



**Commission for Accessibility
Meeting Minutes
February 12, 2026
Via Webinar**

Webinar online access:

https://us02web.zoom.us/rec/share/88gCjp3m1L52cbcM0_cAZJgRq4VQSnMU5O6VWEbUUhRdcs8QkLuvwKgK8Svb8Sjw.SNLRCbVyY0_7zuma?startTime=1768255159000

5:05 PM CALL TO ORDER

In Attendance: Maureen Culhane, Debbie Prieger, Debra Francseshini, Divya Dorairrajan, Christine Santori, Tony Phillips, Don Ciota.

N.B. There was one motion made during this session.

APPROVAL OF MINUTES: January 12, 2026

MOTION: To approve minutes from December 8, 2025.

Motion made by Debbie, second by Divya.

Approved Unanimously.

PUBLIC COMMENT

NONE.



Commission for Accessibility

Don Ciota, Chairman

ADA Non-Compliance Letters Explained

Preface

This paper is meant to concentrate on Title III complaints, businesses open to the public, and has been prepared for presentation to this Commission as a part of its ongoing education and training in aspects of the application of disability law. Of note is the ADA is a complaint-

based law, whose enforcement is triggered only based upon public complaints. Individuals who have complaints often refuse to make such a complaint due to concerns over retaliation for which the Act provides severe penalties.

There are various ways in which an ADA complaint can be made. The Commission urges the public to come forward to it or the town ADA Coordinator with complaints or concerns. Complaints can also be made directly to the Department of Justice.

This discussion will highlight how a complaint can be composed for those who may want to directly address real or perceived violation of the ADA on their own or through a private attorney. This document ends with a sample non-compliance letter addressed to a theoretical business from an individual or a law firm representing them about an alleged ADA violation.

Synopsis: Here is an explanation of the DOJ complaints process for composing a non-compliance letter. Simply put: 1) Describe the complaint, 2) Cite the ADA section of the law for the violation, 3) Describe a solution (e.g. place snow elsewhere) 4) State a timeframe for a response, 5) Advise of your legal response if no reply is received, 6) cc to DOJ, Civil Rights Division (and possibly local press). 7) Reimbursement of plaintiff's attorney's fees are a part of the complaint (include even if legal work is done *pro bono.*).

A sample letter appears at the end of this document.

The information contained in this document is believed to be correct, but not meant as legal advice.

The American with Disabilities Act

The [Americans with Disabilities Act \(ADA\)](#) is a civil rights law that prohibits disability-based discrimination in employment, government services, and places of public accommodation. Its purpose is to guarantee that people with disabilities have equal access to jobs, facilities, and services. Over the years, ADA enforcement has expanded from physical accessibility to digital accessibility. In fact, the U.S. Department of Justice (DOJ) has made it clear that ADA requirements cover both physical and digital goods, services, privileges, and activities provided by public accommodations. This means websites, mobile apps, online documents, and other digital platforms are squarely under ADA enforcement scope.

For a company, **receiving an official ADA non-compliance letter is a serious legal matter**. It signals that an authority or individual believes your organization is violating the ADA. This formal letter puts the company on notice that it may be out of compliance with federal law and that enforcement action is being contemplated. In other words, the government or a plaintiff has investigated or reviewed a complaint and found enough merit to issue an official notice. This blog will explain in detail what such a letter typically contains, the enforcement process it triggers, and the consequences of inaction.

What an ADA non-compliance letter means

An ADA non-compliance letter is an official notice that your organization is allegedly violating the ADA. The exact nature of the letter can vary depending on who issues it and under which Title of the ADA.

If the letter comes from the Department of Justice, it usually follows an investigation of a complaint under **Title II** (state and local government programs) or **Title III** (private businesses open to the public). A DOJ letter often constitutes a “Letter of Findings” that outlines the specific ADA violations identified. It will cite the relevant ADA provisions and regulations – for example, referencing Title III’s mandate for “full and equal enjoyment” of goods and services by people with disabilities, or Title II’s requirements for public entities. A DOJ non-compliance letter is formal and authoritative, issued on DOJ letterhead by the Civil Rights Division. It typically details the investigation’s findings (e.g. inaccessible services or facilities), references the law, and informs the recipient that the Department believes the ADA has been violated. Crucially, it will often give the organization an opportunity to respond or negotiate a remedy before further legal action is taken. In short, a DOJ letter means the **federal government is officially notifying you of ADA non-compliance**, which carries significant weight.

