

POLICY REVIEW

When an Agency Changed the Rules Without Making Policy

The Justice Department pushed back web accessibility deadlines for more than 90,000 state and local governments by up to two years. The nation's oldest blindness-rights organization is suing, not over the delay itself, but over how it was granted.

Published August 8, 2026

By Accibly Editorial Team · ⌚ 12 min read

Executive Summary

On April 24, 2026, more than 90,000 state and local government entities in the United States faced a deadline. Their websites and mobile apps had to meet WCAG 2.1 Level AA: the technical standard the Department of Justice adopted in 2024 to define nondiscrimination under Title II of the Americans with Disabilities Act. Four days before that deadline, DOJ moved it. Larger jurisdictions got one more year. Smaller ones got roughly two. What compliance actually requires did not change. Local government associations had lobbied for exactly this relief, citing real and substantial costs. Disability rights organizations called it a betrayal of a rule sixteen years in the making. On May 27, 2026, the National Federation of the Blind sued to stop it, not primarily because the delay is unwise, but because of how DOJ granted it.

Those are not the same fight. Treating them as one is where most coverage of this story goes wrong.

A Deadline That Moved Twice

In April 2024, the Justice Department signed a final rule under Title II of the ADA. It requires state and local governments to make their web content and mobile applications accessible to people with disabilities. The technical standard: Web Content Accessibility Guidelines (WCAG) 2.1, Level AA. The rule set two compliance dates: April 24, 2026 for public entities serving 50,000 people or more, and April 26, 2027 for smaller entities and special district governments.

On April 20, 2026, four days before the first deadline arrived, DOJ published an interim final rule in the Federal Register (document 2026-07663). It extended both dates by roughly a year: to April 26, 2027 for larger jurisdictions, and April 26, 2028 for smaller ones and special districts. The rule took effect immediately. It left the underlying requirement untouched. WCAG 2.1 AA is still the standard. Only the deadline changed.

Why the Department of Justice Says It Needs More Time

DOJ's stated justification rests on four grounds, summarized consistently across independent legal analyses of the rule: resource constraints, staffing limitations, slower-than-expected technological remediation solutions, and litigation risk. On the technology point specifically, DOJ cited the current limits of generative AI tools for accessibility remediation.

The choice of vehicle matters as much as the reasoning. DOJ issued this as an interim final rule. That means it became effective immediately, with the agency collecting public comments afterward (through June 22, 2026) rather than before the change took hold. That sequencing (act first, listen after) is

unremarkable for some regulatory actions. It is also precisely what a federal lawsuit filed five weeks later would challenge.

| What Local Governments Say They're Up Against

The extension did not appear from nowhere. The National Association of Counties and the National League of Cities lobbied DOJ directly for more time, along with state-level municipal associations including the League of Minnesota Cities. NACo states that implementation costs for counties are estimated to exceed \$1 billion nationwide. NLC's Angelina Panettieri has described compliance as "unaffordable and out of reach" for many communities. She cited small towns facing \$5,000 to \$10,000 in one-time PDF remediation costs, plus roughly \$70,000 annually in ongoing compliance work. Panettieri noted these governments often operate on budgets around \$2 million. Most of it is already committed to essential services.

NACo separately argued that ambiguity in how DOJ intends to enforce the rule compounds the budgeting problem. It is difficult for a county to plan spending against a standard whose enforcement mechanism isn't yet clear. Not every state official reads the extension as blanket relief, however. Leslie Reynolds, executive director of the National Association of Secretaries of State, said states are still planning to prioritize compliance work by criticality: "the civil rights aspect of this." That means focusing first on schools, libraries, transit agencies, and election offices, extension or not.

| What Disability Rights Advocates Say Is Actually at Stake

The American Association of People with Disabilities called the delay a "profound disappointment and a serious setback for the disability community." The organization criticized the government for "rewarding inaction with more time," pointing to years of notice (dating to the Obama administration) that web accessibility was mandatory. AAPD's statement lists

concrete impacts it says are already occurring where government sites remain inaccessible. Blind residents can't apply for benefits. People with intellectual and developmental disabilities can't navigate local agency websites. Deaf constituents can't access public safety information distributed primarily online.

