

# Summary of Section 508 / ADA Exceptions

## Introduction

The DOJ’s April 2024 final rule updates accessibility requirements under Title II of the ADA for state and local governments’ websites, mobile apps, and digital content, enforcing WCAG 2.1 Level AA standards. While the rule requires broad accessibility, it recognizes certain **limited exceptions** where full compliance may not be required.

## Possible Exceptions to Accessibility Requirements

Exception Type	Description	Criteria to Meet Exception	Documentation & Reporting Requirements
1. Archived or Legacy Content	Applies to web content and documents that are archived and no longer actively used or updated.	Content is no longer current or actively maintained.	Document that the content is archived and inaccessible for update.
2. Pre-Existing Electronic Documents	Documents created before the effective date and that are not routinely updated.	Document is an older version, not modified or redistributed.	Record retention showing the document predates rule compliance deadlines.
3. Third-Party Content	Content posted by external parties over which the government entity has no control.	No control over the content, access to the original documents, or technical impossibility to make accessible.	Explain lack of control and efforts to notify or remove non-compliant content.
4. Password-Protected or Individualized Documents	Documents that are individualized, confidential, or only accessible via password protection.	Access is intentionally restricted to specific individuals.	Note document confidentiality and restricted access.
5. Technical Limitations or Undue Burden	Compliance would impose significant difficulty or expense or is technically infeasible.	Demonstrate undue burden after analysis of resources and alternatives.	Thorough written assessment with alternatives to improve accessibility.
6. Fundamental Alteration	Making content accessible would fundamentally	Demonstrate how accessibility alters	Written justification and documentation of

	change its nature or purpose.	core function or meaning.	alternative methods for access.
<b>7. Alternative Conforming Versions Provided</b>	If the primary platform cannot be fully accessible, an alternative accessible version can be offered.	The alternative must fully meet accessibility and be equivalent.	Inform users about the alternative access and its availability.

## Key Points Regarding Exceptions

- **Exceptions are limited and narrowly applied:** The DOJ expects agencies to strive for maximum accessibility and only claim exceptions when clearly justified.
- **Alternative Access:** When exceptions apply, agencies should provide alternative ways for people with disabilities to access the same information or services.
- **Documentation Is Required:** Agencies must maintain records justifying each exception, including analyses and approvals, to demonstrate good faith and compliance efforts.

## Summary

The April 2024 DOJ rule imposes stronger requirements for website and app accessibility but recognizes **certain exceptions** mainly for archived content, third-party control, individualized documents, technical or undue burden issues, and cases where alternatives are provided.

**Good practice requires:**

- Documenting all exceptions carefully
- Offering alternate accessible formats whenever possible
- Working proactively to remove barriers and enhance digital inclusion

This approach balances legal requirements with practical realities faced by state and local governments, aiming for equitable access for people with disabilities.

For more information, refer to the DOJ’s official guidance and fact sheets on the April 2024 Web and Mobile Accessibility Rule.