

# ADA POOL & SPA COMPLIANCY GUIDE



**Aqua Creek Products**

The Total Solution for Pool and Spa Access

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***This handbook is designed to be a companion to assist you in making your pool or spa ADA compliant. The following information is based on the ADA regulations that took effect March 15, 2011. Mandatory compliance was required by January 31, 2013.***

**Did you know....**

**Aqua Creek offers 8 lifts that are independently verified by a third party to meet ADA standards.**



### ***What is the ADA?***

The ADA stands for the "Americans with Disabilities Act" and is a Federal Civil Rights Law that prohibits discrimination against people with disabilities. The law is made up of 5 sections called "Titles" as well as construction design standards that indicate how facilities need to be built and/or modified in order to make them "readily accessible to and useable by persons with disabilities".

### ***Which parts of the ADA are relevant to swimming pools and spas?***

Title II (public entities such as city and county governments), Title III (such as places of public accommodation and commercial facilities) and also sections 242 and 1009 of the 2010 ADA Design Standards that were developed by the United States Access Board for the Department of Justice.

***What pools and spas must be compliant?***

- Any pool or spa that is open to the public at any time, receives government funding or receives revenue from the pool or spa such as membership dues and rental or usage fees. (Revised Title II Section 35.102)
- Any pool or spa at a public accommodation or commercial facility. (Revised Title III Section 36.102)

***Do all existing pools at a facility need to be compliant? (Section 242.2)***

Typically, yes. Each body of water is looked at independently and should be considered to be made compliant should the modifications be readily achievable. Pools 300 perimeter feet in size and smaller require one form of approved access. Pools greater than 300 perimeter feet require two forms of approved access, one of which needs to be primary form. It is also a good idea to check with your local code authorities for other requirements.

***Do spas have to be made accessible? (Section 242.4)***

Yes. If spas are in groups or clusters, no more than 5% or no less than one needs to be made compliant.

***Do catch pools need a lift to comply? (Section 242.3 Exception #3)***

No. As long as the catch pool has an accessible route on at least one side of the pool.

***Do raised diving boards and diving platforms need to comply? (Section 203.14)***

No. Raised diving board and platforms are exempt and do not need to be on an accessible route.

***Do water slides need to be accessible? (Section 203.11)***

No. Water slides are also exempt and do not need to be on an accessible route.



**How do the pools and spas need to be made accessible?  
(Section 242.2)**

There are five forms of approved access, two of which are considered primary forms of access. The two primary forms are pool lifts and sloped entries. The following chart indicates what size pools need to be compliant and how:

PERMITTED MEANS OF POOL ACCESS					
Pool Type	Sloped Entry	Lift	Transfer Walls	Transfer Systems	Stairs
Swimming (less than 300 linear feet of pool wall)	✓	✓			
Swimming (300 or more linear feet of pool wall) - two means of entry required	✓ *	✓ *	✓	✓	✓
Wave action, leisure river and other pools where user entry is limited to one area	✓	✓		✓	
Wading Pools	✓				
Spas		✓	✓	✓	

\*Primary means must be by sloped entry or lift, secondary means can be any of the permitted types.

**Are there specific technical requirements for the primary and secondary means of access for pools and spas?**

Yes. All these can be found in Section 1009 of the 2010 ADA Standards for Accessible Design. They indicate the technical and design requirements for all five approved forms of access.

**Pro Pool Lift**



**Scout Lift**

### ***Is there a “grandfathering” clause for existing pools?***

The “Safe Harbor” clause in the ADA does not apply to swimming pools and spas since they were not part of the original ADA design standards issued in 1991. (Revised Title II 35.150(b)(ii) and Revised Title III 36.304(d)(iii))

### ***When do the new laws take effect?***

The new requirements for new and remodel construction are already in effect. Requirements to bring existing facilities up to date took effect January 31<sup>st</sup>, 2013.

### ***What are the benefits of making my pool or spa compliant?***

Increased revenues through additional marketing opportunities.

- The disabled population is the largest minority group in America at over 55 million and they have over \$200 billion in spending power.
- Between 2000 and 2030 the number of Americans over age 65 will more than double from 38.4 million to more than 70 million. The 2000 census indicates that 42% of adults over 65 have one or more disabilities!

Tax incentives that can help cover the costs of modifications.

