



The Colorado Health Foundation™

October 3, 2023

Commissioner Kristen Clarke, Assistant Attorney General for Civil Rights  
Disability Rights Section, Civil Rights Division  
Department of Justice  
P.O. Box 440528  
Baltimore, MD, 2124-8016  
RIN 1190-AA79

*Submitted electronically via Regulations.gov*

**RE: Comments on “Nondiscrimination on the Basis of Disability; Accessibility of Web Information and Services of State and Local Government Entities”**

Dear CSSBMB Commissioner Kristen Clarke:

The Colorado Health Foundation (CHF or the Foundation) applauds the Department of Justice’s (DOJ) proposal to update the regulation implementing title II of the American Disabilities Act (ADA) to ensure that state and local governments’ web and mobile applications (apps) are accessible. By adding specific technical standards that all state and local governments must follow, the proposed rule will help ensure that online government services, programs, and activities can be accessed by all persons.

As Colorado’s largest private foundation, CHF works statewide to bring good health and well-being in reach of everyone in Colorado. We are a non-profit, nonpartisan organization that advances our mission to improve the health of Coloradans through community engagement, grantmaking, public policy initiatives, research, and private sector investments. At our core, we believe that health is a basic human right, and our work aims to ensure everyone has what they need to be healthy. We firmly believe in ensuring equitable access for all persons to information and services that may be critical to their health, and the DOJ’s proposed regulation is an important step towards ensuring this is more consistently the case.

Many state and local government programs, services, and activities are now offered through websites and apps. This includes the vast number of programs, services, and activities offered through Colorado’s state and local hospitals and public healthcare clinics, public parks and recreation programs, public libraries, public transit agencies, state and local courts, and public schools, community colleges, and public universities. When websites and apps are not accessible, persons with disabilities experience barriers to accessing important services from each of these institutions. Establishing technical requirements to ensure that online tools are accessible will remove these obstacles and create more equitable access to these important community assets.

Access to websites and applications is key to everything from online benefit enrollment for Medicaid, unemployment and the Supplemental Nutrition Assistance Program (SNAP) to summer camp enrollment through local park departments. Vehicle registration is offered online as are telehealth appointments for services ranging from mental health to primary care consultations. DOJ’s proposal to clarify state and local government requirements under title II of the ADA ensures access for all individuals in our state and country.

As noted by the DOJ in its [description](#) of why department action is needed in this arena, public entities regularly use the web to disseminate information and offer programs and services to the public. In terms of

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civic participation, this includes public hearings, applications to run for elected office, and voter registration. In the business arena, business owners can apply for licenses and bid on contracts online. Public education now offers online programs, reading materials, and classroom instruction. Individuals with disabilities can only access these services when the online tools utilized to provide them are accessible.

Many of these online tools were created out of necessity during the COVID-19 pandemic. They have since become a routine means for navigating services in our communities, however, and ensuring they are accessible is paramount. As noted in the NPRM, a study from the University of Washington analyzed approximately 10,000 mobile apps and found that many are inaccessible to people with disabilities. More than 20% of the apps reviewed, for example, did not provide content descriptions of images for most of their image-based buttons. Consequently, the functionality of those buttons is not accessible for individuals who use screen readers. Many other apps did not allow text resizing and thus larger text was not accessible for people with vision disabilities.

As noted in the proposed rule, “Individuals with disabilities can often be denied equal access to many services, programs, and activities because many public entities’ web content is not fully accessible. Thus, there is a digital divide between the ability of people with certain types of disabilities and people without those disabilities to access the services, programs, and activities of their State and local government entities.” The Foundation wholeheartedly supports the DOJ’s proposal to address this divide and improve equity.

The Foundation urges DOJ to quickly move forward with a final rule codifying the parameters delineated in this proposed rule and appreciates your consideration of our comments. Please contact Kyle Rojas Legleiter, Colorado Health Foundation Senior Director of Policy, at [klegleiter@coloradohealth.org](mailto:klegleiter@coloradohealth.org) or 303-953-3618 with any questions you may have.

Sincerely,



Kyle Rojas Legleiter  
Senior Director of Policy  
Colorado Health Foundation