

Please Note: Updated Information

On May 21, 2012, the Department extended the compliance date for sections 242 and 1009 of the 2010 ADA Standards for Accessible Design, as they relate to the provision of accessible entry and exit to existing (built before March 15, 2012) swimming pools, wading pools, and spas. These provisions for existing pools for title II entities will now take effect on January 31, 2013. This extension does NOT apply to the March 15, 2012 effective date for newly constructed or altered pools.

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**Accessible Pools :
Means of Entry and Exit
Title II – Existing Pools**

United States Department of Justice
Civil Rights Division
Recorded May 9, 2012

Pool Requirements in 2010 Standards

- Structural changes made by title II entities for purposes of providing program accessibility must comply with the 2010 Standards.
- The 2010 Standards require swimming pools, wading pools, and spas to have accessible means of entry and exit through the provision of fixed pool lifts, sloped entry, transfer walls, transfer stairs, and pool stairs.

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What is the difference between a non-fixed lift and a fixed lift?

- Non-fixed lift: lift not physically attached to the deck or apron in any way. A non-fixed lift is often called a portable lift.
- Fixed lift: lift is physically attached to the pool deck or apron in some way.
Fixed lifts does not mean permanently attached.
The lift may be removable.
- A “portable” lift that is attached to the pool deck would be considered a fixed lift.

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Basic Principles of Title II

- Equal opportunity
- Integration
- Inclusion in planning

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Program Access

No qualified individual with a disability shall, *because a public entity's facilities are inaccessible or unusable,*

- Be excluded from participation;
- Be denied benefits of programs;
- Be subjected to discrimination.

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Existing facilities

Operate each *service or activity* so that, when viewed *in its entirety,* it is *accessible to and usable by* people with disabilities.

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Methods of Providing Program Accessibility

- Regulation specifically drafted to provide a flexible approach. For example, entities may:
 - Acquire equipment;
 - Alter existing facilities;
 - Construct new facilities;
 - Reassign program or services to accessible facilities.
- If making structural changes to facility, must use 2010 ADA Standards.

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**Limitations on Program Access
Obligation**

- Fundamental alteration in the nature of the service, program, or activity
- Undue financial and administrative burdens.
 - BUT, public entities must take any other action that would ensure that individuals with disabilities receive the benefits or services.

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“When Viewed in Its Entirety”

- Look at each program or program component – how do people participate generally?
- What are existing barriers to participation?
- Identify locations in specific geographic areas – county by county, town by town, or neighborhood by neighborhood.

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**“When Viewed in Its Entirety” ...
Cont’d.**

- What services or programs are offered at each location? Who is the intended audience/customer base?
- Which locations are accessible and to what extent?
- How well dispersed are the accessible locations? How convenient are they?

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Factors to Consider When Applying Program Access to Swimming Pools

- Size of the public entity.
- Number, size, type, and locations of pools.
- Geographical distance between pool sites.
- Whether more than one community is served by particular pools.

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Factors – Cont'd

- Availability of lessons and other programs and amenities at each pool.
- Hours of operation.
- Travel distance and time to the pools.
- Availability of public transportation to the pool.

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Example: Multiple Pools

- I have several pools at my facility, do all have to be accessible?
- I have two pools that are similar, but one is indoor and one is outdoor, do both have to be accessible?

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Requirements for Swimming Pools in 2010 Standards

- ❖ **Large pools (300 linear feet or more):**
 - Must have at least two accessible means of entry.
 - One must be either a fixed pool lift or a sloped entry.
 - The other may be a sloped entry, fixed pool lift, transfer wall, transfer system, or pool stairs.
- ❖ **Small pools (less than 300 linear feet):**
 - Must have one accessible means of entry and exit.
 - Must be either a fixed pool lift or sloped entry.

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Accessible Means of Entry: Swimming Pools in 2010 Standards

- ❖ **Pool Lift** - Must comply with the technical requirements in the 2010 Standards including independent operation, location, size of seat, lifting capacity (weight) and clear floor space. (Section 1009.2 of the 2010 Standards)
- ❖ **Sloped Entry** - Must comply with the technical requirements in the 2010 Standards. (Section 1009.3 of the 2010 Standards)

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Accessible Means of Entry: Swimming Pools in 2010 Standards

- ❖ **Transfer Walls** – including clear deck space, height, wall depth and length, surface, and grab bars. (Section 1009.4 of the 2010 Standards)
- ❖ **Transfer System** – including transfer space and platform, height, transfer steps, surface, size, and grab bars. (Section 1009.5 of the 2010 Standards)
- ❖ **Pool Stairs** – including pool stairs (Section 504) and handrails. (Section 1009.6 of the 2010 Standards)

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Requirements for Spas

At least one accessible means of entry must be provided.

Choice of:

- Fixed Pool Lift
- Transfer Wall
- Transfer System

Exception for where spas are provided in a cluster – 5% but no fewer than one.

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Requirements for Wading Pools

At least one sloped entry must be provided.

- Sloped entry shall extend to the deepest part of pool.
- No handrails required.

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Common Questions about Program Accessibility and Pools

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**What if I already have a lift or
sloped entry in my existing pool.
Do I have to do more?**

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**Can I remove a lift during swim
competitions?**

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**Does program access require that I
help people on and off of the pool
lift or a wheelchair?**

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Must diving pools be accessible?

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Must I provide special wheelchairs to use in the sloped entry to my pool?

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Common Technical Questions

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What if my pool has water play components?

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Our recreation center has a deep pool with a minimum depth of 60 inches. What options do we have to provide access?

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We have a very large pool that has been permanently subdivided into two sections. You cannot swim from one section to the other. How could we provide accessibility at this pool?

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What could we do to provide access to our existing wave pool?

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I've provided a lift, do I need to do anything else?

- If you've provided a lift or other accessible means of entry to your pool, it needs to be maintained so that it is available and in working condition when the pool is open.
- Understand the type and frequency of maintenance that your particular type of equipment requires.
- Certain types of equipment may require more staff support and maintenance than others (e.g. ensuring there are enough batteries for a pool lift to maintain a continued charge during pool hours).

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I've provided a lift, do I need to do anything else?

- Entities should plan for these issues and modify operational policies as needed to provide accessible means of entry while the pool is open.
- Entities should also ensure that obstacles such as pool furniture or equipment are not placed so they block the accessible route to the lift or other accessible means of entry.

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I've provided a lift, do I need to do anything else?

Ongoing staff training is essential to ensure that accessible features (particularly pool lifts) are available whenever a pool is open. Staff should know:

- How to respond to requests or questions from individuals with disabilities;
- What accessible features or equipment are available;
- Where they are located;
- How to properly and safely set up and operate the accessible equipment; and
- How and when to perform maintenance.

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For more information about the ADA, please visit our website or call our toll-free number.

ADA Website: www.ADA.gov

ADA Information Line
800-514-0301 (Voice) and
800-514-0383 (TTY)
24 hours a day to order
publications by mail.

M-W, F 9:30 a.m. – 5:30 p.m.,
Thurs 12:30 p.m. – 5:30 p.m. (Eastern Time)
to speak with an ADA Specialist.
All calls are confidential.

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