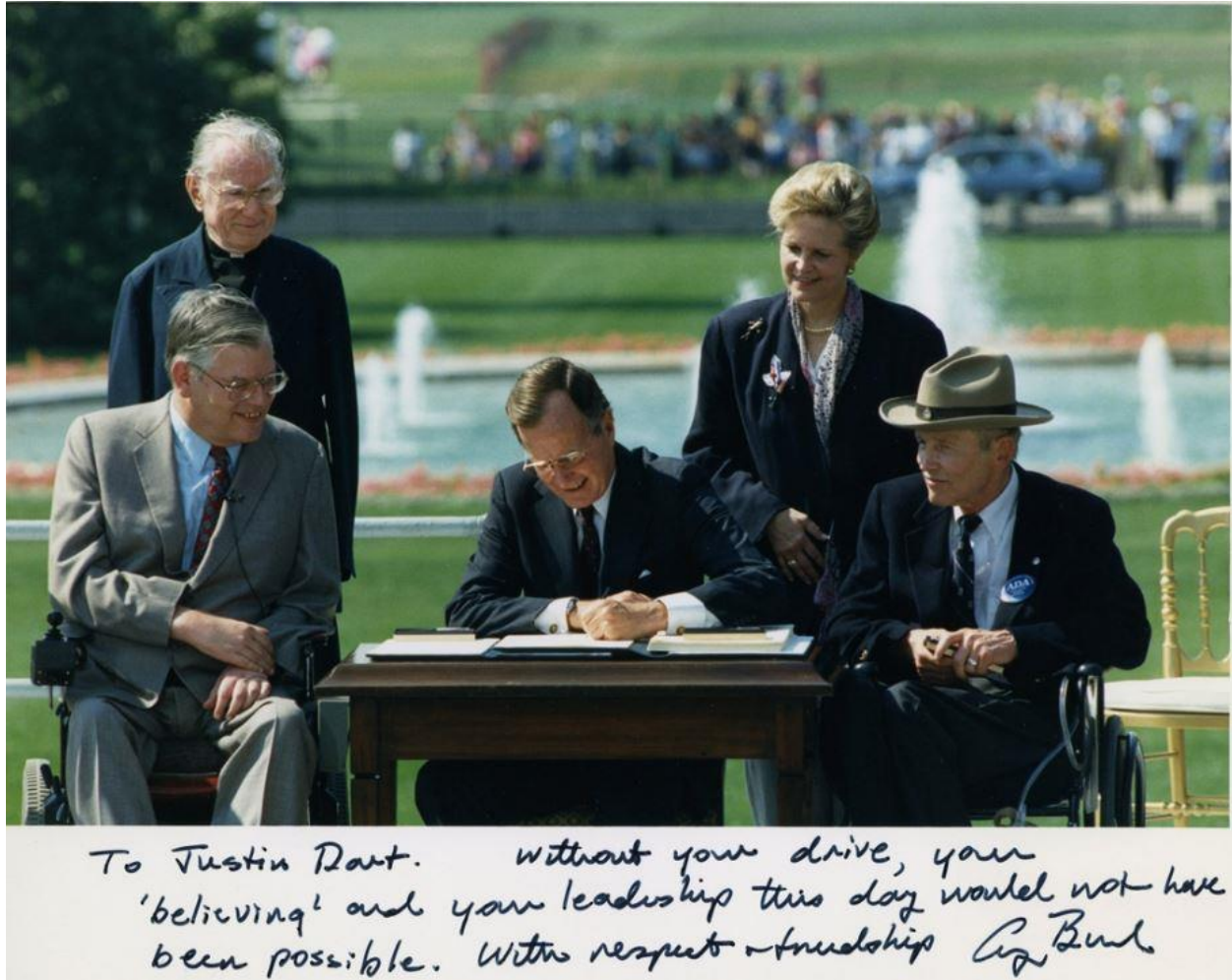
## Is Your Website ADA Compliant and Does It Need to Be?

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In 1994, the Americans With Disabilities Act (ADA) was signed into law, prohibiting discrimination in “any place of public accommodation.” The internet barely existed at that time and people with physical handicaps filed lawsuits against restaurants and other structures forcing them to install ramps and make other related accommodations.



Now, 25 years later, a new trend has emerged where businesses are being sued under the ADA based on claims that their websites are places of public accommodation and are not fully accessible to people with various impairments. Often, these lawsuits center on the fact that, although a visually impaired person can use a “screen-reader” to convert text on a website to audio, if there is no subtitle to a picture or image, such a user would have no way of knowing that a picture or image exists, let alone what it might be.

**At Kerigan Marketing, we began noticing how important this issue had become during the summer of 2018 when multiple Clerks of Courts across Florida were being sued for ADA non-compliance on their websites. There continue to be lawsuits filed all over the state of Florida.**

Just last year, Winn-Dixie Supermarkets lost a trial based on claims that its website discriminated against visually impaired individuals. As a result, Winn-Dixie was ordered to make changes to its website and to pay \$100,000 in legal fees to the plaintiff. Winn-Dixie is appealing the judgment, but this result seems to have propelled the issue. Because of so many recent lawsuits being filed against Cities, Counties, and Clerks, website vendors are calling and knocking on doors to offer their ADA services.

