THE UNIVERSITY of TENNESSEE
MUNICIPAL TECHNICAL ADVISORY SERVICE
...in cooperation with the Tennessee Municipal League

#221 HOT topic

July 12, 2012

NEW REQUIREMENTS FOR PUBLIC SWIMMING POOLS

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New federal requirements have been issued affecting cities that operate public swimming pools. In September 2010, the U.S. Department of Justice revised its regulations implementing the Americans with Disabilities Act (ADA). These regulations contain new requirements that include accessibility standards for swimming pools. The effective date for implementation of these regulations was March 15, 2012, but the Justice Department extended the date for compliance with requirements relating to **existing** pools to January 31, 2013.

Title II of the ADA is a federal law that prohibits discrimination against disabled persons in all programs, activities, and services of public entities. It applies to all municipalities and their departments, regardless of their population. This means that cities must make recreational programs, services, and activities, including swimming pools, accessible and useable. Cities with more than one pool may not necessarily be required to make every pool accessible, but cities with only one pool must make it accessible. To help cities with multiple pools determine which pools must be made accessible, the Department of Justice has compiled a list of factors for cities to consider:

FACTORS TO CONSIDER[1]

- How to provide swimming programs in the most integrated setting appropriate;
- The ways in which people participate in the programs (e.g., individually, in families, in youth groups);
- Locations where the programs are offered;
- What programs are offered at each pool and to which constituencies (e.g., family swims, children's swimming lessons, older adult exercise classes, high school swim meets);
- Which pools are accessible and to what extent; and
- Level of dispersion of the accessible locations and convenience to reach them (e.g., one pool in each quadrant of the town, all on accessible mass transit).

Compliance with the new regulations is mandatory by cities that have pools that are open to the public. Existing swimming pools must be modified to comply with the 2010 guidelines no later than January 31, 2013. For all newly constructed or altered pools, the 2010 standards should be followed on or after March 15, 2012.

[1]*Revised ADA Requirements: Accessible Pools – Means of Entry and Exit* U.S. Department of Justice, (May 24, 2012) available at http://www.ada.gov/pools2010.htm.

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Among other requirements, the new regulations require that pools with less than 300 linear feet of pool wall provide at least one accessible means of entry/exit, which must be either a fixed pool lift or a sloped entry. Pools with 300 linear feet of pool wall or more must have two accessible means of entry and exit; one means of entry/exit must be a fixed pool lift or sloped entry; the other entry can be a transfer wall, transfer system, or pool stairs. (*Section 242, 2010 ADA Standards for Accessible Design.*)

When structural changes are made to provide a means of access, all modifications must comply with the revised ADA guidelines. Additional requirements can be found in sections 242 and 1009 of the 2010 *ADA Standards for Accessible Design*.

For more information, you may contact either: PARTAS at http://www.tn.gov/environment/recreation, telephone: (615) 532-0748 or U.S. Department of Justice ADA at www.ADA.gov, telephone: (800) 514-0301.

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