

**GUIDANCE FOR POOLS AND SPAS REGARDING
DOCUMENTATION OF COMPLIANCE WITH THE
2010 AMERICANS WITH DISABILITIES ACT**

MARYLAND DEPARTMENT OF HEALTH AND MENTAL HYGIENE (DHMH)
Division of Community Services (DCS)
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This document provides **UPDATED** guidance for Maryland public pool and spa owners regarding the 2010 ADA Standards for Accessible Design (“2010 Standards”), and replaces previous guidance.

ALL POOL AND SPA OWNERS MUST REVIEW AND COMPLETE THE “AMERICANS WITH DISABILITIES ACT (ADA) AFFIDAVIT FOR MARYLAND PUBLIC POOLS AND SPAS”

(available at: <http://ideha.dhmh.maryland.gov/OEHFP/CHS/SitePages/consumer-product-safety.aspx>). This document replaces the previous ADA questionnaire, which is no longer in effect. *If you previously submitted an ADA questionnaire, you must still complete the ADA affidavit, even if your plans have not changed.* The table below shows what documents you should provide, depending on which box you select on the ADA affidavit.

All forms are available at: <http://ideha.dhmh.maryland.gov/OEHFP/CHS/SitePages/consumer-product-safety.aspx>.

Box checked on the ADA Affidavit	Your Facility’s Current Compliance Status with the 2010 ADA Standards	Documents You Should Submit to the Local Health Department
The pools and/or spas located at this facility are required to meet the 2010 ADA Standards and fully comply or will submit plans by September 15, 2012 to bring the facility into full compliance with these Standards.	Fully complies with 2010 ADA Standards or will by March 15, 2012	Signed affidavit by March 15, 2012
	Does not currently comply with 2010 ADA and you intend to bring it into compliance	Signed affidavit AND an <i>Application for Compliance Schedule</i> by March 15, 2012; construction permit application by September 15, 2012*
The pools and/or spas located at this facility are required to meet the 2010 ADA Standards but compliance is “ not readily achievable ” at this time.	Self-assessment has determined that compliance is not readily achievable at this time	Signed affidavit by March 15, 2012
The pools and/or spas located at this facility are not required to meet the 2010 ADA Standards.	Not applicable	Signed affidavit by March 15, 2012
The pools and/or spas located at this facility are required to meet the 2010 ADA Standards but do not meet the Standards.	Not currently in compliance and no plans to be in compliance	Signed affidavit by March 15, 2012

**For pools and spas in Anne Arundel, Baltimore, Howard, Montgomery, Prince George’s Counties and Baltimore City, submit the construction permit application to the Local Health Department. For pools and spas in other counties submit the construction permit application to the Division of Community Services, see address above.*

The Department of Health and Mental Hygiene and local health departments will not issue an operating permit to a facility that is not in compliance with the 2010 ADA Standards, unless there is either a compliance plan submitted by September 15, 2012, or the owner/operator indicates that the pools and spas at the facility are not required to meet the 2010 ADA Standards.

If you have additional questions related to the 2010 ADA Standards you may consult the **Frequently Asked Questions (FAQ)** document available at: <http://ideha.dhmh.maryland.gov/OEHFP/CHS/SitePages/consumer-product-safety.aspx>. For questions not covered in the FAQ you may contact the Department of Justice at 1-800-514-0301.