- The US Government offers tax incentives for the removal of barriers to make facilities more accessible to and usable by persons with disabilities.

Minimizing the risk of costly litigation.

- Disabled people who cannot access your pool or spa have a right to file a complaint with the Department of Justice and if the Department of Justice decides it necessary, can file a lawsuit requiring you to make your facility accessible. Additionally, the Department of Justice has the ability to levy fines of up to \$110,000.00. New revised fines went into effect April 28, 2014 those fines increased up to \$150,000!

### ***Is it enough to just buy an ADA compliant product or do I need to do other modifications?***

There are certain site requirements that cannot always be addressed with the simple purchase of a product. For pools and spas, most of those site requirements are addressed in Sections 242 and 1009 of the 2010 ADA Standards for Accessible Design.

### ***Are Portable Lifts ok to use?***

In January 2012 the Department of Justice indicated if a portable lift is the only readily achievable way of obtaining compliance, they can be used. The Department of Justice indicates that a portable lift must be fixed to the pool deck and ready to use when the pool is open to the public, assuring that it is properly placed. They do not allow sharing of portable lifts between bodies of water due to the possibility of stranding someone in the pool or spa when the lift is removed to service the other body of water.

### ***Do I have to update my pool or spa even if I don't have the space or finances to do so?***

The Department of Justice indicated that Title III facilities must update if it is "readily achievable" to do so. The term "readily achievable" is described in the revised Title III standards. Title II facilities must follow the "Program Accessibility" requirement outlined by the revised Title II standards. No matter the situation or type of facility, you should review your facility for ADA compliance needs and develop a plan to make the facility accessible over time. No matter if your facility falls under Title II or Title III, it is the responsibility of the facility to determine if, when, and how they can make their facility ADA accessible. Even if they cannot meet every requirement the ADA defines, they need to meet the ADA requirements to the extent possible and have plans to continue to develop the facility to be more compliant over time.



**Patriot Lift**



**Titan 600 Lift**

## **Why should I choose Aqua Creek over other suppliers of Pool and Spa Lifts?**

- Aqua Creek is the FIRST lift manufacturer to provide 8 different models tested and ADA verified from an independent test laboratory thereby ensuring you that you have purchased a product that complies with the 2010 ADA Design Standards. Look for the Wyle Labs Logo to ensure your lift meets the ADA Standards.
- In a 2010 pool industry survey of distributors, Aqua Creek was recommended 4 to 1 over the other four main lift manufacturers for our level of service and quality of product.
- In the same industry survey, Aqua Creek's Pro Pool Lift was preferred almost 2 to 1 over the other competitors lifts.
- Additionally of the 9 lifts recommended by pool industry distributors, 6 of them were Aqua Creek Lifts!
- Aqua Creek was chosen two times for ABC's Extreme Makeover Home Edition Program.
- Aquatics International Magazine declared an Aqua Creek product with the Most Valuable Product award in 2011 and 2013.
- Aqua Creek received a Pool & Spa News Reader's Choice Award for 2012.

## **Don't take our word for it; here's what people are saying about us:**

*"I'm absolutely amazed! I wish all manufacturers could be more like what Aqua Creek represents. Efficiency and integrity... what a concept. You've got an awesome team!"*

– Steven W., Auburn, CA

*"I would like you to know how important it is for me to have confidence in having an up-to-date range of well-designed equipment to promote which looks good and is well priced. Believe me when I say it is equally important to have confidence in the people behind the equipment as well!"*

– Janet C., United Kingdom.

## ***Still have questions?***

Aqua Creek has compiled this booklet using information from the United States Department of Justice and the United States Access Board to help answer your most pressing questions.

Feel free to contact us with any other questions by calling (888) 687-3552. The current ADA Regulations are available on our website at [www.aquacreek.com/help-center/ada-info/](http://www.aquacreek.com/help-center/ada-info/)

## **Other ADA Resources:**

### **Your regional ADA Center Website:**

[www.adata.org](http://www.adata.org)

### **The United States Department of Justice Website:**

[www.ada.gov](http://www.ada.gov)

### **United States Access Board Website:**

[www.access-board.gov](http://www.access-board.gov)



**Revolution Lift**



**Pro Pool-XR Lift**



**Pathfinder Lift**

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