

HHS 504 Summary

HHS Sect. 504: Accessibility of Web Content & Mobile Apps, Summary

Overview & Introduction

In July 2024, the Department of Health and Human Services (HHS) finalized an update to section 504 of the Rehabilitation Act of 1973 (Section 504) regulations. Among other revisions, the update requires recipients of HHS funding to ensure that any web content, mobile apps, or kiosks they provide or make available are accessible to specific technical standards. This document summarizes the revision and highlights sections that are especially relevant to academic libraries. A [companion document](#) explores proposed connections and questions to consider for some of the more complex or situational aspects of web accessibility.

Background & Core Premise

In the [final rule](#), HHS communicates expectations for [recipients](#)' digital accessibility.

- The background describes the purpose and need for the rule, both to align Section 504 with similar regulations and to respond to [“disability-based discrimination...in the area of accessibility of information and communications technology.”](#)
 - [“Section 504 must be interpreted consistently...to ensure conformity with current law and to protect against discrimination on the basis of disability.”](#)
- HHS emphasizes the importance of digital accessibility.
 - [“The Department...agrees that ensuring web content, mobile applications, and kiosks that recipients provide or make available are accessible to people with disabilities is necessary to avoid discrimination, health disparities, and poor outcomes.”](#)
- Technical standards are required to achieve compliance.
 - [“\[A\]dopting technical standards...provides clarity to recipients regarding how to make the programs and activities they offer...accessible. Adopting specific technical standards...also provides individuals with disabilities with consistent and predictable access to the websites and mobile apps of recipients.”](#)

Requirements

Web content, mobile apps, and kiosks provided by recipients must be accessible to individuals with disabilities.

- HHS selected the World Wide Web Consortium's Web Content Accessibility Guidelines (WCAG) Version 2.1, Level AA as the [technical standard](#) for accessibility compliance.
- [Recipients](#) are entities that receive [Federal financial assistance](#) from the Department of Health and Human Services, such as grants, loans, contracts, and more.
 - This is true for both direct and indirect receipt of HHS funds, such as successors, assignees, or transferees. Medicare and Medicaid funds are also included.
- Deadlines for compliance are based on the number of employees for recipients:
 - Recipients with **15 or more employees: May 11, 2026**
Public and private institutions may meet this definition, pending recipient confirmation.
 - Recipients with **fewer than 15 employees: May 10, 2027**

- Web content and mobile apps are covered by this rule whether they are provided directly by the recipient or made available through contractual, licensing, or other arrangements.
- Definitions for [web content](#) and [mobile apps](#) include formats and interfaces that may not be distributed or interacted with via a web browser (see [conventional electronic documents](#)).
- Most library self-service stations, such as self-checkout, are included because they rely on web content or mobile apps. Closed functionality kiosks in libraries may not apply due to the [definition for kiosk](#) associated with "health and human service programs or activities."

Definitions

HHS amended § 84.10 of the Rehabilitation Act to add definitions for [archived web content](#), [conventional electronic documents](#), [federal financial assistance](#), [kiosks](#), [mobile applications](#), [recipient](#), [user agent](#), [WCAG 2.1](#), and [web content](#). These definitions are used within a specific context and **may be different** from how library and archives workers typically refer to these items.

Exceptions

[Exceptions](#) to the requirements are limited and narrowly defined, with explicit conditions that must be met. **These exceptions do not apply if the content is used to apply for, gain access to, or participate in the public entity's services, programs, or activities.** Excepted content must be made accessible upon request, which continues existing accommodation support requirements.

1. Archived web content, which must meet all four of these requirements:
 - a. created before the compliance date, reproduces paper documents created before the compliance date, or reproduces the contents of other physical media created before the compliance date;
 - b. retained exclusively for reference, research, or recordkeeping;
 - c. not altered or updated after the date of archiving; and
 - d. organized and stored in a dedicated area or areas clearly identified as being archived.
2. Preexisting conventional electronic documents, which must meet both of these requirements:
 - a. created before the compliance date (and not updated); and
 - b. in one of the four defined electronic file formats*, which are portable document (PDF), word processor, presentation, and spreadsheet file formats.

**No other file formats are included in this exception.*
3. Content posted by a third party, which must meet these requirements:
 - a. the third party is unaffiliated with the public entity;
 - b. the content is not provided due to contractual, licensing, or other arrangements; and
 - c. the content is not posted by the public entity even if originally created by a third party.
 - d. Additional notes:
 - i. Also applies to [linked third-party content](#) if the requirements are met.
 - ii. Does not apply to [authoring tools or embedded content](#).
4. Individualized, secured conventional electronic documents, which must meet all three of these requirements:
 - a. in one of the four defined electronic file formats, which are portable document (PDF), word processor, presentation, and spreadsheet file formats;
 - b. about a specific person, property, or account; and
 - c. be password-protected or otherwise secured.

