



Missouri Department of Health and Senior Services

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Technical Bulletin L2-12 Amended

TO: Regional EPHS V's
Local Public Health Administrators
Local Environmental Public Health Specialists

FROM: Mark Jenkerson, Chief
Bureau of Environmental Health Services

SUBJECT: ADA Pool and Spa Requirements

DATE: March 23, 2012

Many questions have been received concerning the new Americans with Disability Act (ADA) requirements for pools. These requirements were adopted as the 2010 Standards for Accessible Design in order to make pools accessible to everyone by March 15, 2012. That date has now been extended to make pools accessible to everyone by May 15, 2012. These requirements pertain to public pools, wading pools and spas in Title II (state and local government facilities) and Title III (public accommodations, private companies and commercial facilities including lodging establishments) facilities that are new or are being altered (remodeled/renovated). Pools that are located within residential dwellings, housing units, private residences, apartment complexes, condos or homeowners associations do not need to comply with these rules if they limit the use of their pool to their residents. If these pools are open to anyone besides tenants or have no membership requirement, receive federal funds or have members where anyone can join, then these pools will also need to abide by the ADA requirements.

These requirements are an ADA requirement, they are not a requirement of 19 CSR 20-3.050 which is the Department of Health and Senior Service's rule governing Lodging Establishments. During the annual inspection compliance with this accessibility requirement is not to be evaluated. So if an establishment's pool does not meet the ADA requirements, it is not to be marked as a violation on the inspection report.

The information contained below is intended to make you aware of the new requirements.

In order to make these new or altered pools accessible to everyone, lodging establishments will need to install one or two ADA accessible means of entry into a pool, depending on the size. A pool with less than 300 linear feet will need only one ADA accessible means of entry, a pool with more than 300 linear feet will need two. Pools less than 300 linear feet can either install a sloped entry or a lift. A sloped entry or a lift can be used as a primary means of access in pools larger than 300 feet, but those larger pools will also need at least a secondary means, which could be a transfer wall, transfer system or stairs.

If a lodging establishment has an existing pool that is not being altered, and finds this requirement to not be “readily achievable” then the establishment can look at alternatives to make their pool ADA accessible. “Readily achievable” means the establishment will easily be able to install the ADA access(es) without much difficulty or expense. If the establishment finds making their pool ADA compliant not readily achievable, the Department of Justice/ADA recommends documenting how much it will cost and how difficult it will be on the small business to install a new access. If it is not readily achievable, the establishment will need to look at alternatives to installing a permanent ADA compliant access. A portable lift could be used, especially at the same establishment with more than one pool or spa. A portable lift could be shared between several, closely located establishments as well, but as the Department of Justice/ADA pointed out, this should only be looked at as a temporary arrangement until installing an ADA compliant method is readily achievable.

According to the ADA requirement, Title III entities may take advantage of federal tax credits for small businesses for making these changes to their pools. Facilities will need to contact the IRS for more information.

Resources

1. Lodging Program Contact Information

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2. ADA 2010 Revised Requirements Accessible Pools Means of Entry and Exit

http://www.ada.gov/pools_2010.htm