



NSDC Bi-Monthly Newsletter

March 16, 2023

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NSDC Taking Legislative Action Webinar: Investing in an Uncertain Market First Pennsylvania EMS Authority
Special Districts ADA Compliance Working Group Examines ‘District’ Definition

A note from the Federal Advocacy Director

Congress & NSDC Advocacy in Full Swing

The 118th Congress had a turbulent, yet very slow start as final House and Senate committee assignments were not finalized until early February. As committees were seated, legislation began to be introduced and referred, and the NSDC Advocacy Team began [tracking](#) a range of bills. The NSDC Legislative Committee took support positions on legislation pertaining to wildfire resources and streamlining post-disaster information collection efforts.

Of note, the NSDC in February approved support positions two bills pertaining wildfire – one to expand eligibility for mitigation programs and another to bring additional resources to at-risk communities. [S. 21](#) (Feinstein), the *Community Wildfire Protection Act*, would re-define “at-risk community” for hazardous fuel reduction programming. The bill would eliminate program requirements that a community be included on a specified list of urban-wildland interface communities or be within or adjacent to federal land in order to be eligible. *[Read more on Page 2]*

Special Districts & Website ADA Compliance

Mac Clemmens, Streamline Software for Special Districts

Just as buildings must have wheelchair ramps, public websites must have special provisions for users with disabilities. The number of lawsuits rose 56% in 2021, and the penalties for noncompliance are rising—averaging \$4,000 for an ADA claim in 2019 to \$39,000 in 2022. It’s a situation that *The Wall Street Journal* calls “very perilous.”

Because the majority of new actions are targeting organizations smaller than 30 million in revenue, special districts have emerged as being at risk, as they are often not aware of or prepared to meet web accessibility standards.

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Upcoming Events

- **Webinar: “Strengthening Your Special District’s Investments in an Unpredictable Market”**
Thursday, March 30, 1 p.m. ET
[Click here to register.](#)
- **Webinar: “Ensuring Accessibility for Your Community: Website ADA Best Practices”**
Tuesday, April 4, 1 p.m. ET
[Click here to register.](#)
- **NSDC Districts Make the Difference Video Contest Submission Deadline**
Friday, March 31
- **Special Districts on the Hill**
April 17-20
Washington, D.C.

Working Group to Define “Special District” Kicks Off

A group of the nation’s special districts stakeholders began meeting in March to dive deeper on NSDC’s top policy priority: to develop, advocate for, and secure a benchmark federal definition for “special district.”

While an early definition was legislatively posed in 2020 and 2021 with the [Special Districts Provide Essential Services Act](#), NSDC sees value and necessity to revisit the definition with greater engagement, more dedicated time, and more robust discussion and analysis on the important topic.

Since the conclusion of COVID-era legislative efforts to federally define “special district,” NSDC has grown and engaged with additional state and federal partners, and it has developed a better understanding of the broader special districts landscape in the United States. Through these relationships and emerging partnerships, NSDC has not only succeeded to elevate federal awareness of special districts, but it has heard the questions and confusions partners had about special districts.

NSDC has found the U.S. Census Bureau to be a willing partner on efforts to federally define special districts. This is largely because the Agency, which is charged with collecting data and statistics of local governments, faces challenges in collection of special districts data as well as with analysis, due in part to the lack of a generally-accepted definition of what special districts are.

In January 2023, the U.S. Census posed questions to NSDC that could impact how special districts are considered in federal data. Meanwhile, the Congressional Research Service is reportedly in the “final scoping” phase of its report on special districts and how they are referenced and applied in federal law. The working group will examine the final report, answer Census questions, and produce a final document of its own to guide definition efforts.

[Click here](#) for the working group roster. Stay tuned for more developments as NSDC readies further advocacy to better define “special district.”

Congress & NSDC in Full Swing

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Also earning the NSDC support is [H.R. 482](#) (Neguse), the *Western Wildfire Support Act*, would boost community resources to address mitigation, response, and post-disaster investments for community wildfire protection. The bill would also authorize a Treasury account for federal wildfire response and a new program for state and local governments to acquire slip-on tank and pump units for surge-capacity fire suppression.

The Committee moved to support [H.R. 255](#) (Gonzalez-Colon), the *Federal Disaster Assistance Coordination Act*. The bill would authorize a study to examine how to streamline post-disaster damage assessments for efficiency.

As you will read here, we are rocking and rolling on our advocacy for special districts this year – this includes some solid movement on NSDC’s ongoing efforts to better define “special district.” (That’s on the left of this page.) As always, [please let us know](#) if you have any questions or concerns.

*Cole Arreola-Karr
NSDC Federal Advocacy Director*

First Emergency Services District Created in Pennsylvania

More than a year ago, residents and stakeholders concerned with the fiscal sustainability of local emergency response services in northwest Lancaster County, Penn., began to address and offer community-driven solutions in response to the local crisis.

