Has Your Website Become a Liability?   **By Hugh Patterson**

If you think that your bank can't afford to ensure that your website and mobile app are ADA compliant, think again.   The Department of Justice (DOJ) fines start at $75,000 and civil settlements could amount to much more. Law firms are doing mass mailings to banks with the intent of initiating legal action and/or to solicit an ADA compliance engagement, and they are targeting banks of all sizes across the U.S.   And, it could happen to your bank.

Title III of the Americans with Disabilities Act (ADA) prohibits discrimination on the basis of disability in places of public accommodation. While this language has been traditionally thought of in terms of physical locations that has changed. DOJ, which enforces the ADA, has made it clear that it interprets the ADA as applicable to bank websites. In 2010, the DOJ issued an Advanced Notice of Proposed Rulemaking stating it would amend the language of the ADA to specifically ensure accessibility to websites for individuals with disabilities. The DOJ's proposed ADA website accessibility guidelines are set to be released in 2018 but enforcement and legal actions are taking place now.

While the official guidelines have not yet been released, the consensus is that the World Wide Web Consortium (W3C) – Web Content Accessibility Guidelines (WCAG 2.0 AA) will eventually be endorsed by the DOJ. A quick review of these guidelines might cause many bankers to ponder a return to the simpler branch banking concept. As if the news needs to get any worse, mobile apps have now also been included as being subject to ADA compliance.

Any website or mobile app could be a target for a non-compliance complaint regardless of functionality, services provided or content. If your bank has a website, even if it contains basic information, that website or mobile app must be ADA compliant.

As with any compliance related issue, the earlier that you can show an intent to comply with the regulation, the better you will look should a complaint be filed.

Here are some suggestions to get a head start on compliance:
- Limit graphics, photos and videos
- Add text to images and audio descriptions
- Don't use PDFs as they are not readable by screen readers
- Allow for adjustments to font size, color and contrast
- Ensure that the website can be navigated by keyboard
- Create a link to videos rather than embedding them on your website
- Add a link to a disability accessible page where a plug-in can be downloaded
- Going forward ensure that web design, Internet and mobile banking contracts include ADA compliance requirements

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