

Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: House Bill 295 enacts the **Accessibility Act**, requiring all state agencies to ensure that their websites, mobile applications, and physical facilities comply with established digital and physical accessibility standards. The legislation mandates the Department of Information Technology to adopt digital accessibility standards aligned with WCAG 2.1 Level AA or successor standards. It also creates the **Office of Accessibility** within the Governor's Commission on Disability to oversee compliance, provide technical assistance, and submit biennial reports to the Governor and legislative committees.

Key provisions include:

- Full compliance with digital accessibility standards by April 1, 2027.
- Posting of website accessibility statements detailing limitations, measures taken, and contact information for reporting issues.
- Physical accessibility compliance consistent with ADA standards.
- Creation of a Chief Accessibility Officer to lead the Office of Accessibility.
- Biennial reporting on compliance progress and barriers.

Effective Date: **July 1, 2026.**

FISCAL IMPLICATIONS

For DoIT, fiscal impacts will stem from rulemaking, technical assistance, and oversight responsibilities. Agencies will need to allocate resources for accessibility audits, remediation of websites and facilities, and staff training. Costs may include contracting for specialized services and implementing procurement procedures that prioritize accessibility. While the bill does not appropriate funds, compliance will require sustained investment across multiple fiscal years.

If enacted, this bill will have a direct fiscal impact on DoIT, which will be shared by all agencies that have websites.

One fiscal impact will result from direct compliance. DoIT maintains six public facing websites (DoIT, Gov's Office, Lut Gov's, Business Portal, Sunshine Portal, & NM.gov). DoIT contracts with third parties for web design and hosting of these sites. DoIT estimates that it will incur **\$350,000** in FY26 and \$850,000 in FY27 for contractual services required to bring all six websites into compliance with HB36 and federal mandates. Starting in FY27, DoIT will annually incur **\$145,000** to ensure continued compliance reviews, updates and reporting.

SIGNIFICANT ISSUES

This initiative aligns with federal ADA requirements and promotes inclusivity for individuals with disabilities. However, agencies may face challenges in meeting compliance deadlines, particularly those with legacy systems or extensive physical infrastructure. The bill's reporting requirements may enhance transparency but will increase administrative burden.

On April 24, 2024, the DOJ finalized Title II ADA regulations requiring compliance with **WCAG 2.1, Level AA** by April 24, 2026. New Mexico agencies have **already begun preliminary work** to assess digital accessibility gaps and identify vendor solutions. Vendor capacity is limited, and demand will surge as the compliance deadline approaches, creating potential procurement challenges.

PERFORMANCE IMPLICATIONS

Assessing whether a website meets accessibility expectations requires time and expertise. Existing agency efforts—such as preliminary gap analyses and vendor engagement—will help mitigate these challenges but require additional support. This bill does not contain any appropriation to support the effort necessary to comply with full implementation.

ADMINISTRATIVE IMPLICATIONS

The Office of Accessibility will require staffing and operational resources to provide technical assistance, develop compliance tools, and manage reporting. Agencies must integrate accessibility considerations into procurement, IT development, and facility planning processes.

There is the potential need for a RFP to be issued to secure price agreements with vendors qualified to perform accessibility services to include, but not limited to: Accessibility Assessment, Implementation, and Maintenance. IT services price agreements routinely require more than a year to complete, including pre-RFP work on scoping qualifications and pricing model. This may lead to a multitude of potentially redundant RFPs offered by individual agencies.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

HB 295 directly relates and potentially conflicts with HB 36, as they both address the same issues and accessibility requirements.

TECHNICAL ISSUES

The bill could benefit from clarifying enforcement mechanisms and specifying funding sources for compliance activities. Guidance on acceptable formats for accessibility statements and reporting templates would improve consistency.

OTHER SUBSTANTIVE ISSUES

Given the timeline provided for compliance, there will be a significant strain on state agency budgets and resources. Most agencies will require additional funding to cover the cost required to reconfigure the numerous state websites to the state accessibility standard (WCAG 2.1 AA). Given the FY27 C2 request cycle is now closed, agencies do not have the opportunity to request project funding for website accessibility enhancement, which will leave numerous agencies without budget for compliance. If possible, consideration may be made by the legislature for a designated digital accessibility fund that can be tapped by agencies in FY27 who present fully developed plans, including scope, schedule and cost elements for the purpose of assessment, gap analysis, planning, and implementation of digital accessibility websites and web applications. Further, accessibility is not limited to website. All public facing applications would also have to be modified to ensure compliance with accessibility standards. This endeavor will take years to become fully compliant and C1 operating budgets will experience an increase to provide proper maintenance in order to maintain compliance.

To further reinforce this initiative, the State-Wide IT Strategic Plan should identify Digital Accessibility as a Goal with the objective to attain compliance and sustainability. Agencies will leverage the State-Wide plan in to mirror similar objectives in their own annual Agency IT Strategic Plans. This will serve as the basis for future agency C2 funding requests for the purpose of digital accessibility.

Initial efforts to qualify and establish State-Wide price agreements will demand resources from the General Services Department, State Purchasing Division.

ALTERNATIVES

Develop comprehensive funding mechanisms to help state agencies meet the digital accessibility requirements. Consider phased implementation or targeted funding to assist agencies with significant accessibility gaps. Leveraging existing DoIT resources and frameworks could reduce duplication and streamline compliance.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

State agencies will still be required to comply with the US Department of Justice's WCAG 2.1 by the deadline of April 24, 2026.

AMENDMENTS