As a result, eight municipalities have banded together for the creation of the Municipal Emergency Services Authority of Lancaster County – the first municipal authority (special district) in the Commonwealth of Pennsylvania to provide EMS services.

Congratulations to the citizens and stakeholders of the northwestern Lancaster County community on this historic achievement!

Read more about the community's efforts to establish the municipal authority (special district): <https://savingsfornewlancaster.org/>

Website ADA Compliance

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Understanding website accessibility

When special districts have a website, it is required to be technically accessible and have policies and procedures for reporting and remediation.

The Americans with Disabilities Act (ADA) is a civil rights law that prohibits discrimination against individuals with disabilities. Title II of the ADA applies to public entities, which include special districts. This means that special districts have a legal obligation to ensure that their websites are accessible to individuals with disabilities. Meeting these guidelines can help ensure that websites are accessible to people with a wide range of disabilities, including visual, auditory, physical, and cognitive disabilities. Special districts are required to meet WCAG 2.0 AA, and NSDC recommends that districts conform to WCAG 2.1 AA.

Making websites accessible is not just a legal obligation, it's also good for district communication. Accessible websites can help reach a wider audience, improve user experience, and boost search engine optimization (SEO). In fact, Google has stated that accessibility is a ranking factor in its search algorithm.

Providing accessible websites is the right thing to do. Everyone deserves equal access to information and services, regardless of their abilities. By making websites accessible, special districts can help promote inclusion and equity in their communities.

Improving website accessibility doesn't have to be expensive or time-consuming. Many accessibility improvements can be made with simple

NSDC Platinum Affiliate Members

Public Trust Advisors



NSDC Gold Affiliate Members

Streamline



S T R E A M L I N E



**Advocacy.
Consulting.
Grants.**

NSDC partners with The Ferguson Group to provide a suite of grant services for special district members. Each Friday, NSDC Members receive a rundown of newly announced grant opportunities of special districts' general interest. Below is a brief sampling of announcements from the past month. NSDC Members are also encouraged to leverage the NSDC Project Idea Portal to submit information on projects for which grant services are sought. NSDC's Grants Team will connect with districts for resources at no cost. **[Click here to access the NSDC Project Idea Portal.](#)**

For more information on the contents of the newsletter, please contact colek@nationalspecialdistricts.org

changes to website design and content, such as adding alt text to images and ensuring that text has sufficient contrast. There are also free and low-cost tools available to help test and improve website accessibility, such as the Accessibility Insights tool from Microsoft and Google Lighthouse.

Quantifying the risk. Special districts often ask themselves, “What is the actual risk that an ADA claim will affect us?” The results are both surprising and unpredictable.

What is my district’s risk now?

One way to assess risk is to scan your site using a free district website accessibility tool, brought to you by the National Coalition of Special Districts and its coalition partners.

Run a free scan at checkmydistrict.org for a comprehensive report and monthly updates to get a sense of your compliance, as well as tips on how to get compliant.

The overwhelming majority of ADA-related claims never make it to court. They are quietly settled, sometimes forced by an insurer who wants to manage risk without publicly admitting to any wrongdoing or districts whose EPLI insurance doesn’t cover *website*-related ADA issues (the majority do not).

About 6 percent of all special districts in the U.S., including county-dependent districts, have been fined, received demand letters, or gotten Department of Justice Office of Civil Rights (OCR) letters for website ADA violations in the US. That number is expected to exceed 10 percent by the end of 2024. Meanwhile, Very few, if any, special district insurance policies even partially cover the costs of

web accessibility issues. Most insurance carriers, including district statewide insurance pools, do not cover website-specific ADA claims in their EPLI policies. ADA is *not* covered by cyber, either; and the median settlement is \$25,000.

Streamline will host for NSDC Members a live April 4 (1 p.m. ET) webinar covering what ADA means for special districts’ websites, unsettling legal trends against local governments, present best practices for checking ADA compliance, and presenting new innovations to accommodate special districts’ online ADA needs. [Click here to register now.](#)

Streamline also published an issue brief for NSDC covering this important topic. [Click here to download the full NSDC Issue Brief, complete with citations.](#)

NSDC, Public Trust Advisors to Host Webinar: *Strengthening Your Special District’s Investments in an Unpredictable Market*

The National Special Districts Coalition (NSDC) in partnership with Public Trust Advisors will host a March 30 webinar offering special districts insights as they navigate and strategize their municipal investments in a time of unpredictable market conditions.

Public Trust Advisors, a Platinum NSDC Affiliate Member, will provide [NSDC Members](#) the latest on market and economic conditions before offering best and taking questions. This 75-minute webinar will be live via Zoom on Thursday, March 30, beginning at 1 p.m. ET / 10 a.m. PT. This event is offered at no cost to NSDC Members and their special district members and affiliated organizations.

Strengthening Your Special District’s Investments in an Unpredictable Market

Thursday, March 30
1 p.m. ET – 2:15 p.m. ET
Via Zoom

[Click here to register.](#)

No cost for special districts affiliated with NSDC Members.