



May 28, 2024

To: Mayor Kudron & Trustees

From: Katie Hearsom, Community Engagement Manager/Webmaster

RE: Selecting an ADA Compliance solution to adhere to HB21-1110, Colorado Laws for Persons with Disabilities

Background:

Under the Colorado Anti-Discrimination Act (CADA) it is unlawful for any person to discriminate against an individual with a disability. House Bill 21-1110 strengthened state discrimination laws for individuals with disabilities and provided additional responsibility for the Office of Information Technology (OIT) to improve access to state agency digital content — which is any content that exists in digital form. OIT has adopted Web Content Accessibility Guidelines (WCAG) 2.1 AA as the minimum standard of accessibility. This includes technology accessibility standards for people using adaptive technology who are low vision, blind, hearing impaired or deaf, and people with cognitive disabilities, seizures or other physical challenges that create limitations.

It relates to all technology, hardware, and software, that is both public-facing and internal-facing, including but not limited to websites, applications, kiosks, digital signage, documents, video, audio, and third-party tools. This also includes any technology provided by or procured by a government entity that is used by the public or used by a government entity employee. There are no exemptions. All Colorado government entities are required to comply with OIT's technology accessibility standards. Every person who contributes content to a website or application; develops or manages IT products and services; and every government entity employee who creates and shares emails, documents or presentations is responsible for making it accessible to everyone.

Purpose:

All Colorado government entities must be compliant with OIT's accessibility standards by July 1, 2024. Beginning on July 1, 2024, individuals with a disability will gain the opportunity to bring a civil suit against a government entity for failure to comply. Court remedies include either actual monetary damages or a \$3,500 fine per plaintiff for each violation, plus attorney fees and costs.

By July 1, 2024, local governments are required to:

1. Develop an accessibility plan using the accessibility standards developed by OIT
2. Be in full compliance with WCAG 2.1 AA Guidelines in the creation and publication of any online content and materials; including, but not limited to text, links, images, forms, PDFs, documents, and embedded third-party applications.



On May 21, 2024, House Bill 24-1454 was passed establishing a one-year grace period during which Colorado government entities may continue their work to comply with the OIT rules. From July 1, 2024 through July 1, 2025, government entities will not be subject to liability for failure to comply with the OIT rules as long as the government entity meets the following criteria:

- Make good faith efforts toward resolution of a complaint of noncompliance;
- Create a clear, easy-to-find process that is prominently displayed on all front-facing web pages for requesting redress for inaccessible digital products, including contact options that are not dependent on web access; and
- Create and post on front-facing web pages a progress-to-date report that is updated quarterly and demonstrates concrete and specific efforts toward compliance with the OIT rules.