



The Americans with Disabilities Act and Your Swimming Facility

Brief History of ADA Regulations

The Americans with Disabilities Act was signed into law on July 26, 1990. The roots of this legislation extend back to the 1960's when non-discrimination laws were initially passed. The challenge with eliminating discrimination against people with disabilities is that much of this discrimination is in the form of physical barriers that prevent a person from gaining access to a place, so they can be discriminated against.

The problem was trying to identify and remove the physical barriers that would create the discrimination. The task of trying to decide how to do this was given to a government department called the US Access Board. Made up of engineers, architects and designers, this board came up with what "accessibility" actually means. They determined how wide doorways have to be, what number of parking places have to be accessible in a parking lot, and what number of hotel rooms have to be accessible. The access board passed along their guidelines to the Department of Justice around 1990 and these guidelines became the regulations that were issued in 1991.

Somewhere in the mid-90s, the access board began to work on revisions to the 1991 guidelines. They began to consider other areas, which included access requirements for swimming pools. In September 2003, the access board published the Americans with Disabilities Act accessibility guidelines for swimming pools. This document is commonly referred to as ADAG 2004. Revised standards were signed into law July 26, 2010. They were published in the federal register on September 15, 2010 and that's actually the trigger point for implementation. The regulations went into effect on March 15, 2011 and full compliance will be required by March 15, 2012.

Who Does the ADA Regulations Affect?

The ADA regulations are divided into a number of sections or titles. Title II lists the requirements for local and state government facilities. This includes facilities in park & recreation departments and public schools. Title III facilities are privately-owned public accommodations. These include facilities such as hotels, community centers, and private pools.

Who Does the ADA Regulations NOT Affect?

Facilities that are not governed by the ADA include places like private homes, apartments, condominiums, HOAs, and private clubs. The rule of thumb for these types of facilities is that if they restrict the use of their facility to members or owners and their guest, then they are exempt from the ADA. However, if any of these facilities ever provide public accommodation, then they would lose that exemption. For example, if an apartment complex sold memberships to the pool to people who live outside of the apartment complex, they would then fall under the purview of ADA. If a condominium operated as a hotel, it would be considered to be a hotel and would fall under the purview of ADA. Homeowners associations are exempt as long as they restrict use of their pools to homeowners that live in that community and their guests. If they host swim meets, for example, to outside subdivisions or other HOAs, then they would fall under the ADA jurisdiction. If a private club rents its facility for private outings to outside organizations, it would fall under ADA requirements.