AAPD was pointed about timing specifically. Delaying the compliance timeline "only four days before the original deadline does not support state and local governments" and "creates chaos and confusion," the organization said. Governments had already been working toward the original date. Mark Riccobono, president of the National Federation of the Blind, framed the delay against the rule's full history rather than its final years. The requirement, he said, reflected "fourteen years of consideration." Entities have had "thirty-six years" since the ADA's 1990 passage to prepare for some version of this obligation.

| A Sixteen-Year Pattern

The rule's own history supports Riccobono's framing more than a single news cycle can convey. DOJ first signaled interest in web accessibility regulations for state and local governments with an advance notice of proposed rulemaking in 2010. A supplemental advance notice followed in 2016, seeking further public input. In 2017, the department withdrew both, stating it was reevaluating whether specific web accessibility regulations were "necessary and appropriate" at all. The rulemaking effort did not resume formally until 2022, when DOJ announced it would proceed. A notice of proposed rulemaking followed in July 2023, the first time in the ADA's history DOJ had proposed a specific website accessibility rule. A final rule was signed in April 2024.

Measured from the first ANPRM to the final rule, that is fourteen years, matching Riccobono's figure exactly. It is also, from a disability-advocacy vantage point, a recognizable shape: notice, stall, withdrawal, revival,

finalization. Now, two years after finalization, comes a delay, accompanied by DOJ signaling it may separately reconsider the rule's substance. Whether 2026 becomes another withdrawal or simply a pause is not yet established by the evidence available; that it fits a pattern advocates have seen before is.

The Lawsuit Isn't About the Delay. It's About How It Was Granted.

On May 27, 2026, the National Federation of the Blind sued DOJ and the Department of Health and Human Services in federal court in Maryland. NFB is represented by Eve Hill and Michael Abrams of Brown, Goldstein & Levy, with Democracy Forward as co-counsel. HHS is a co-defendant because it delayed its own, related deadline through the same interim-final-rule mechanism. That deadline (May 11, 2026) applies to healthcare organizations receiving HHS funding, requiring accessible websites and digital communications.

The complaint rests on administrative law, not disability policy directly. It argues the interim final rule violated the Administrative Procedure Act's notice-and-comment requirement, since DOJ made the extension effective immediately rather than proposing it and taking comment first. It also argues the extension was "arbitrary and capricious." Critically, the lawsuit does not ask a court to decide whether one additional year is the right amount of time. It asks whether DOJ was legally permitted to make this specific change the way it made it.

Two Questions That Aren't the Same Question

Most coverage of this story treats "should the deadline have been extended" and "was the extension granted lawfully" as a single controversy. The evidence gathered here suggests they should be evaluated separately. On the policy question, both sides have real, documented support. NACo's and

NLC's cost figures are not invented. Neither are AAPD's and NFB's descriptions of what remains inaccessible in the meantime. A reader can weigh \$1 billion-plus in nationwide implementation cost against the continued inability to apply for benefits online, and land in different places. That is a legitimate policy disagreement, not a case where one side is simply wrong.

The procedural question is narrower and, in a sense, more tractable. Agencies generally have to propose significant rule changes and take public comment before they take effect, with defined exceptions. Whether this extension qualified for one of those exceptions is a legal question a court can resolve without ruling on whether a year is too long, too short, or exactly right. Keeping the two separate also clarifies what a win in Maryland would and would not accomplish. A successful APA challenge would likely force DOJ to redo the process with proper notice and comment. It would not automatically restore the original April 2026 deadline. Separately, and more consequentially if it materializes, AAPD has flagged that DOJ has signaled openness to revisiting the rule's substantive requirements (the WCAG 2.1 AA standard itself), not just its timeline. That would be a materially larger step than anything at issue in the current lawsuit, and as of this writing it remains a signal, not a completed action.

