

ADA Frequently Asked Questions

Q: Who must comply with the new 2010 ADA Standards?

A: ADA standards cover both public entities (Title II) and private (Title III) facilities including pools operated by public park and recreation districts, hotels and motels, fitness and recreational sports clubs, country clubs, high schools and universities, waterparks, hospitals and health care facilities.

Title II prohibits disability discrimination by all public entities at the local and state levels. Examples of Title II entities would be: School Districts, Municipalities, Cities and Counties.

Title III regulates places of public accommodation, commercial facilities and private companies that offer courses and examinations related to educational and occupational certification. Examples of Title III entities would be: Lodging, Recreations, Education, Transportation, Etc.

Required to Comply

Q: Are HOTELS required to comply?

A: Hotels do fall under the ADA standards and must comply. They are places of public accommodation and not considered housing since they are rented out for short terms.

Q: Are PRIVATE CLUBS required to comply?

A: In some cases private clubs are excluded from ADA standards. Determination is based on the control of operations, membership requirement, and the amount of fees involved. If a private club limits use of their facilities strictly to members and their guests, then the club would not be subject to ADA standards. However, if that club hosts swimming competitions or any other type of activity that opens the pool to non-members, the club would be required to follow ADA standards for their pool. Operations that have limited or no membership requirements and minimal dues also must comply with ADA standards.

Q: What are the ADA standards required with WADING POOLS?

A: Wading pools must provide at least one sloped entry that extends to the deepest part of the wading pool.

Q: What are the ADA standards required with SPAS?

A: Spas must provide at least one accessible means of entry. Means must be a pool lift, transfer wall, or transfer system. Footrests are not required on pool lifts provided at spas, but are encouraged. Also, where spas are provided in a cluster, at least 5% in each cluster, or at least one spa must be accessible.

Q: What are the ADA standards required for WAVE ACTION, LEISURE RIVER, WADING POOL or SAND BOTTOM POOLS?

A: They all require one access point. A wading pool must have a sloped entry.

NOT Required to Comply

Q: Who does NOT need to comply with the ADA Standards?

A: The new standards do not affect residential dwellings or housing units, such as a private residences, apartment complexes, condos or homeowner's associations if they strictly limit the use of their facilities to residents and their guests.

However, if facilities choose to operate an element of public accommodation within their premises, they then become subject to ADA standards.

Private residential facilities must comply if:

- They generate commerce (meaning the pool is membership driven and anyone can join)
- The facility receives Federal funds
- The pool or spa is open to the general public or used by anyone other than tenants, their families and friends.

For example:

1. A vacation timeshare that operates as a hotel.
2. A Home Owner's Association pool that is used for swimming competitions that are open to competitors from outside the association.
3. Any apartment complex that sells memberships to their swimming facilities.
4. A condominium that actively rents out their units when owners are absent, including advertising, taking reservations over the phone and providing either meals or housekeeping services.

Q: Do any rules apply to privately-owned residential communities?

A: Residential entities that limit the use of their facilities to residents and their guests are only required to comply with the Fair Housing Act. This requires only a barrier free pathway up to the edge of a pool. In addition, residential entities cannot prevent a resident from using their own apparatus to gain access to the pool, providing it does not provide a hazard for other residents. For example, if a resident has a portable pool lift and keeps it in storage when not in use, the facility cannot prevent that resident from using the lift to gain access to the pool.

Regulation Details

Q: When are facilities required to comply?

A: New Construction

- The law goes into effect March 15, 2012

Alterations

- When alterations are made that affect the operation of the pool the pool must become compliant
- General maintenance does not trigger compliance
- Every pool that is altered must comply

Title III Existing Facilities

- Required to make changes if they are "readily achievable." This means they can be made without much expense or difficulty.
- A pool lift is generally considered an easy solution to the removal of barriers

Title II Existing Facilities

- Programs, facilities and services need to be made accessible.
- Facilities must have an understanding of what they need to do to become compliant and must work towards that goal.
- Barrier removal is an ongoing obligation. Facilities are expected to continue to remove barriers as resources become available

Q: What are the ADA standards surrounding swimming pools?

