

Americans with Disabilities Act (ADA) law affecting Pool and Spa Facilities

What does the law require?

The 2010 law requires pool and spa facilities to install certain types of devices to allow people with disabilities easier entry and exit from the water. Typical devices that may be installed are chair lifts, ramps, transfer walls, and transfer steps. The required devices typically include handrails to allow safer entry and exit from the water.

Who is responsible for enforcement of the new ADA requirements at pool and spa facilities?

The federal Department of Justice has enforcement authority for the new ADA requirements. It is the responsibility of pool and spa owners and operators to determine what is required for their facility to become compliant with the new ADA regulations.

Do I need a construction permit to become compliant?

Please note that a construction permit may be needed from the Illinois Department of Public Health prior to work being performed at pool and spa facilities to become compliant with the new requirements. Contact the Illinois Department of Public Health at 217-782-5830 or TTY (for Hearing Impaired use only) 800-547-0466 if you are not sure whether the steps needed to become compliant require a permit.

Do we meet the requirements?

- The best way to check for compliance is to refer to the 2010 ADA Standards for Accessible Design handbook found at:

http://www.ada.gov/2010ADASTandards_index.htm

Why should you comply?



- The Department of Justice may file lawsuits in federal court to enforce the ADA requirements, and courts may order compensatory damages and back pay to remedy discrimination if the Department prevails. Under Title III, the Department of Justice may also obtain civil penalties of up to \$55,000 for the first violation and \$110,000 for any subsequent violation.

Conflicts

- Some compliancy measures found in the ADA law are in clear conflict with Illinois law. IDPH intends to handle these issues on a case by case basis during their construction permit review and will work with you to comply with both state and federal requirements.

Where can I find more information?

- **ADA Information Line:** 800-514-0301 (voice) 800-514-0383 (TTY) www.ada.gov

The ADA Information Line provides information and technical assistance on the ADA Standards for Accessible Design and other ADA provisions applying to businesses, non-profit service agencies and state and local government programs. Information Specialists are available to answer general and technical questions during business hours on weekdays.

- Association of Pool and Spa Professionals <http://www.apsp.org>

The ADA Compliance Series sponsored by SR Smith, LLC

<http://www.apsp.org/Public/CareerInstitute/EducationontheGo/index.cfm>