

Bob Wilbur

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Date: Wednesday, May 21, 2014 9:38 AM
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Subject: Fwd: ADA Compliance

FYI...Ed's current research into ADA compliance and limited vs. general use pool category. We have received an application from the Island County Health Department to be limited use. We have responded accordingly. Regardless of whether we open or not this summer, this will keep us compliant for the remainder of this year.

Best regards,
 Suzy

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Begin forwarded message:

From: Ed Delahanty <whshed@live.com>
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Subject: FW: ADA Compliance

Hi All,

With some research done in advance and a phone call to the US Dept of Justice ADA Compliance info line it's clear that if we open as a Limited Use Pool - ie only available to ACBC property owner members (in good standing) and their guests - no Associate members - we need not comply with the ADA requirements.

Long term our intent should definitely be to comply with ADA requirements in both the Pool and the Pool Building, but to open this year - if we can comply with all other legal requirements - we need not be ADA compliant.

Note especially the 2nd paragraph below.

If we ultimately decide to proceed in this manner we'll need a Board motion to not have Associate members this year.

Kind Regards,

Ed.

**ADA POOL REQUIREMENTS
SELECTED INFORMATION FROM THE DEPT. OF JUSTICE WEBSITE
Questions and Answers
5-24-12**

In January 2012, the Department (of Justice) issued guidance titled "[ADA 2010 Revised Requirements: Accessible Pools](#)" "[Accessible Means of Entry and Exit](#)" to assist entities covered by Title III of the ADA, such as hotels and motels, health clubs, recreation centers, public country clubs, and other businesses that have swimming pools, wading pools, and spas, in understanding how the new requirements apply to them. This Questions and Answers document provides answers to some common questions regarding requirements in the 2010 regulations and Standards as they apply to public accommodations with existing pools. While the document answers a large number of questions, one of our key goals is to emphasize the flexibility of the standards for existing swimming pools.

Does a community pool have to provide an accessible means of exit and entry?

Community pools that are associated with a private residential community and are limited to the exclusive use of residents and their guests are not covered by the ADA accessibility requirements. On the other hand, if a swimming pool/club located in a residential community is made available to the public for rental or use, it is covered under Title III of the ADA. See:

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

Presuming that we open the pool this summer as a limited use facility (see below) and do not allow associate membership this year nor allow the pool to be open to the general public for any purpose!

I called the US Department of Justice ADA contact number on 5-19-14 at 10 am and spoke to the ADA "Specialist" about our situation, explaining:

- o That we have a community (private, residential) pool that is only used by members and their guests
- o That there is no "public" use, i.e. No swim classes or "open" swim
- o There is no rental of the pool to the general public

The "specialist" response was that given these conditions of operation we are a private residential community pool and do NOT have to comply with the ADA requirements.

WAC 246-260-010

Definitions:

(46) "Limited use pool" means:

(a) Any swimming, spa, wading, or spray pool regulated by this chapter at an apartment, assisted living facility, condominium, fraternity, home owners association, hotel, mobile home park, motel, recreational vehicle park, sorority or rental housing unit for the use of the persons living or residing at the facility and their resident's invited guests.

(b) When organized programs are provided at the facility (including, but not limited to, formal swimming or diving lessons, swim meets, or exercise classes), for users besides those specified under the limited use category, the pool facility shall be considered to be a general use pool during periods of such activity.