

GUIDE 02 • COVERAGE

Who the ADA covers online.

The Act is divided into titles, and they reach different entities. Knowing which title applies decides which standard is in play and what a regulator has actually said.

THE TITLES

Five titles, two that matter for websites.

TITLE	WHO IT REACHES	RELEVANCE TO WEBSITES
I	Employers with 15 or more employees	Employment context: application portals, internal systems, hiring tools
II	State and local government entities	Direct. A federal technical standard now applies
III	Places of public accommodation and commercial facilities — private businesses open to the public	Direct. No specific technical standard adopted

TITLE	WHO IT REACHES	RELEVANCE TO WEBSITES
IV	Telecommunications providers	Relay services and captioning obligations
V	Miscellaneous provisions	Includes retaliation and attorney's fees provisions

TITLE III

Private businesses open to the public.

Title III reaches places of public accommodation. The statute lists twelve categories at 42 U.S.C. § 12181(7), and between them they cover most businesses a consumer deals with: hotels and other places of lodging, restaurants and bars, theaters and stadiums, retail stores of every kind, banks, professional offices including doctors and lawyers, transit stations, museums, parks, schools, social service establishments, and places of recreation.

Title III is enforced substantially through private action. Congress built it that way. An agency inspecting every business in the country was never realistic, so the statute gives the people it protects the ability to enforce it themselves, with a fee-shifting provision that makes doing so possible.

What the Department of Justice has said

DOJ has taken the position for many years that the ADA applies to the websites of businesses open to the public, and restated it in web accessibility guidance published on ADA.gov in March 2022. That guidance confirms the obligation and expressly notes that businesses have flexibility in how they meet it.

What DOJ has *not* done for Title III is adopt a specific technical standard by regulation. There is no rule saying a restaurant's website must meet WCAG 2.2 Level AA. This is why accessibility work cites WCAG success criteria as *the*

measure rather than as *the rule*, and why a finding documents a failure against a published standard rather than declaring a violation of law.

TITLE II

Public entities, and the rule that now applies to them.

In April 2024 the Department of Justice published a final rule under Title II adopting **WCAG 2.1 Level AA** as the technical standard for the web content and mobile applications of state and local government entities, with compliance dates phased by entity size.

That rule does not reach private businesses. Its significance for Title III work is evidentiary rather than binding: it is the clearest available statement of what the federal government considers an adequate technical standard for accessible web content. When a business argues that no standard exists, the rule is a useful answer to have at hand.

STATE LAW

Federal law is not the whole picture.

Several states have their own civil rights statutes reaching businesses open to the public, and some provide remedies that differ substantially from the ADA's, including statutory damages the federal statute does not offer.

Which of those applies, and what it provides, is a jurisdiction-specific legal question outside the scope of this guide and outside what Aldermarq does. Our briefs document failures against WCAG. Which causes of action those support in your forum is your judgment to make.

SOURCES

Read the primary sources.

- [ADA.gov](https://www.ada.gov/) — the Department of Justice’s ADA information portal.
- [DOJ guidance on web accessibility](https://www.dhs.gov/2022/03/01/2022-web-accessibility-guidance) — the March 2022 guidance for businesses and public entities.
- [WCAG 2.2 quick reference](https://www.w3.org/WAI/standards-guidance/2022/03/01) — the technical standard itself.

This guide summarizes publicly available statutory and regulatory material. It is general information and not legal advice, it may not reflect the most recent developments, and it does not address how any law applies to a particular business or situation. Verify against the primary sources. Aldermarq is not a law firm.

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We work on **United States businesses only**, within the jurisdictions we have named, on public-facing websites. A finding in a brief is a documented observation about a public web page at a stated date and time. Whether it amounts to a violation of law is a legal judgment that belongs to the attorney who reads it. [Full scope and coverage](#).

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Briefs cite WCAG 2.2 Level AA. Evidence retained with every finding.