

April 2, 2012

VIA ELECTRONIC SUBMISSION

Allison Nichol, Chief
Disability Rights Section
Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Re: Delaying the Compliance Date for Certain Requirements of the Regulations Implementing Titles II and III of the Americans with Disabilities Act, 77 Fed. Reg. 16196 (March 20, 2012).

Dear Ms. Nichol:

The Office of Advocacy (Advocacy) of the U.S. Small Business Administration (SBA) applauds the Department of Justice (DOJ) for publishing a final rule that extends by 60 days the date of compliance with certain requirements in the 2010 Americans with Disabilities Act (ADA) Standards for accessibility of existing swimming pools and spas.¹ Advocacy appreciates that DOJ has also released a proposed rule that seeks public comment on whether the compliance date for these requirements should be extended further to six months, or until September 27, 2012.² Advocacy strongly supports a six month delay to provide extra time for small businesses to understand and comply with these new requirements for swimming pools and spas.

DOJ is extending the compliance date in order to allow additional time to address misunderstandings among pool owners and operators regarding these ADA requirements. Advocacy has heard from small hotel owners and their representatives who continue to have questions regarding their obligations to remove barriers and provide accessibility in their existing swimming pools and spas. Advocacy is pleased that DOJ has released new compliance materials on this issue on the ADA website.³ Advocacy looks forward to

¹ *Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities; Swimming Pools, Final Rule, 77 Fed. Reg. 16163 (March 20, 2012).*

² *Delaying the Compliance Date for Certain Requirements of the Regulations Implementing Titles II and III of the Americans with Disabilities Act, NPRM, 77 Fed. Reg. 16196 (March 20, 2012).*

³ See DOJ, *Revised ADA Requirements: Accessible Pools* (Jan. 2012), available at http://www.ada.gov/pools_2010.htm; DOJ, *Letter to the American Hotel and Lodging Association* (Feb. 21, 2012), available at http://www.ada.gov/ahla_letter_2_21.htm; DOJ, *Letter to the Asian American Hotel Owners Association* (Feb. 21, 2012), available at http://www.ada.gov/aahoa_letter.htm.

continuing to work with the DOJ on educating small businesses about the requirements of this rule.⁴

Thank you for the opportunity to comment on this proposed rule. Please contact me or Assistant Chief Counsel Janis Reyes at (202) 205-6533 (Janis.Reyes@sba.gov) if you have any questions or require additional information.

Sincerely,

/s/

Winslow Sargeant, Ph.D.
Chief Counsel for Advocacy

/s/

Janis C. Reyes
Assistant Chief Counsel

cc: The Honorable Cass Sunstein, Administrator, Office of Information and Regulatory Affairs

⁴ Advocacy commends DOJ for taking the comments and concerns of small businesses into account during the development and implementation of these ADA rules. Advocacy submitted a public comment letter on the proposed rule that adopted these new ADA standards. When DOJ finalized this rule, it adopted Advocacy recommended alternatives that provided significant cost savings to small businesses. *See* comments from the Office of Advocacy to DOJ (Aug. 6, 2008), *available at* http://www.sba.gov/sites/default/files/files/doj08_0806.pdf.