- d. Additional notes:
 - i. If the document contains time-sensitive information, consider accessibility through the lens of [effective communication](#) for individuals with disabilities.
5. Preexisting social media posts that were posted before the compliance date.
 - a. Social media posts after the compliance date must meet requirements by utilizing all accessibility features of the social media platform.

Additional Compliance Guidelines

Along with the requirements and exceptions, HHS provided additional compliance guidelines, which are summarized below.

Conforming Alternate Versions

[Conforming alternate versions](#) may only be used when there is a technical or legal limitation that prevents inaccessible web content from being made accessible.

- The final rule uses the [WCAG 2.1 definition](#) for conforming alternate version, which is a separate version that “[is accessible, up to date, contains the same information and functionality as the inaccessible web page, and can be reached via a conforming page or an accessibility-supported mechanism](#).” (An example could be one webpage with graphics and interactive elements, and a conforming version of the webpage that is plain text.)
- HHS chose to limit the use of conforming alternate versions due to concerns that this approach “[would result in segregated access for individuals with disabilities and be inconsistent with how section 504's core principles of inclusion and integration have been historically interpreted](#).” HHS was also concerned that maintaining multiple versions of web content would be challenging and result in poor user experience.
- Technical limitations [do not include lack of technical knowledge](#).

Equivalent Facilitation

While the minimum compliance standard is WCAG 2.1 AA, recipients are permitted to design and use digital products that comply with standards beyond WCAG 2.1 AA, such as WCAG 2.1 AAA or WCAG 2.2, if they have “[substantially equivalent or greater accessibility and usability](#).”

Fundamental Alteration or Undue Burden

If compliance would result in “[fundamental alteration or undue financial and administrative burdens](#),” action must be taken to improve accessibility up to that point. The head of a recipient, or their designee, must make the decision for this determination, and they must make a written statement of the reasons.

Effect of Technical Noncompliance

In limited situations, technical noncompliance may meet the conditions of the rule if the recipient can demonstrate no adverse effect on access, which includes “[substantially equivalent timeliness, privacy, independence, and ease of use](#).”

Library-Specific Responses

HHS provided [section-by-section responses](#) to public comments, which included library-related items: archived web content, libraries as identified entities, intellectual property law, EPUBs and

digital textbooks, and content from third-party providers. (See [Subpart I—Web, Mobile, and Kiosk Accessibility](#) for full discussions.)

Archived Web Content

Archived Web Content as an Exception

The exception for archived web content is context-dependent. In the discussion of the exception, HHS highlighted how use of such content for services, programs, or activities would [affect the determination](#) for applying the exception.

Archival Collections

In response to a [comment](#) seeking to differentiate between "archives that are themselves programs" and "any information that was originally web content and that may be archived solely for reference," HHS "[reiterate\[d\] that whether archived web content is retained exclusively for reference, research, or recordkeeping depends on the particular facts and circumstances.](#)"

Libraries as Identified Entities (Recipients)

HHS "[decline\[d\] to treat differently recipients whose primary function is to provide or make available what a commenter perceived as archived web content.](#)"

Intellectual Property Law

A comment regarding digital books and textbooks referenced "[break\[ing\] digital rights management protections](#)," but HHS didn't respond directly to that part of the comment in their overall response.

EPUBs and Digital Textbooks

EPUBs and digital textbooks are [treated the same as other educational course materials](#). HHS [kept the same technical standards](#) for these formats "to reduce confusion and ensure a uniform experience and expectations for users with disabilities."

Content from Third-Party Vendors

Third-party content provided "[directly or through contractual, licensing, or other arrangements](#)" must be accessible within the scope of the HHS Section 504 requirements. In their response to public comments, HHS shared and responded to several comments about the accessibility of third-party content as it relates to different aspects of the final rule.

- HHS "[expects...an increase in demand for accessible content from third-party vendors, and therefore a likely increase in the number of third-party vendors that are equipped to provide accessible content.](#)"
- HHS also shared comments focused on third-party publishers' "[significant role in the accessibility of textbooks and digital books,](#)" inaccessible [Open Educational Resource materials](#), and "[challenges with STEM materials.](#)"

Contact

[Email](#) Amy Coughenour, Program Manager for Diversity & User Experience, [Orbis Cascade Alliance](#), with any questions or feedback regarding this document.

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