What This Means for Governments, Vendors, and the Public They Serve

For governments and the vendors that serve them, the practical message from officials on both sides of the extension debate converges more than the public fight suggests. Brenden Elwood of CivicPlus, discussing a joint study of government website accessibility conducted with CivicPulse and AudioEye, put it plainly: "What was universal...was this is important. We need to do this anyway." Reynolds's comment about states prioritizing by civil-rights criticality points the same direction. The extension changes enforcement timing, not the underlying case for doing the work. Entities that treat it as a

reason to stop are making a choice the evidence here doesn't obviously support.

For disabled residents, the practical deadline for accessible government services has moved further away regardless of how the Maryland litigation resolves. Even an NFB win on APA grounds would most likely send DOJ back to redo the rulemaking process with proper notice and comment, not instantly restore the original 2026 date. The compliance clock has reset. The underlying general nondiscrimination obligations of Title II, which predate the 2024 technical rule, have not. They are also harder to enforce without a specific technical benchmark and a live deadline behind them.

| An Unfinished Argument

Here is what's settled, on the evidence gathered: the delay is real and substantial. The legal challenge to how it was made is real, and now before a federal court. The cost burden local governments describe and the access harm disability advocates describe are both independently documented, not a case of one side's evidence outweighing fabricated evidence from the other. What isn't settled: how the Maryland court will rule, whether DOJ's comment period ending June 22, 2026 produces further changes, and whether DOJ's signaled interest in revisiting the rule's substance becomes an actual proposal. This piece takes no position on how *National Federation of the Blind v. Department of Justice* should be decided. It argues only that the question in front of that court (whether DOJ followed the right process) is narrower, and different, than whether the extension itself was the right call. Conflating them has made this story harder to think clearly about than it needs to be.

| Analysis

Accibly's analysis: the loudest version of this story treats it as a single binary. Either DOJ caved to local governments,

or DOJ acted reasonably given real budget constraints. Readers are asked to pick a side. The evidence doesn't support collapsing it that way. NACo's and NLC's cost figures are specific and attributable to the organizations that produced them. They are not manufactured to justify a predetermined conclusion. Neither are AAPD's and NFB's descriptions of what inaccessible government sites cost disabled residents today. Both can be true at once. That is exactly why the interesting question isn't "who's right," but why NFB chose to sue over process rather than over the merits of a one-year delay it clearly opposes. That choice looks less like litigation strategy and more like an accurate read of what's actually vulnerable here. A court asked to referee whether one year is the right amount of relief has little firm ground to stand on. That's a policy judgment courts are reluctant to substitute for an agency's own. A court asked whether an agency skipped a legally required step before acting has a much narrower, more answerable question in front of it. If that's the theory, the Maryland suit is less an attempt to force DOJ back to the original 2026 deadline than an attempt to force DOJ to redo its homework in public, this time with disability advocates part of the comment record before the rule takes effect, not after. The detail most coverage of this story misses is the sixteen-year run-up: two abandoned notices, a seven-year gap where DOJ formally wasn't sure a specific rule was warranted at all, and only then a rule, a delay, and a hint of further reconsideration. Read against that history, AAPD's warning about a possible substantive rewrite (not just a later start

date) is the detail worth watching most closely. A one-year delay is fully reversible by definition. A rewritten technical standard would not be.

| Industry Impact

For accessibility vendors and consultancies serving government clients, the extension shifts near-term procurement timing without eliminating underlying demand -- CivicPlus's own comment ("we need to do this anyway") reflects that most vendors in this space are advising clients against treating the delay as a stop-work signal. Contracts and RFPs tied explicitly to the original April 2026 date may be renegotiated on schedule; the technical scope of that work (WCAG 2.1 AA conformance) is unchanged. Vendors should also expect a second wave of client uncertainty tied to two open variables: the outcome of NFB v. DOJ, and whether DOJ's June 22, 2026 comment period produces further rule changes -- either of which could move the applicable deadline again before 2027.

| Practical Takeaways

The WCAG 2.1 AA technical requirement for state and local government websites has not changed -- only the enforcement date has moved.

