

New ADA Regulations for Recreation Facilities, Fitness Settings and Pools

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In the fall of 2010, the U.S. Department of Justice announced revisions to the Americans with Disabilities Act (ADA) Standards for Accessible Design that apply to both state and local governmental entities as well as to places of public accommodation. These revised regulations define a "place of public accommodation" as a facility operated by a private entity whose operations "affect commerce," including such facilities as hotels, motels, inns, restaurants, public or private schools, daycare and senior centers, recreation facilities, play areas, and other fitness settings, to name a few. These regulations do not apply to private residential facilities, such as retirement communities or homeowners', apartment and condominium associations, unless these facilities are open to the general public. However, it is important to note that if one of the above-mentioned residential facilities receives federal funding or is otherwise government-guaranteed, the answer may be different and such a facility should seek legal advice.

Accessible Design Standards

The new Standards for Accessible Design are a revision of the 1991 Access Board Guidelines with additional sections that cover recreation facilities, swimming pools, camps and children's play areas. The significance of this change is that it clearly informs facilities that they have a legal obligation to adhere to these accessible design standards,

The following are examples of changes that will affect recreation facilities.

Fitness Equipment

At least one of each type of exercise equipment must be on an accessible route and must have a clear floor space positioned to enable an individual with a disability to use the equipment. At least 25% of guard/handrails must be no higher than 34 inches and dispersed, with clear floor space provided at each railing and turning space on the pier.

Saunas and Steam Rooms

Must be accessible, having appropriate turning space, doors that do not swing into clear floor space, and, where provided, an accessible bench.

Play Areas

Any areas designed, constructed, and altered for children ages two and over in a variety of settings. Accessible ground and elevated play components, accessible routes, ramps and transfer systems, and accessible ground surfaces must be provided.

Swimming Pools, Wading Pools, and Spas

Accessible means of entry/exit for pools are required (i.e. pool lift or sloped entry, and either a transfer wall, transfer system, or pool stairs).

Wading pools must provide sloped entry.

Spas must provide a pool lift, transfer wall, or transfer system.

Boating Facilities

Where boarding piers are provided, at least 5% (but no fewer than one) must be accessible.

Fishing Piers and Platforms

Newly designed, constructed, or altered piers must provide accessible routes.

Dates to be aware of:

The rules are slated to take effect on March 15, 2011, However it is anticipated that facilities are not going to be required to comply with the 2010 Standards for Accessible Design for another 18 months.

As of March 15, 2012, all new construction, renovations, and alterations must use the 2010 Standards.

Staying informed on the process with its enforcement and exceptions will be in your best interest.

Resources for keeping informed:

The Department of Justice has published a number of factsheets to explain the changes that were made. In order to gain a head start, please consult the following.

Summary of Changes: <http://www.ada.gov/regs2010/ADAregs2010.htm>

2010 Standards for Accessible Design:

http://www.ada.gov/regs2010/factsheets/2010_Standards_factsheet.html

In addition, revisions have also been made to Title II (public entities) and Title III (public accommodation and commercial facilities) of the ADA. For more information on these, you may wish to consult:

Title II: http://www.ada.gov/regs2010/factsheets/title2_factsheet.html

Title III: http://www.ada.gov/regs2010/factsheets/title3_factsheet.html

Source: The National Center on Physical Activity and Disability website

<http://www.ncpad.org/index.php>

Additional Information:

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