

## Swimming Pools and the Most Recent Revisions to the Americans with Disabilities Act (ADA)

### Background

The ADA is a civil rights law that prohibits discrimination on the basis of disability. The ADA has been law since 1990 and it affects many areas such as employment, state and local governments, transportation, public accommodations, and telecommunications.

The ADA has been amended a number of times. On September 15, 2010, new amendments added to ADA guidelines were signed into law. The new requirements cover a wide range of subjects from toilet facilities to boat slips. Recreation facilities, swimming pools, wading pools and spas are also included.

The U.S. Department of Justice (DOJ) is the federal agency for ADA; however federal, state and local public entities have the authority and responsibility to enforce ADA requirements.

### **Are the Minnesota Department of Health (MDH) and MDH delegated agencies responsible for enforcing swimming pool ADA requirements?**

No, MDH and delegated local agencies administering the swimming pool program are not responsible for enforcing the ADA law. Enforcement of all ADA requirements related to facilities and appurtenances the responsibility of the building official having jurisdiction where the pool is located. MDH is not responsible for review of swimming pools for ADA compliance.

MDH and delegated local agencies are responsible for enforcing Minnesota Rule Chapter 4717, the Swimming Pool Code.

### **Will MDH and delegated agencies staff inspecting swimming pools close a pool if the pool is not ADA compliant?**

No, MDH and delegated local agencies are not responsible for enforcing compliance with the ADA law and do not have the authority to close a pool for noncompliance with ADA requirements.

### **If a pool uses a ramp in order to meet the ADA requirement does this make it a zero depth entry pool that will require a lifeguard?**

No, a ramp into a pool is not considered a zero depth entry swimming pool because the ramp does not connect shallow water to deeper water. Life guards are required at pools with zero depth entry areas when they connect shallow water to deeper water.

### **Where can I find more information on the ADA act?**

You should contact the U.S. DOJ or the building official in your area. The following links also may be helpful:

- [The Americans with Disabilities Act \(ADA\) protects people with disabilities from discrimination \(https://www.ada.gov/\)](https://www.ada.gov/)
- [2010 ADA Standards for Accessible Design \(https://www.ada.gov/law-and-regs/design-standards/2010-stds/\)](https://www.ada.gov/law-and-regs/design-standards/2010-stds/)
- [Adoption of the 2010 Standards for Accessible Design Fact sheet \(https://archive.ada.gov/regs2010/factsheets/2010\\_Standards\\_factsheet.html\)](https://archive.ada.gov/regs2010/factsheets/2010_Standards_factsheet.html)

**Questions?** For questions about accessibility issues in Minnesota contact Curtis Wiehle of the Department of Labor and Industry at [curtis.wiehle@state.mn.us](mailto:curtis.wiehle@state.mn.us).

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*To obtain this information in a different format, call: 651-201-4500.*