



DO NOT  
PUSH OR PULL  
AGAINST

# Q&A

## IS MY POOL REQUIRED TO BE COMPLIANT WITH THE AMERICANS WITH DISABILITIES ACT?

BY MARLEY CUNNINGHAM

The ADA prohibits discrimination on the basis of disability by places of public accommodation, including many private businesses. Title III requires that newly constructed and altered facilities be fully accessible and free of barriers to people with disabilities, when providing such access is readily achievable.

---

### **Our campus pool was built before the effective date of the new Standards. Is our facility “grandfathered” in?**

**A** No. The ADA does not have a provision to “grandfather” a facility. It does have a “safe harbor” provision, which applies to existing elements built prior to the new standard that fully complied with the 1991 Standards. However, Safe Harbor does not apply to elements that are new in the 2012 Standards and did not exist in the 1991 ADA Standards, including swimming pools, wading pools and spas. Businesses are required to make existing pools accessible only when it is “readily achievable” to do so, meaning that providing accessibility can be accomplished without much difficulty or expense.



Generous tax credits for making these renovations are available, and there are options now to both lease and finance pool lifts. Such readily-available financial help could make it difficult to demonstrate any undue hardship.

**I want people with disabilities to feel welcome in my business, but I'm not sure how I'll afford it. What are my options?**

**A** There are a few ways you can get assistance to become more accessible!

- **Government Funding:** Section 44 of the IRS code allows a tax credit for small businesses that have a total annual revenue of \$1,000,000 or less, or thirty or fewer full-time employees. This credit can cover 50% of the eligible access expenditures in a year, up to \$10,250 (for a maximum credit of \$5,000). Section 190 allows a tax deduction for all businesses, with a

maximum deduction of \$15,000 per year. To learn more about these provisions, campus administrators can contact the DOJ ADA Information Line at 800-514-0301 (voice) or 800-514-0383 (TTY).

- **Fundraising:** Because accessibility in existing facilities is an ongoing obligation, the ADA recommends that businesses develop plans to provide access when it becomes readily available. Businesses can start an "Accessibility Fund" and plan to put money into the fund until the goal is reached. Community fundraisers could help with these efforts.

- **Contacting a Local Dealer:** A great place to start that doesn't cost a dime is simply calling and asking. Campus administrators can start with reaching out to a local dealer of Mobility Equipment to ask about funding or financing.

**What are the benefits of compliance?**

**A** About one in four—sixty-one million—adults in America are living with a disability, making people with disabilities the largest minority group in America! Accessibility not only benefits those with disabilities, but others, as well. Increasing accessibility increases the number of customers who have access to facilities, and their patronage can increase revenue. Disabled adults have an estimated spending power of \$490 billion in disposable income each year, so ADA compliance can be financially rewarding, as well.

---

ABOUT THE AUTHOR: Marley Cunningham, Director of Marketing at Aqua Creek Products in Missoula, Montana.

**BEDBUGS • BACTERIA  
MOLD • MILDEW • MITES  
MOSQUITOES • GERMS  
LICE • VIRUSES  
SPIDERS • ODORS  
FUNGUS • INSECTS**

*Sterifab It!!*



**STERIFAB®**  
MUCH MORE THAN A BED BUG KILLER

800 359-4913 • STERIFAB.COM

**PUPN**  
PRIVATE UNIVERSITY PRODUCTS AND NEWS

**BE PART OF PUPN MAGAZINE'S  
FITNESS & RECREATION  
SPECIAL EDITION 2022**





About one in four—sixty-one million—adults in America are living with a disability, making people with disabilities the largest minority group in America! Accessibility not only benefits those with disabilities, but others, as well

**Rise Above Wet Floors.**  
**Dri-Dek®**  
 Dri-Dek interlocking tiles not only drain water, its patented textured surface lifts you above wet floors. Twelve designer colors.

FREE SAMPLES and Instant Brochure.  
 Visit [dri-dek.com](http://dri-dek.com) today!  
 Call 800-348-2398.

© 2022 KENDALL PRODUCTS - All Rights Reserved

**SCHOOL BRANDING**  
 SHOULDN'T STOP AT YOUR ACCESSIBILITY EQUIPMENT

**CUSTOM COLORS**

**Aqua Creek Products**  
 Leaders in Recreation, Fitness and Ability

[aquacreek.com](http://aquacreek.com) • 888.687.3552 •