A: Depending on the size, one or two ADA accessible methods of access are required. For pools larger than 300 linear feet there must be two accessible means of entry. Pools with less than 300 linear feet of pool wall must provide at least one accessible means of entry.

Q: What are the ADA accessible means of entry for pools and spas?

A: Pool lifts and sloped entries (ramps) are the required primary means of access for swimming pools. If a secondary means of access is required, a transfer wall, transfer system or transfer stairs can be used.

POOL TYPES	PERMITTED MEANS OF ACCESS					# REQUIRED
	PRIMARY TYPES OF ACCESS		SECONDARY TYPES OF ACCESS			
	SLOPED ENTRY	LIFT	TRANSFER WALL	TRANSFER SYSTEM	STAIRS	
Swimming Pools: LESS than 300 linear feet	<	<				1 Total
Swimming Pools: 300 or MORE linear feet	<	<	<	<	<	2 Total: <i>One must be a primary type</i>
Wave action, lazy river, and other pools where user entry is limited to one area	<	<		<		1 Total
Wading Pools	MANDATORY	<				1 Total
Spas	<		<	<		1 Total

Q: Can multiple pools at a facility share a lift?

A: The standards require that each operational pool be accessible. Users should have the opportunity to choose in which pool they will swim. Sharing a lift does not satisfy the standards and may create safety issues with stranded swimmers if the lift is moved while they are in the pool.

Q: What makes a pool lift ADA compliant?

A: Your lift must:

1. Have a minimum weight capacity of 300lbs.
 2. Have a solid seat at least 16" wide and a footrest. (Footrest not required with spa.)
 3. Be capable of unassisted operation from the deck and the water.
 4. Must not require tight grasping, pinching or twisting of the wrists to operate and not require more than 5 lbs of pressure to operate.
 5. Be able to drop the seat down to submerge in the water to a depth of 18" below the stationary water level.
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Q: What makes a sloped entry ADA compliant?

A: Your sloped entry must:

1. Have a minimum clear width of 36".
2. Have a maximum slope of 1:12.
3. Be slip resistant.
4. Extend to a depth 24 - 30" below stationary water level.
5. Have at least one landing located 24 - 30" below stationary water level. In wading pools, sloped entry and landings must extend to the deepest part of the pool.
6. Ramps should have landings at the top and bottom of each ramp run and landing clear width must be at least as wide as the ramp run and 60" in clear length.
7. Must have handrails on both sides.

Q: Are pool stairs an acceptable means of access?

A: Yes, but only as a secondary means of access. There must also be a primary means of access - either a lift or a ramp. Also, the ADA has specifics on how the steps should be made.

Pool steps must:

1. Have uniform riser heights and tread depths.
2. Treads should be a minimum of 11" deep.
3. Open risers are not permitted.
4. Treads shall be permitted to have a slope not steeper than 1:48.
5. The width between handrails must be 20 - 24"

The ADA also recommends providing visual contrast at the leading edges of treads so they are more visible for people with low vision.

Q: Are there service requirements for ADA equipment?

A: Yes, there is a "Maintenance of Accessible Features" provision which states that "a public accommodation shall maintain in operable working condition those features of facilities and equipment that are required to be readily accessible to and usable by persons with disabilities."

Q: What is the ADA?

A: The Americans with Disabilities Act (ADA) is a civil rights law that prohibits discrimination on the basis of disability. On September 15, 2010, the ADA Guidelines were signed into law and now require compliance by all Title II (Public Entities) and Title III (Public Accommodations and Commercial Entities) by March 15, 2012. This includes recreation facilities, swimming pools, wading pools and spas.

Q: Are there any tax funds or grants to help make the changes?

A: The Federal government offers tax incentives for barrier removals to help with the costs. You can find more information at www.ada.gov/taxincent.htm

Q: What are the benefits of putting in a lift?

A: Access to the largest minority group in America (Disabled populations) with over 200 billion in spending power. When a facility removes barriers to persons with disabilities they have an opportunity to recover the costs of their modifications very quickly by marketing the fact that their facility is ADA compliant thus driving more business to their doors

