Improve Accessibility: Requirements

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Requirements for Local Governments

The ADA and Rehabilitation Act work together to ensure facilities, programs, and services are accessible. The Department of Justice is responsible for ADA enforcement. On April 24, 2024, it released a final rule about web accessibility standards. The final rule requires state and local government websites and mobile apps to meet Web Content Accessibility Guidelines (WCAG) Version 2.1, Level AA. Municipalities with populations under 50,000 and special district governments (ex. solid waste districts, recreation districts, etc.) must ensure their websites and mobile apps comply with the standard by April 26, 2027. This fact sheet gives a summary of the rule. It is designed to provide introductory information about the rule's requirements, particularly for people who may not have a legal background.

The ABA and Vermont Access Rules are technical specification requirements to be used during design, construction, and alteration of facilities. Their requirements can differ from one another and from ADA requirements. The most restrictive requirement must be used to achieve compliance.

ADA Requirements

Title II of the ADA covers all activities of state and local governments regardless of size. It requires giving people with disabilities an equal opportunity to benefit from programs, services, and activities (e.g., public education and engagement activities, employment, transportation, recreation, office services, voting, and town meetings).

Table 1: ADA Compliance Items Based on Public Entity Size

ADA Compliance Item	Public Entity 50+ Employees	Public Entity <50 Employees

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General Compliance – Provision of accessibility to public services, programs, and activities and non-discrimination by public entities…28 CFR § 35.130	Required	Required
Provide Public Notice – Make information publicly available regarding the ADA provisions and their applicability to the agency's services, programs and activities…28 CFR § 35.106	Required	Required
Conduct a Self-Evaluation – Evaluate current services, policies, and practices for ADA compliance; and provide an opportunity for interested persons to participate…28 CFR § 35.105 (a) and (b)	Required	Required
Maintain documentation from the Self-Evaluation on file and make available for public inspection for at least three years…28 CFR § 35.105 (c)	Required	Recommended
Designate an ADA Coordinator 28 CFR § 35.107 (a)	Required	Recommended
Adopt a Grievance Procedure 28 CFR § 35.107 (b)	Required	Recommended

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Develop a Transition Plan for physical changes to facilities 28 CFR § 35.150 (d)	Required	Recommended

Most local government officials know that architectural standards must be followed for construction or alteration of buildings. When older buildings are inaccessible, the laws require relocation of programs or providing access another way. Staff also must communicate effectively with people who have hearing, vision, or speech disabilities. An example would be reading a document to a person who cannot see it.

Under the ADA, local governments have flexibility in how they provide access. They must make reasonable modifications to avoid discrimination, unless they can demonstrate that modifications would fundamentally alter the nature of the service, program, or activity being provided. More about Title II and examples of reasonable modifications.

Rehabilitation Act Requirements

The Rehabilitation Act covers affirmative action and employment discrimination by federal government contractors and subcontractors (Section 501). It passes through certain requirements to entities that receive federal financial assistance (Section 504) and requires electronic and information technology to be accessible to people with disabilities (Section 508). Table 2 describes the compliance items of the Rehabilitation Act.

Table 2: Rehabilitation Act Compliance Items for Federal Funding Recipients

Rehabilitation Act Compliance Item	Federal Funding Recipients

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General Compliance – No denial of benefit to or discrimination on the basis of disability, i.e., must provide reasonable accommodation, program accessibility via reasonable modifications, auxiliary aids, etc., effective communication, and accessible construction and alterations of facilities	Required
Make information and communication technology (ICT) accessible, i.e., electronic information must be compatible with assistive technology devices or must provide reasonable alternative	Required
Conduct a Self-Evaluation of barriers to accessibility, including an ICT Self-Evaluation	Required
Develop a Transition Plan for physical changes to facilities	Recommended
Develop an Action Plan for non-physical access barriers. Action Plan can be incorporated into a Transition Plan or can be a separate document.	Recommended

Accepting ARPA funds and some state grants are common ways Vermont's local governments receive federal financial assistance. Agreements for those programs include a condition about Section 504 compliance. Common federal requirements include reasonable accommodation for employees with disabilities; program accessibility; effective communication with people who have hearing or vision disabilities; and accessible new construction and alterations.

Conducting a self-evaluation is part of the Act. It doesn't explicitly require transition planning; however, developing a transition plan is a best practice. A municipality's

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failure to make services, programs, and activities accessible to everyone can result in enforcement actions and lawsuits. Having a transition plan demonstrates a municipality is working to comply with the law. It also provides a budgeting tool and lets people with disabilities know you welcome them.

Section 508 of the Rehabilitation Act means websites, digital documents, such as PDFs and documents created with Microsoft Office programs, and other electronic and information technology must be accessible to people with disabilities.

For questions about the ADA, call the U.S. Department of Justice ADA Information Line at 800-514-0301 (voice) or 1-833-610-1264 (TTY). Accessibility specialists are available to answer questions from individuals, businesses, and state/local governments. All calls are confidential.

Publication Date

04/28/2024

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