Organizations working with government clients should treat the extension as a timeline change, not a scope change; remediation planning built around the original 2026 deadline can be resequenced, not abandoned.

The Maryland lawsuit targets DOJ's rulemaking process, not the substance of WCAG 2.1 AA -- an entity that halts remediation work entirely is betting on a specific legal outcome the lawsuit does not actually promise.

DOJ's public comment period on the interim final rule runs through June 22, 2026; the rule -- including its dates -- could still change again before then.

| Recommended Actions

RECOMMENDED ACTIONS

Government entities and their vendors should continue WCAG 2.1 AA remediation work on or near the original timeline where feasible, treating the extension as risk buffer rather than a stop-work order.

Track both the Maryland litigation (National Federation of the Blind v. Department of Justice) and the outcome of DOJ's comment period closing June 22, 2026, since either could change the applicable deadline again.

Entities citing cost as a barrier should document specific, itemized remediation costs now, the same kind of data NACo and NLC used to support their request for more time, rather than treating the moved deadline as the end of the analysis.

Frequently Asked Questions

Did the Justice Department cancel the web accessibility requirement for government websites?

No. The technical standard (WCAG 2.1 Level AA) is unchanged. Only the compliance dates moved: to April 26, 2027 for jurisdictions of 50,000 people or more, and April 26, 2028 for smaller entities and special districts.

What is the National Federation of the Blind's lawsuit actually about?

The May 27, 2026 lawsuit against DOJ and HHS challenges how the extension was granted, arguing DOJ skipped the Administrative Procedure Act's normal notice-and-comment process, rather than challenging the length of the extension itself.

Has this rule been delayed or stalled before?

This is the first delay of the 2024 final rule's compliance dates, but the broader rulemaking process has a longer history of starting and stopping: DOJ issued advance notices in 2010 and 2016, withdrew both in 2017, and did not finalize a rule until April 2024.

Key Findings

6 findings

Source Appendix

11 sources

UPDATE HISTORY

Published August 8, 2026

HOW THIS ARTICLE WAS BUILT

11 sources reviewed.

Related Insights

EXPLORE THIS TOPIC

ACCESSIBILITY NEWS ANALYSIS

Autonomous Accessibility Investigation

The Federal Trade Commission has ordered AccessiBe to pay \$1 million for misleading claims about its automated website...

Aug 25, 2026 · 4 min read

EXPLORE THIS TOPIC EDUCATION

When the Classroom Goes Digital, Who Gets Left Behind?

Explore how the shift to digital learning creates accessibility barriers for students with disabilities, despite legal...

Aug 18, 2026 · 5 min read

EXPLORE THIS TOPIC EDITORIAL FEATURE

The Freedom of Knowing Where You Can Go

New York City is piloting 17 free public bathrooms. What reliable, accessible restroom access could mean for how freely...

Sep 28, 2026 · 8 min read

EXPLORE THIS TOPIC DEEP RESEARCH

When Accessibility Exists on Paper but Fails in Real Life

Discover the crucial differences between accessibility, usability, and inclusion, and why technical compliance with...

Aug 27, 2026 · 6 min read



Intelligent Accessibility Infrastructure
helping organizations create better digital
and physical experiences for every visitor.

Technical guidance, not legal advice.

PLATFORM

Digital Accessibility

Physical Accessibility

Continuous Monitoring

Partners

Multi-Site Organizations

Enterprise

Healthcare

Government & Public Agencies

Pricing

RESOURCES

Insights

Knowledge Center

FAQ

COMPANY

About Us

Contact