Often, ADA non-compliance letters come from **attorneys representing individuals with disabilities** (rather than from a government agency). For example, in the context of Title III (public accommodations), it is common for a business to receive a demand letter from a lawyer on behalf of a customer with a disability. This letter will typically assert that the company’s website, mobile app, physical facility, or service is inaccessible to the client (e.g. a blind customer unable to use the website), thereby violating the ADA. It will cite the ADA’s provisions (and sometimes equivalent state disability rights laws) and usually demand that the company take specific actions to fix the problems – often within a certain timeframe – or face a potential lawsuit. In recent years, plaintiffs and lawyers have aggressively used these letters as a first step before filing ADA suits. If the company negotiates and agrees to remediate the issues (and sometimes pay the complainant’s legal fees or damages), a lawsuit might be avoided. If not, the next step is typically a formal lawsuit in

federal court. It's important to note that a private attorney's ADA letter, while not a government enforcement action, is **still a formal legal claim**. It puts the business on notice of alleged non-compliance and triggers the need for a prompt, serious response – usually involving your own legal counsel to resolve or defend the claims.

An ADA non-compliance letter, whether from the DOJ, EEOC, or a private lawyer, serves as official notice that your organization may be violating the law. It usually details the nature of the violation, cites the relevant ADA Title and legal standards, and often requests or demands corrective action. It is the first step in a legal enforcement process. Failing to respond appropriately can lead to escalated legal consequences, as discussed in the next sections.

The enforcement processes

To appreciate the urgency of an ADA non-compliance letter, it helps to understand the typical enforcement process that led to that letter – and what will follow. Below is a step-by-step overview of how ADA enforcement usually proceeds for different Titles, from the initial complaint through possible resolution or litigation:

Under **Title II (State/Local Government)** or **Title III (Public Accommodations)**: The person can choose to file a complaint with the DOJ's Civil Rights Division or, in many cases, they can directly file a lawsuit in federal court without going through an agency. There is no "right-to-sue" letter requirement for Title II or III private lawsuits. However, many individuals do lodge complaints with DOJ, which can then investigate on their behalf.

In some instances, the DOJ itself may initiate a compliance review or investigation even without an individual complaint, especially if they have reason to believe a pattern of ADA violations is occurring. Once a complaint is received, the responsible agency investigates the claims.

DOJ investigation (Titles II & III): DOJ's Disability Rights Section will similarly evaluate the complaint. Investigators may correspond with the business or public entity, asking for documents, accessibility policies, or technical evaluations of a website or facility. For a website or app accessibility complaint, the DOJ might have technical experts attempt to use the site with assistive technology to verify barriers. The DOJ has the authority to conduct broader investigations beyond the specific complaint if they suspect wider non-compliance. For example, if one aspect of a company's services is inaccessible, DOJ might review related services as well. The target entity is expected to cooperate. Refusal to cooperate can itself be noted (in one DOJ letter, a state agency's "failure to cooperate in good faith" during the investigation was called out as a factor preventing informal resolution).

During investigation, either agency might also determine that the complaint does not have merit or is resolved by initial actions, in which case the case can be closed without further steps. After the investigation, if the agency concludes that ADA violations likely occurred, it will issue a formal notice to the company. This letter typically includes:

1. **Findings of fact:** A description of what was investigated and what barriers or discriminatory acts were found. For example, "we find that your website's online job application portal is not accessible to blind users using screen-reading software", or "our investigation found that the complainant was denied a promotion due to her disability."

2. **Legal conclusions:** References to specific ADA provisions and regulations that are being violated. For instance, it may cite Title III's requirement that public accommodations ensure equal access to their services or Title I's mandate for reasonable accommodations in employment.
3. **Invitation to remedy or respond:** The letter will usually indicate what the next steps are. Government letters (DOJ/EEOC) typically invite the organization to come into compliance voluntarily. For example, DOJ regulations explicitly require that after a Letter of Findings, the Department must seek a voluntary compliance agreement with the entity before suing. An EEOC letter of determination will invite the employer to participate in conciliation – essentially negotiations to resolve the violation without a lawsuit. Private demand letters from attorneys often set a deadline (e.g. 30 days) for the business to respond with a plan to fix the issues or to enter settlement talks.

