

# MEMORANDUM

**TO:** Town Commission  
**FROM:** Tom Harmer, Town Manager  
**REPORT DATE:** August 19, 2019  
**MEETING DATE:** September 9, 2019  
**SUBJECT:** Resolution 2019-13, Regarding Americans with Disabilities Act (ADA) Regulations by the U.S. Department of Justice

## **Recommended Action**

Pass Resolution 2019-13.

## **Background**

The Americans with Disability Act (ADA) requires that State and local governments comply with Title II of the ADA that covers programs, activities, and services of public entities.

The U.S. Department of Justice (DOJ) is the Federal Agency charged with the development of rulemaking regulations relating to website accessibility. The DOJ has placed its website accessibility rulemaking process for Title II of the ADA on an inactive list, which includes regulations that have not been formally withdrawn but are not on the DOJ's planned rulemaking agenda for the coming year or for a long-range plan<sup>(1)</sup>.

With the lack of official regulations, municipalities are faced with a difficult decision of scaling back information posted on their websites or face liability exposure. Over the last two years, there has been a steady increase in legal claims challenging business and public entity websites as not being in compliance with the ADA.

The Florida League of Cities adopted a Resolution at their annual conference urging the DOJ to move forward with establishing regulations relating to ADA compliance for websites and requested consideration for municipalities to do the same.

## **Staff Recommendation**

Pass Resolution 2019-13.

## **Attachment**

Resolution 2019-13

(1) The National Law Review

**RESOLUTION 2019-13**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LONGBOAT KEY, FLORIDA, URGING THE U.S. DEPARTMENT OF JUSTICE TO CLARIFY THE REQUIREMENTS FOR MUNICIPAL WEBSITES TO BE IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Americans with Disabilities Act (ADA) became law in 1990 and requires public entities to make their programs, services and activities accessible to individuals with disabilities; and

**WHEREAS**, in an effort to provide increased transparency and resources for their residents, municipalities are providing more information on their municipal websites; and

**WHEREAS**, over the last two years, there has been a steady increase in legal claims challenging business and public entity websites as not being in compliance with the ADA; and

**WHEREAS**, because of these legal claims, municipalities are faced with a difficult decision of scaling back information posted on their websites or face liability exposure; and

**WHEREAS**, the U.S. Department of Justice initiated and then halted rulemaking to clarify website accessibility standards, which contributed to the rising ADA legal claims.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LONGBOAT KEY, FLORIDA, THAT:**

SECTION 1. The Longboat Key Town Commission urges President Donald Trump and Congress to direct the U.S. Department of Justice to establish a clear standard to make government websites ADA compliant and decrease the costly litigation cities and other stakeholders are facing.

SECTION 2. A copy of this resolution be sent to President Donald Trump, the Florida Congressional Delegation, the U.S. Attorney General, and the National League of Cities.

SECTION 3. This Resolution shall become effective immediately upon adoption.

Passed at meeting of the Town Commission held the 9<sup>th</sup> day of September, 2019.

ATTEST:

\_\_\_\_\_  
George L. Spoll, Mayor

\_\_\_\_\_  
Trish Shinkle, Town Clerk

**End of Agenda Item**