



PENNSYLVANIA STATE ASSOCIATION OF TOWNSHIP SUPERVISORS

June 22, 2026

Disability Rights Section
Civil Rights Division
U.S. Department of Justice
150 M St. NE, 10th Floor
Washington, D.C. 20002

***RE: RIN 1190-AA82 (Docket No. CRT 150)
Extension of Compliance Dates for Nondiscrimination on the Basis of Disability; Accessibility
of Web Information and Services of State and Local Government Entities***

To Whom it May Concern:

The Pennsylvania State Association of Township Supervisors (“PSATS”) respectfully submits these comments on the Interim final rule, Accessibility of Web Information and Services of State and Local Government Entities. The IFR would require state and local government websites and mobile apps to remediate and maintain their websites and mobile apps to meet WCAG 2.1 Level AA success criteria. The IFR extends the compliance date for State and local government entities with a total population of 50,000 or more to April 26, 2027, and for public entities with a total population of less than 50,000 to April 26, 2028. PSATS is concerned that this IFR, while extending the dates to comply, does not address the feasibility and costs of compliance for local government entities.

PSATS is a non-partisan, non-profit member service organization. Member townships represent close to 6 million Pennsylvanians, more than any other type of Pennsylvania municipal government, and cover 95 percent of the Commonwealth’s land mass. These townships are very diverse, ranging from rural communities with fewer than 100 residents to suburban communities with more than 60,000 residents. PSATS estimates that a significant portion of its membership would be affected negatively by the current rule.

I. The proposed interim final rule places transparency in direct competition with compliance due to cost

According to the U.S. Department of Justice’s Preliminary Regulatory Impact Analysis, posted on August 4, 2023, (29 tbl.20: Initial Website Testing and Remediation Costs Per Entity, <https://www.regulations.gov/document/DOJ-CRT-2023-0007-0002>), initial website testing and remediation costs for a township are estimated in the thousands. A “small” township could expect to spend an estimated \$74,100 in initial costs for website and PDF remediation costs, testing, and video and audio captioning costs. A “large” township could expect to spend an estimated \$158,136. Additionally, the Department of Justice estimates that townships can expect to spend about ten percent of their initial costs in operating and maintenance costs every year.

Meaning that smaller townships will spend about \$7,600 annually to maintain compliance, and larger townships will spend about \$15,900 annually.

As a member service, PSATS offers website hosting for townships that want to have a website, but do not have the staff expertise to create one. PSATS investigated cost-effective options to continue providing this service while also complying with this proposed IFR and determined that even utilizing a plug-in contract for these sites will cost townships hundreds of dollars in additional costs beyond the cost simply to have the website. Further, a plug-in operates on top of the website's coding and there is no guarantee that automated fixes will be accurate. A plug in cannot guarantee that a website will always be 100% ADA compliant, nor can it remediate existing content on a website; for example, a plug in cannot add captions to a video recording that has been uploaded to a website.

Townships operate on limited budgets and lack extra discretionary funds to spend on large technology expenditures. Further, the overwhelming majority of our member townships in Pennsylvania do not have dedicated IT staff; some of the smallest townships in the state have only a handful of employees. The Department of Justice does not attribute any cost for training employees on the WCAG 2.1 Level AA success criteria, and further, does not estimate annual costs to employ or contract an IT professional.

While this rule is intended to provide transparency and accessibility, it may unfortunately result in many townships removing content from their websites to simplify compliance. PDF remediation costs alone are estimated by the DOJ to be between \$5,558 to \$13,372 and may be much higher if a township has older PDFs on their website. A township may have the intention of providing historical information to residents and taxpayers, but it would be more cost effective to simply remove older, non-compliant PDFs, reducing access to these documents for all.

PSATS staff has heard this very concern from several township officials, relaying that they will have no other choice but to delete any non-mandatory content because they cannot justify spending hundreds to thousands of dollars to remediate files. Townships across the Commonwealth have uploaded information and resources, not because they are required, but for the convenience of residents, taxpayers, and visitors, and to assist in responding to Right-to-Know requests. These townships will be forced to weigh the cost of providing ready access to all for township documents against the potential for costly litigation.

These costs to comply with the 2024 rule would need to be diverted from essential services or generated by raising taxes. If a township is faced with the prospect of keeping their website in compliance versus paving roads, supporting their volunteer fire departments, or managing public safety, it may ultimately determine that the website is just not worth keeping online.

To provide some relief on costs, PSATS agrees with the Office of Advocacy's recommendation that the Department of Justice explore exempting certain population thresholds from compliance with the WCAG standard. Another consideration would be for townships to be exempt from the most expensive provisions of this standard.

II. The proposed interim final rule mandates compliance with a moving target.

PSATS is concerned with the ability for townships to be 100 percent compliant at all times with WCAG 2.1 standards. The Office of Advocacy's Assistant Chief Counsel for Labor and Immigration, Janis Reyes, questioned the feasibility of any entity to achieve this level of compliance in a 2023 comment letter to U.S. Department of Justice (<https://advocacy.sba.gov/wp-content/uploads/2024/04/Comment-Letter-Nondiscrimination-on-the-Basis-of-Disability.pdf>). Reyes explained, "vendors and government IT staff have shared with Advocacy that each vendor has its own accessibility checker tool, and small entity websites can receive different compliance grades on website elements based on the tool they utilize."

Additionally, the 2024 rule links to a dynamically changeable website maintained by the World Wide Web Consortium for guidelines and recommendations to maintain compliance with the WCAG 2.1 criteria. These standards may change at any time without notice and will only be accurate at the time of publication. This moving target further complicates townships' ability to ensure their websites are compliant.

Lastly, PSATS is concerned with civil liability risks that the interim final rule proposes. Instead of the Department of Justice investigating compliance, the enforcers of this rule will ultimately be any individual or entity in the United States or abroad via private lawsuits. Litigation over website accessibility could halt or even bankrupt a small municipality and we do not believe this is an appropriate enforcement mechanism as townships have finite resources and increases in costs for failing to comply would fall on the citizens and businesses of the community. We recommend that other, less onerous enforcement mechanisms be contemplated along with opportunity to correct defects.

Townships must have some ability to communicate a good faith effort to comply with WCAG 2.1 Level AA standards. PSATS agrees with the Office of Advocacy's recommendation for the Department of Justice to create a safe harbor from liability if a township can demonstrate that it is following policies and practices for accessibility, testing, and remediation. Townships should also be given a reasonable opportunity to cure any accessibility problems before being subject to litigation.

III. Townships need guidance and support

For townships to meaningfully implement and sustainably maintain ADA compliant websites, the Department of Justice should provide support for local government partners. Specifically, compliance guides, trainings, or other materials would assist and empower township officials and staff to comply with the ruling. This would also assist in ensuring vendors are utilizing the same criteria to determine passing grades for compliance checks. The federal government should also provide a dedicated source of funding for local governments to use towards technology upgrades and employing or contracting with IT personnel to meet compliance requirements.

Thank you for your consideration of these comments.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David M. Sanko". The signature is written in a cursive style with a large initial "D" and "M".

David M. Sanko
Executive Director