It's at this stage that the company is formally on notice of the alleged ADA violations and has an opportunity – often its last clear chance – to resolve the matter cooperatively. The tone will be legal and urgent. For instance, a DOJ notice might state that the Department is prepared to file a civil lawsuit if compliance cannot be achieved voluntarily. An EEOC notice might warn that failure to conciliate will result in referral for litigation by the EEOC or issuance of a right-to-sue to the complainant. **In all cases, the letter is effectively a “red alert” that your company must act swiftly to address the ADA issues.**

Possible outcomes and legal consequences

Once an ADA non-compliance letter has been issued and the enforcement process moves forward, a company faces several possible outcomes. These range from negotiated settlements to

court-imposed remedies, and they often carry significant legal and financial consequences.

In many cases, the company and the enforcement agency or plaintiff will reach a settlement before the matter is decided in court. Settlements can take the form of a private agreement, a public DOJ settlement agreement, or a court-entered consent decree. The content is similar: the company typically does not admit liability formally, but agrees to take specific actions to address the alleged violations. For example, after being found non-compliant, [Target Corporation settled a class-action lawsuit](#) by agreeing to pay \$6 million in damages and committing to make its website fully accessible, with oversight by the National Federation of the Blind.

Settlement terms often include several key components. First, injunctive relief typically requires the company to fix accessibility issues within a specified deadline. This may involve a full website overhaul to meet WCAG 2.2 AA standards, updating mobile applications, or providing accessible alternative formats for documents. The settlement agreement will clearly outline these obligations, for example stating that “all web pages will be brought into compliance with WCAG 2.1 AA within 18 months”.

Next, ongoing monitoring and reporting obligations are common, particularly in Department of Justice (DOJ)-brokered settlements. Businesses may need to hire an independent accessibility consultant, submit regular progress reports, or undergo audits. Some consent decrees even appoint an external monitor or require annual accessibility testing, with results reported directly to the DOJ.

Another element is monetary relief to victims. When specific individuals are affected by an ADA violation, the settlement may include compensation. Under Title III, private plaintiffs cannot recover damages in court, but the DOJ can secure monetary relief during enforcement, and settlements frequently include such compensation. Under Title I, settlements often provide back pay or

lost wages to employees, as well as additional damages for emotional distress.

In cases involving more serious or prolonged violations, civil penalties may also apply. The DOJ can require the company to pay a fine to the U.S. Treasury. However, when cases are resolved through settlement, the DOJ often reduces or waives these penalties in exchange for prompt compliance – an incentive for businesses to settle. If the case proceeded to court instead, the fines could reach their maximum levels, making settlement a more cost-effective resolution.

Finally, attorneys' fees are a significant factor in most settlements involving private plaintiffs. The ADA's fee-shifting provisions allow prevailing or settling plaintiffs to recover their reasonable legal fees and costs, which can be substantial – sometimes exceeding the damages themselves. For example, in the [Netflix accessibility case](#), the company agreed to pay approximately \$755,000 in attorneys' fees, in addition to committing to caption its content. This underscores how allowing a case to continue can dramatically increase the overall cost of resolution.

Settlement agreements are often public (especially DOJ settlements, which are announced in press releases) and serve as a blueprint for other organizations. They effectively function as a contractual obligation enforceable by court if breached. The upside of a settlement is that it usually avoids an admission of wrongdoing and allows the company to negotiate terms that it can manage (versus an open-ended court order). The downside is that settlements can be expensive and come with multi-year oversight. But compared to protracted litigation or a judgment, settlements are generally a favorable outcome if the company acts on time.

If the enforcement proceeds to a lawsuit and the company either chooses to settle during the case or loses in court, the result will be a court-ordered remedy. A consent decree is essentially a settlement

that is approved and entered by the court as an order – it has the same force as a judgment and typically remains under court jurisdiction for a set term. A judgment after trial would similarly order injunctive relief and possibly damages/penalties.

