



2010 ADA STANDARDS AND PUBLIC SWIMMING POOLS FREQUENTLY ASKED QUESTIONS

This document is intended to answer some frequently asked questions that have been directed to the Michigan Department of Environmental Quality (DEQ) concerning the 2010 Americans with Disabilities Act (ADA) Standards as they relate to public swimming pools. This document answers questions to the best understanding of the DEQ concerning the 2010 ADA Standards. However, this document has not been reviewed by the U.S. Department of Justice (USDOJ) who administers and enforces the ADA Standards. Please consult your design professional and/or legal counsel for answers to your specific situation.

- What is the ADA?

The ADA (Americans with Disabilities Act) is the federal civil rights law that prohibits discrimination on the basis of disability. This federal law, to provide access to buildings and facilities, was first passed in 1991 and was revised in 2010. The ADA is a comprehensive law covering all aspects of accessibility for a wide variety of buildings and facilities including public swimming pools at public entities (Title II) and public accommodations (Title III).

- Who administers the ADA Standards?

The USDOJ administers the ADA Standards. The USDOJ has a considerable amount of information on the [USDOG website](http://www.ada.gov/) (<http://www.ada.gov/>) concerning specific accessibility details. A very informative document on their website is *ADA Update: A Primer for Small Business*.

- Do the ADA Standards cover public swimming pools?

Yes. The 2010 ADA Standards now apply to recreational facilities and pools. Although the original 1991 ADA Standards did not have specific accessibility design requirements for public swimming pools, design standards were developed in the 2004 ADA Accessibility Guidelines (2004 ADAAG) and these were incorporated into the 2010 ADA Standards.

- Are there any pool entities that are not covered by the ADA Standards?

Yes. To the best understanding of the DEQ, the ADA does not currently apply to pools located at residential facilities such as apartments, condominiums, townhouses, mobile home parks, residential swim clubs, and similar pool facilities. However, if any of these facilities are opened to nonresidents, receive federal funding, or if a condominium is rented as a timeshare, the ADA requirements must be followed. Please contact your design professional and legal counsel to determine whether or not your pool is covered by the 2010 ADA Standards.

- Do the 2010 ADA Standards apply only to new pools? When is compliance required?

The ADA requires ALL existing and new pools, except those at residential facilities, to comply. All existing and new pools have the responsibility to comply with the 2010 ADA Standards by the revised date of January 31, 2013. March 15, 2012 was the original date, but this was changed by the USDOJ to give additional time for compliance.

- Who enforces the ADA requirements?

The USDOJ and the local building officials in the jurisdiction where the pool is located enforce the ADA requirements. Even though federal, state, and local agencies can be delegated authority and responsibility to enforce the ADA requirements, this authority has not been specifically delegated to the DEQ. The primary mode of enforcement in Title III is by private lawsuit. Private lawsuits against individual facilities began to be filed within weeks after the January 31, 2013 deadline

- Will the DEQ and/or the local health departments (LHDs) enforce the ADA swimming pool requirement?

Not at this time. The DEQ and the LHDs are responsible to enforce the swimming pool portions of the Public Health Code and the Public Swimming Pool Rules. Neither the Code nor the Rules have any design or enforcement provisions related to the ADA requirements. However, the DEQ and LHDs will remind pool owners of their responsibility to meet the ADA Standards.

- Will the DEQ or the LHDs close a pool if it is not compliant with the ADA?

Not at this time. Since the DEQ and the LHDs have not been specifically delegated authority to enforce the ADA requirements, pools will not be closed for noncompliance with the ADA by DEQ or LHDs.

- What are the accessible entry requirements for the ADA compliance for public swimming pools?

Pools are required to provide at least one accessible means of entry to a pool, spa, or wading pool. Pools with 300 feet or more of perimeter wall are required to provide two accessible means of entry that preferably are different. Suitable accessible means of entry include:

- Fixed or portable swimming pool lifts
- Sloped entries
- Transfer walls
- Transfer systems
- Accessible pool stairs

- Will the DEQ review the ADA pool compliance installations or track them?

The DEQ will not require approval or track compliance installations for POOL LIFTS installed at existing pools. The DEQ will require a construction permit for compliance installations that modify the structure of a swimming pool such as the installation of a sloped entry or transfer wall, which modify the pool structure.

- What is required for existing pools?

The 2004 ADAAG requires a pool lift as the accessible means of entry for existing pools and spas. The 2004 ADAAG also allows sloped entries for existing pools, but are not readily applicable to existing pools due to slope and space considerations. The 2004 ADAAG also allows transfer walls as an accessible means of entry for existing spas.

- What if there is more than one pool in our enclosure?

The *Accessible Pools – Means of Entry and Exit* document published January 31, 2012, on the ADA website clarifies how the 2010 ADA Standards apply to existing pools. This document indicates that “*sharing accessible equipment between pools is not permitted.*”

- Will the DEQ publish specific design requirements for accessible means of entry?

No. The 2010 ADA Standards, including the 2004 ADAAG Standards, Chapter 2, Section 242 and Chapter 10, Section 1009, have specific requirements and design details. Section 405 on Ramps, 504 on Stairways, and 505 on Handrails also have pertinent design details. Please contact your design professional, pool professional, manufacturers of pool lifts, or local building officials for specific design and installation information.

- What other design requirements must be considered for accessible means of entry?

The *Accessible Pools* document essentially requires fixed pool lifts to the extent that it is “readily achievable” to do so. Please note that the metal sleeve used to mount a fixed pool lift is required to be electrically bonded. Also, although the 2004 ADAAG does not mention anything about using a hose across a pool deck to supply water to a hydraulically operated fixed lift, using a hose for this purpose is not consistent with the Michigan pool rules and is considered a safety hazard. The hose should be installed below the pool deck to minimize the tripping hazard.

The 2004 ADAAG requires approximately 64 inches from the pool coping to correctly place a pool lift. Michigan rules also require 4 feet of clear deck space around any piece of fixed deck equipment. This increases the necessary deck space for a pool lift to approximately 76 inches. In the case of fixed pool lifts, we may consider allowing the dimensions stated in the 2004 ADAAG.

Please note that the 2004 ADAAG requires that “*pool lifts must be capable of unassisted operation from both the deck and water levels.*”

NOTE: The information in this document is intended to supplement the public swimming pool portions of the Public Health Code, 1978 PA 368, as amended, and the Public Swimming Pool Rules. These comments do not replace or supersede any portion of the Act and Rules. To download a copy of the Public Swimming Pool Act and Rules, please go to the MDEQ’s [Swimming Pool website](http://www.michigan.gov/deqpools) (www.michigan.gov/deqpools)