

CREDIT UNION WEBSITE ACCESSIBILITY LITIGATION AND COMPLIANCE UNDER THE AMERICANS WITH DISABILITIES ACT

Credit unions across the country have been threatened with predatory litigation from certain plaintiffs' law firms seeking to profit from ambiguities in requirements for website accessibility under the Americans with Disabilities Act (ADA). While the ADA is important and necessary for the well-being of those protected by it, plaintiffs' lawyers are exploiting compliance ambiguities to the detriment of all credit union members.

Congress and the Department of Justice Need to Act!

America's credit unions need to know what they are required to do. Currently, there are no specific requirements from the DOJ or Congress.

Accordingly, the DOJ should:

- // Issue a proposed rule so credit unions know what they have to do to comply.
- // In lieu of a rule, since the 2010 ANPR has been rescinded, the DOJ should issue less formal guidance such as weighing in on litigation with an amicus brief or issue a legal memo about the recent increase in litigation and provide additional clarity to help resolve it.
- // Clarify officially whether Web Content Accessibility Guidelines (WCAG) 2.0 is the required standard as some courts have held.
 - // If so, will credit unions need to come into compliance with any new WCAG, including likely changes in 2018?
- // Clarify whether websites are in fact considered a public accommodation – there has been conflicting case law on this issue.

What can Congress do to help:

- // Urge the DOJ to move forward with formal or informal guidance to provide clarity on requirements.
- // Consider holding a hearing on this issue to expose the predatory nature of the litigation and litigation threats.

What are credit unions doing to mitigate the risk of non-compliance?

Until there are clear standards set, credit unions should be:

- // Conducting an ADA compliance audit of their website and digital content;
- // Posting an accessibility statement on their website; and
- // Implementing a long-term accessibility strategy.

For Compliance Resources & Updates from the Credit Union National Association Please Visit

// cuna.org/Advocacy/Priorities/ADA-Website-Accessibility/

// The CUNA Compliance Community at compliancecommunity.cuna.org