The court will issue an injunction requiring the company to take specific actions to comply with the ADA. This is non-negotiable and legally binding. For example, when a federal judge ruled that [Winn-Dixie's website was violating the ADA](#) (in an initial 2017 trial decision), the injunction required the grocery chain to make its website accessible to blind users (that decision was later vacated on appeal due to legal interpretation, but it illustrates the point that a court can directly compel remediation). Injunctive orders might also cover policy changes. Courts often set deadlines and may retain jurisdiction to ensure compliance.

Under Title III, the Attorney General (DOJ) can request civil monetary penalties for violations, which the court can impose in a judgment. By law, these penalties can be up to **\$75,000 for a first violation and \$150,000 for a subsequent violation** (original statutory amounts), and due to inflation adjustments, as of 2024 they stand at approximately **\$115,000 for a first violation and \$230,000 for a later violation**. Each inaccessible website or each failure to remove barriers can count as a violation, so fines can add up if a company has multiple infractions. For Title II (public entities), the ADA does not provide for civil penalties against government units, but for private entities (Title III) it is a real risk in DOJ-enforced cases. It's worth noting that courts have discretion and may impose lower fines depending on circumstances, but the exposure is significant. These penalties are paid to the government, not to plaintiffs.

In ADA Title I and Title II cases (and in Title III cases brought by DOJ on behalf of individuals), the company may be required to pay compensatory damages to victims for the harm they suffered. This could include out-of-pocket losses and emotional distress. For example, if an employee was unlawfully fired due to disability, a court

could order back pay, front pay (future wage loss), and compensatory damages for emotional harm. In cases of especially willful discrimination in employment, punitive damages might even be available against private employers (though not against governments). Under Title III private lawsuits, compensatory damages are not available to private plaintiffs (they can only get injunctive relief and legal fees), but the DOJ can obtain damages for individuals in its enforcement actions. A consent decree might thus include payments to specific people who were denied access.

If the case reaches a court judgment, and the plaintiffs prevail (even partially), the court will award reasonable attorneys' fees to them, which the company must pay. This is mandated by the ADA's enforcement provisions to encourage private enforcement. These fees can be huge if a case is hard-fought – easily reaching six or seven figures for extensive litigation. Even if a case settles via a consent decree, typically the settlement will include a negotiated amount for fees. The longer a company resists and litigates, generally the higher the attorney fee payout if they ultimately must concede.

How companies should respond and recover

Facing an ADA non-compliance letter or enforcement action can be daunting, but how a company responds can make a huge difference in the outcome. Below are typical steps and best practices companies undertake to address the issue and ultimately recover:

1. **Immediate acknowledgment and legal involvement:** Upon receiving an ADA violation letter, the first step is to acknowledge the seriousness of the matter. This usually means notifying the executive team and engaging legal counsel (if not already involved). It's wise to have an attorney experienced in ADA or civil rights law guide the response. The company should formally reply to the letter within any stated deadline, indicating that it takes the matter seriously and will

cooperate. Ignoring or dismissing the letter will only escalate tensions and could be used against the company later (as evidence of willful neglect).

2. **Internal investigation and accessibility audit:** The company should rapidly investigate the claims. This involves gathering the facts: What portions of our business are alleged to be inaccessible? In a digital context, this means conducting an accessibility audit of the website, app, or digital product in question. This audit should result in a detailed list of issues to fix.
3. **Remediation plan development:** Based on the audit findings, the company must create a remediation plan – essentially a roadmap to fix the ADA violations. The plan should prioritize issues by severity (e.g. fixing missing alt text and form labels immediately, then tackling more structural changes) and set target dates for each fix. The plan should aim to meet or exceed the accepted standards (WCAG 2.2 AA). It's often helpful to also include preventative measures, like updating design guidelines so new content will be accessible, or implementing an accessibility testing process in the development lifecycle. This plan can be shared with the DOJ or EEOC or used in settlement discussions to show the company's commitment to correcting the issues.
4. **Engagement and negotiation with enforcement authorities:** Open communication with the agency or plaintiff is key. If the letter is from DOJ or EEOC, the company (through its attorneys) will typically engage in discussions with the investigators or attorneys handling the case. This is the time to propose a voluntary resolution. For instance, the company might say, "We've conducted an audit and identified the issues. We propose to fix X within 3 months and Y within 6 months, and to institute a regular training program. Let's work out a settlement agreement around that." Demonstrating a proactive approach can sometimes lead the agency to offer more favorable terms. Voluntary compliance agreements can be negotiated that avoid fines or litigation, so long as the company's commitments are robust. If the letter is from a private attorney, the company's counsel will likely reach out to discuss a potential

settlement before a lawsuit is filed. This could involve agreeing to remediate and possibly paying the complainant's attorneys' fees or a modest sum, in exchange for a release of claims. Many ADA demand letter situations end in a structured private settlement where the business fixes the issues and the matter stays out of court.

