

ADA Update!

New Swimming Facilities Requirements Go Into Effect on March 15, 2012.

What are the new regulations covering pools, wading pools, and spas and when do they go into effect?

On March 15th, 2012, the 2010 ADA Standards for Accessible Design go into effect. These standards require that swimming pools, wading pools, and spas have accessible means of entry for people with disabilities. This does not mean that all swimming pools must meet the new standard **by** March 15th. Rather, March 15th is when the legal obligation to follow the new guidelines begins. All newly constructed swimming facilities built after this date must meet the new standards. Existing swimming facilities have an obligation to meet the new standards as soon as readily achievable (Title III) or until program access is met (Title II).



What are the specific accessible means of entry requirements for different types of swimming facilities?

The following chart shows the number and types of permitted accessible means of entry required for different types of swimming facilities.

Permitted Means of Pool Access

Pool Type	Required Means of Access	Sloped Entry	Lift	Transfer Walls	Transfer Systems	Stairs
Swimming (less than 300 linear feet of pool wall)	1	x	x			
Swimming (300 or more linear feet of pool wall)	2	x	x	x	x	
Wave action, leisure river, and other pools where user entry is limited to one area.	1	x	x			
Wading Pools	1	x				
Spas	1	x	x	x		

Note that swimming pools over 300 linear feet must have 2 accessible means of entry. The primary means **must** be a lift or sloped entry, the secondary mean of entry may be any of the other permitted types of entry.

Who must comply with these new requirements?

Both Title II and Title III entities must follow the new swimming facilities requirements. Title II of the ADA applies to state and local governments (public entities) and Title III of the ADA applies to business open to the general public and non-profit service providers.

How do I determine if a swimming pool is 300 or more linear feet?

Measure the perimeter of the entire pool **wall**. This includes all alcoves, diving areas, etc. Some pools have landscaping that block entry at certain points; however the pool wall at these points must be included in overall measurements.

What if my business cannot afford to add an accessible means of entry?

Title III entities (existing facilities) are required to meet ADA guidelines to the extent that is “readily achievable”—that means “easily accomplishable and able to be carried out without much difficulty or expense”. Determining the difficulty or expense of construction project is based on the overall financial resources of the business and the nature and technical difficulties associated with the project. A small family owned hotel may experience difficulty in finding funds from its overall budget to make needed changes, while a large hotel chain must consider its entire operating budget before making the claim that construction or adding equipment is truly not “readily achievable.” Remember, the standard of “readily achievable” only applies to existing structures. All new construction or renovations must meet the new requirements.

If it is not “readily achievable” for my business to meet the accessible means of entry requirement, does that mean that I am exempt from the requirement?

No. Businesses must plan for the needed construction/purchases and budget accordingly. At some point in the future, it may be “readily achievable” to make the necessary changes. Until then, businesses should attempt to provide as much access as possible to customers with disabilities

Does “readily achievable” apply to Title II entities?

While “readily achievable” does not apply to Title II entities, state and local governments do have the obligation to provide **program access**. This means that services, programs, and activities, when viewed in their entirety, must be readily accessible to and usable by persons with disabilities. To accomplish this, swimming facilities should first be evaluated for ADA compliance and then have a transition plan made to prioritize the order of which facilities to modify until program access is met.

I’ve received a number of advertisements from pool lift companies claiming I must use a certain type of equipment and have it installed prior to March 15th, is this correct?

Again, March 15th is when the compliance obligation **begins**, not a deadline. Guidance on the technical requirements (such as seat height of pool lifts) of all the accessible means of entry are provided by the U.S. Access Board and is available on the Great Plains ADA Center’s website www.adaproject.org. Just click on “I want to learn more about the swimming facilities requirements” to link to the information you need.

What about a swimming pool owned by condominium association or a pool used by members of a private club?

Typically, these types of facilities are not covered by the ADA. However, if pool membership is sold to the general public, then ADA requirements must be followed. If you are unsure if your facility is covered by the ADA requirements for swimming facilities, to technical assistance on your specific situation by calling 1-800-949-4232.

Are there any tax incentives or credits available for making existing pools accessible?

Yes, information on tax incentives is available on the Great Plains ADA Center website or call 1-800-949-4232 to receive a fact sheet on tax incentives for accessibility changes.

What is the Great Plains ADA Center?

The Great Plains ADA Center, a member of the National Network of ADA Centers, provides technical assistance, information and training on the Americans with Disabilities Act. We have been providing assistance to thousands of individuals, business, cities, and communities throughout Iowa, Kansas, Missouri and Nebraska for twenty years. Technical assistance is available from our highly trained staff by calling 1-800-949-4232 or submitting a question on-line from our website www.adaproject.org.



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Your One-Stop Resource for Information on the Americans with Disabilities Act