New Jersey Department of Health & Senior Services
Public Health Sanitation and Safety Program

American Disabilities Act – Pool Entry Requirements
Guidance Document

Overview

The United States Department of Justice (USDOJ) adopted expanded guidelines for public pools as part of the American Disabilities Act (ADA) entitled ‘2010 ADA Standards for Accessible Design.’ The current effective date for retrofitting of existing facilities is May 21, 2012. The New Jersey Department of Health and Senior Services (NJDHSS) along with the New Jersey Department of Community Affairs (NJDCA) have received numerous requests from local health authorities (LHA) and the regulated community for guidance. This jointly developed guidance document is provided to assist the above regarding the current ADA requirements.

The Federal ADA requirements apply and have applied to new construction and altered swimming pools since March of 2011. Enforcement of the ADA is through a civil law suit alleging discrimination. However, because pool construction is part of the Uniform Construction Code, enforcement of the construction or alteration of swimming pools is carried out by State-licensed (by the Department of Community Affairs), municipally employed code enforcement officials. The UCC is not a retrofit code and, therefore, it applies to an existing swimming pool only when an owner decides to undertake a project.

Part of the ADA requirement is a retrofit requirement for existing facilities. The owner of the swimming pool is responsible for ensuring compliance with the Federal ADA. LHAs are encouraged to provide this document for guidance purposes only and not enforcement. Enforcement of the ADA requirements on existing facilities is through a civil law suit alleging discrimination. The USDOJ is the enforcement agency. For further guidance, visit the department's webpage at http://www.state.nj.us/health/phss/envhealthhaz.shtml#public or the USDOJ at www.ada.gov/.

Alterations of existing facilities are defined in the ‘2010 ADA Standards for Accessible Design.’ The ADA definition of an alteration is a “physical change to a swimming pool which affects or could affect the usability of the pool is considered to be an alteration. Changes to the mechanical and electrical systems, such as filtration and chlorination systems, are not alterations.”

The ADA definition for alteration is in relation to ADA requirements only. This should not be confused with the definition of an alteration in the public recreational bathing rule as found in N.J.A.C. 8:26. The definition found in N.J.A.C. 8:26 specifically describes’ the difference between a repair and alteration, pertaining more to operational characteristics.
Below is a quick reference guide of the new requirements.

<table>
<thead>
<tr>
<th>POOL TYPE</th>
<th>SLOPED ENTRY</th>
<th>LIFT</th>
<th>TRANSFER WALLS</th>
<th>TRANSFER SYSTEMS</th>
<th>STAIRS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Swimming (less than 300 linear feet of pool wall)</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Swimming (300 or more linear feet of pool wall)</td>
<td>✓*</td>
<td>✓*</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Wave action, leisure river, and other pools where user entry is limited to one area</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Wading pools</td>
<td>✓</td>
<td></td>
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<tr>
<td>Spas</td>
<td></td>
<td>✓</td>
<td>✓</td>
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<td>✓</td>
</tr>
</tbody>
</table>

*Primary means must be by sloped entry or lift, secondary means can be any of the permitted types.

**Service Animals**

Service animals are allowed in swimming pools and enclosures at New Jersey public recreational bathing facilities. The USDOJ and ADA define a "service animal" as "a dog that has been individually trained to do work or perform tasks for the benefit of an individual with a disability. The work or tasks performed by a service animal must be directly related to the individual's disability."

If you have any questions, please feel free to contact Loel Muetter @ (609) 826-4941 or email @ loel.muetter@doh.state.nj.us.

**References**

ADA Website: www.ADA.gov

ADA Information Line
800-514-0301 (Voice) and
800-514-0383 (TTY)