5. **Implementation of remedial actions:** Once a plan or settlement is in place, the company must execute it diligently. This means allocating the necessary budget and resources. IT teams or contractors get to work on coding fixes, content teams add captions/alt text to media, facilities teams might install new physical accommodations (if physical issues were cited), etc. Often, companies will roll out changes in phases, first addressing the most crucial accessibility barriers (so that people with disabilities can start using the service better even before all fine points are resolved). For example, if a website has no accessible alternative for a certain task, an interim step might be providing a staffed phone line to assist users with disabilities until the digital fix is fully in place – this shows good faith in the interim.
6. **Reporting and documentation:** Transparency and documentation help ensure accountability and demonstrate compliance. If the resolution is formal (DOJ/EEOC¹ agreement or consent decree), the company likely must submit regular reports or certifications of compliance. Even if not explicitly required, it's wise for the company to keep detailed records of all the changes made, training conducted, and dates of completion. These records could be critical if there's any dispute later about whether the company met its obligations. In some cases, the company might voluntarily update the enforcing agency on progress, even if not required, to maintain goodwill and show that milestones are being hit. Documenting the process also helps internally – it establishes a knowledge base and a new standard operating procedure for maintaining accessibility.

7. **Training and cultural change**: A sustainable recovery from an ADA issue often involves addressing the root causes. Many organizations find that their teams were simply unaware of accessibility requirements or had no process in place. Thus, companies will introduce training programs for developers, designers, content creators, HR personnel, etc., about ADA requirements and how to do their part in compliance. For instance, web developers get trained on coding for accessibility, and HR managers get trained on the interactive process for employee accommodations.
8. **Monitoring and maintenance**: ADA compliance is not a one-and-done project. After the initial fixes, the company should establish a routine monitoring regime. If the business launches new features or platforms, those should go through an accessibility review before release. It's analogous to cybersecurity – you continuously guard and check for issues. Many companies also implement a feedback mechanism on their websites or services (for example, an accessibility feedback form or hotline where users can report problems). By capturing and addressing issues early through user feedback, a company can avoid those issues escalating into formal complaints. Ongoing compliance monitoring may also be mandated by a settlement (e.g. requiring yearly reports), but even if not, it's a best practice to self-police consistently.

Through these steps, companies can **turn a compliance crisis into an opportunity** to improve and to rebuild trust. A noteworthy observation is that companies who have gone through this often end up in a stronger position: they not only resolve the specific issue, but also modernize their operations to be more inclusive, which can open their business to more customers and talent.

Conclusion

ADA compliance is both a legal obligation and a business imperative. A letter citing ADA non-compliance is not simply bureaucratic red tape – it is a clear warning that your organization's practices are

falling short of fundamental civil rights law. The ADA's purpose, whether in physical or digital spaces, is to ensure equal access and inclusion. Companies that receive a non-compliance notice are being called to account for failing in that duty. The wisest course is to treat that call to action with urgency and resolve.

Executives and business leaders should understand that ADA enforcement is real and increasing, especially in the realm of digital accessibility. It is far better to be ahead of the curve by implementing accessibility proactively than to be forced into it under legal pressure. The risks of ignoring accessibility – from lawsuits and penalties to reputational harm – vastly outweigh the costs of doing the right thing early on. Conversely, the benefits of compliance extend beyond avoiding legal troubles: they include reaching a broader customer base, fostering goodwill, and innovating processes that often improve user experience for everyone (because accessible design is often universally better design).

