



# Coates' Canons

NORTH CAROLINA LOCAL GOVERNMENT LAW BLOG

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## Deadlines to Comply with ADA Web Accessibility Requirements Extended by One Year

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Across the country, state and local governments have been working for months to get their web content into compliance with an April 24, 2024 Department of Justice (DOJ) rule that revised regulations under Title II of the Americans with Disabilities Act related to digital accessibility (the “2024 Rule”). The **2024 Rule** established technical requirements for state and local governments’ web content and mobile apps (**[this blog post](#)** explains those requirements). Some government entities were required to begin complying with the 2024 Rule as of the end of this week—April 24. Today, the Department of Justice officially published a new interim final rule that extends the 2024 Rule’s compliance deadlines (an unpublished version was released on Friday). The April 20 interim final rule is available here: **[Federal Register: Extension of Compliance Dates for Nondiscrimination on the Basis of Disability; Accessibility of Web Information and Services of State and Local Government Entities](#)**

For State and local government entities with a total population of 50,000 or more, the compliance deadline has been extended from **April 24, 2026 to April 26, 2027**. For public entities with a total population of less than 50,000, and any special district government, the compliance deadline is extended from **April 26, 2027 to April 26, 2028**. In each case, government entities now have an additional year to comply with the 2024 Rule’s web accessibility requirements.

In the interim final rule, the DOJ describes correspondence it received from various education advocacy organizations emphasizing the need for a compliance deadline extension due to limited financial, technical, and staffing resources. Disability advocacy organizations, on the other hand, sent correspondence

arguing that the 2024 Rule should not be delayed, rescinded, or altered. Ultimately, the DOJ determined “that it overestimated the capabilities (whether staffing or technology) of covered entities to comply with the rule in the time frames provided.” The DOJ also concluded that covered public entities could “suffer significant consequences” and “face significant litigation risks” if it did not extend the 2024 Rule’s compliance dates.

## **What comes next?**

This interim final rule extending the 2024 Rule compliance deadlines did not go through the pre-promulgation notice-and-comment procedure for administrative rulemaking, since the DOJ found that such procedures would be “impracticable and contrary to the public interest” in light of the impending compliance deadline. Instead, the DOJ is now opening a *post*-promulgation 60-day public comment period in which members of the public may comment on the interim final rule. It is possible that the DOJ could revise the interim final rule based on comments received during the public comment period.

State and local governments should anticipate that more changes to the 2024 Rule’s web accessibility requirements may be coming over the next year. The DOJ states in the interim final rule that it plans to engage in future rulemaking processes related to the substantive requirements of the 2024 Rule, including potentially using the extension period to issue a new Notice of Proposed Rulemaking regarding the 2024 Rule.

The DOJ also seems to suggest that there may be grounds for a lawsuit challenging enforcement of the 2024 Rule, noting that the 2024 Rule incorporates and links to “dynamically changeable” websites regarding the **WCAG 2.1 accessibility compliance standards**. According to the DOJ, “these dynamic compliance assessment standards do not provide notice of what the regulation requires of public entities,” which “is the antithesis of the Administrative Procedure Act’s notice-and-comment requirement.”

It appears likely that the web accessibility requirements of the 2024 Rule may be modified in some way over the next year, and legal challenges (to the 2024 Rule or the interim final rule) may be on the horizon. For now, however, the 2024 Rule is still in place and the new interim final rule gives state and local government entities a full extra year to get into compliance.