At KMA, we've designed and hosted a number of Clerk websites for over 10 years. Since our developers have been spending a lot of time researching and addressing this issue, we thought it might be helpful to share what we've learned about ADA standards and best practices that can be considered as various businesses such as realtors, restaurants and medical practices plan their website updates.

The World Wide Web Consortium (W3C), is an international community with the goal of developing web standards and has developed a series of guidelines known as WCAG 2.0. Many courts have used these guidelines to determine if a website is ADA compliant. In fact, in the Winn-Dixie case, part of the relief granted was an order that Winn-Dixie upgrade its website to comply with WCAG criteria. While WCAG 2.0 has three levels of compliance (A, AA and AAA), it generally appears that if a website complies with Level AA, courts will find that to be enough to be complaint with the ADA.

**As we approach ADA-compliance implementation, our designer and developers work closely together, and here are some of the most important criteria:**

1. Ensure that foreground and background colors have sufficient contrast. Some users find it hard to read gray text on a white background or gray text on a black background. We use checkers such as [WebAIM's Color Contrast Checker](#).
  - a. Contrast ratio should be 3:1 or more for 18 point (24 px) text, or larger
  - b. Contrast ratio should be 3:1 or more for 14 point (18.6 px) bold text, or larger
  - c. Contrast ratio should be 4.5:1 or more for all other text

2. Ensure that all information conveyed with color is also available without color, for example from context or markup. This style only contains a color change. Ensure that each CSS style contains style properties other than color and background-color. Certain things that seem simplistic may not be; contrast doesn't only come down to difference between colors, but also is dependent on font size, boldness, etc.
3. Even if a website is ADA compliant in the top-level functionalities your website company programmed, it may have components within the website that are not. Website developers often use "plug ins" to perform certain functions rather than reinventing the wheel because plugins are convenient and save money. But, while many have beneficial factors, a lot of them are NOT ADA compliant. Bootstrap, a frontend framework that greatly aids in programming a website to be responsive, has many accessibility features. However, certain innate features can violate ADA. There are potential workarounds and fixes, but these require additional work and certain programs exist which are made to modify previously existing frameworks, such as an accessibility plugin for Bootstrap.
4. Content inserted with CSS (Cascading Style Sheets) is not available to some screen readers, and to people with low vision who turn off style sheets. It is recommended that you move the content from CSS to the HTML page so that all users can see it.
5. If you offer PDF files as downloads on your website, these are read as website pages and need to be ADA compliant as well. Some things to look for include:
  - a. Does the PDF have a proper title? Use Adobe Acrobat's Accessibility plugin to search the file and add the appropriate tags where necessary.
  - b. Is the PDF a paper document you scanned? Screen readers will see a scanned PDF as an image. Make sure to use OCR text recognition to convert text, but be careful. Some fonts are very difficult for OCR to understand. Finding the original file (such as the Microsoft Word file where it was saved), or re-typing, could be a better solution than attempting OCR.
6. It's best practice to write meta descriptions for every page on a website for SEO. This allows you to craft how pages look on search engines, like Google or Bing. However, meta descriptions are absolutely essential for ADA. For SEO, pages need meta descriptions within the correct character length, written to entice clicks. For

ADA, meta descriptions must accurately describe page content as well. An easy way to tell if your website has meta descriptions is to use an online tool such as [HubSpot's Website Grader](#) or [SiteChecker.pro](#).

My personal breakthrough on this one came about a year ago while serving on the City of Mexico Beach Planning and Zoning Board. One of the five board members I serve with has physical disabilities. We review the cases of business owners and homeowners alike seeking variances for their properties. One night, a store owner was making his case why he was not legally obligated to add a wheel chair ramp to the sidewalk being poured in front of his new shop, because there was one within the required distance, about 50 feet away or so. We listened as the councilman explained what it's like to get his wheelchair in and out of his car, and how he needed the extra width afforded with a handicap parking space. He said he'd be a customer but if he had to do all that, then wheel 50 feet down the other way through the parking lot to access the ramp then wheel back up the sidewalk, he probably wouldn't do it. The shop owner decided that, even though it wasn't a legal requirement, it was the right thing to do and said he'd spend the extra \$450 for the ramp. It was a good feeling to see people working together and compassionate towards the limitations that some others have.

This ADA website requirements report is not intended to serve as a complete list and we strongly advise that you or your developer understand WCAG 2.0 and 508 standards. Here's a quick link where you can review the differences between 508 standards and [what's new in WCAG 2.0](#).

A common online tool that can be used is [SortSite](#), a tool published by PowerMapper. The desktop version of the software comes with a 30-day free trial or up to 5 pages are scanned using the online version for free. While online tools are helpful in many ways, human review is also essential when complying with WCAG 2.0 in order to assess false positives and potential framework issues. We work with the Florida Clerk's office closely when determining if a site is compliant and together determine which issues need to be addressed.

Websites often take time to produce and if you're looking for a new one, make sure your developer understands ADA compliance and WCAG 2.0. It's almost always much better to require ADA compliance up front rather than make a website that has already been completed, ADA compliant.

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