Receiving an ADA non-compliance letter is a pivotal moment for any organization. It might feel alarming, but it is also an opportunity to initiate positive change. By reacting promptly – engaging experts, working with authorities, and committing to comprehensive remediation – a company can not only prevent the situation from escalating, but turn it into a chance to strengthen its operations and reputation. Early action is critical. The longer one waits or resists, the higher the stakes grow – in legal exposure, financial cost, and damage to credibility.

To sum up, ADA compliance is not optional. It is the law, and more fundamentally, it aligns with the values of equality and respect. Companies that embrace this will avoid the perils of enforcement and instead position themselves as inclusive, forward-thinking leaders. Those that delay or dismiss accessibility will find that eventually, regulators, courts, or customers will force the issue – and at a much greater cost. The clear lesson from countless ADA cases is: invest in

accessibility on your own terms, before you must do so on someone else's terms. In doing so, you protect your organization from legal and financial harm, safeguard your hard-earned brand reputation, and fulfill the promise of providing inclusive services and workplaces for all – which is not just a legal mandate, but a hallmark of good business in the modern era.

1

[U.S. Equal Employment Opportunity Commission \(EEOC\)](#) is a federal agency enforcing laws against workplace discrimination based on race, color, religion, sex (including pregnancy, sexual orientation, transgender status), national origin, age (40+), disability, or genetic information. It investigates complaints against employers with 15+ employees, aiming to prevent discrimination and provide remedies.

Sample Non-Compliance Letter

This template can be used by an individual or a law firm. Ensure you fill in the bracketed information with your specific details.

[Your Name or Law Firm Name]

[Your Address]

[Phone Number]

[Email Address]

[Date]

VIA CERTIFIED MAIL

[Business Owner/Manager Name]

[Business Name]

[Business Address]

[City, State, Zip Code]

RE: NOTICE OF ADA NON-COMPLIANCE - [Business Name]

Location: [Insert Business Address/Parking Lot Location]

Dear [Business Owner/Manager Name],

I am writing [on behalf of a complainant / as a concerned citizen] regarding persistent accessibility barriers at your place of business. Specifically, it has been observed that your business, or its snow removal contractors, repeatedly piles snow into designated handicapped-accessible parking spaces and their adjacent access aisles.

Violation of Federal Law

Under **28 CFR § 36.211 (Maintenance of Accessible Features)**, a public accommodation is required to "maintain in operable working condition those features of facilities that are required to be readily accessible to and usable by persons with disabilities". Piling snow into these spaces—which includes the parking spot itself, curb ramps, and access aisles—renders them unusable and constitutes a direct violation of the [Americans with Disabilities Act \(ADA\) Title III Regulations](#).

Federal law mandates that accessible routes and parking must be prioritized during snow removal. Failure to do so prevents individuals with disabilities from safely accessing your goods and services.

Proposed Remediation

To ensure future compliance, we suggest that snow be piled in an alternate, non-critical location, such as [suggest an area, e.g., the far corner of the parking lot furthest from the entrance, or a landscaped perimeter area]. This will allow for the safe use of all accessible features.

Required Action and Deadlines

Please take notice of the following required timeline for your response:

1. **Response (2 Weeks):** You have **fourteen (14) days** from the date of this letter to acknowledge receipt and provide a written explanation of how you intend to rectify this immediate violation.
2. **Ongoing Plan (4 Weeks):** You have **twenty-eight (28) days** to submit a formal, ongoing maintenance plan—and confirm that your snow removal contractor has been properly instructed—to preclude any future recurrence of this practice.

Legal Consequence

Please be advised that your failure to respond or provide a satisfactory remediation plan will leave [me/my client] with no choice but to file a federal lawsuit to enforce compliance. The [U.S. Department of Justice](#) may also seek civil penalties of up to **\$75,000 for a first violation** and **\$150,000 for subsequent violations**.

We hope to resolve this matter amicably and look forward to your prompt response.

Sincerely,

[Signature]

[Printed Name]

cc:

U.S. Department of Justice

Civil Rights Division

[Regional Office Address, if known, or Anytown, USA]

Note: Enclosing a photo(s) would be very helpful. Include a notice that plaintiff's attorney's fees are included in the complaint (even if done *pro bono*).

This example may include mistakes. For legal advice, consult an attorney.

6:25 PM ADJOURN

Minutes by Don Ciota, Chairman

2026 Meeting Dates:

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