

**AMERICANS WITH DISABILITIES ACT (ADA)  
COMPLIANCE QUESTIONNAIRE FOR  
MARYLAND PUBLIC POOLS AND SPAS**

**MARYLAND DEPARTMENT OF HEALTH AND MENTAL HYGIENE (DHMH)**  
Division of Community Services (DCS)  
6 St. Paul Street, Suite 1301, Baltimore, Maryland 21202-1608  
Phone: 410-767-8417 Fax: 410-333-8926  
Toll Free: 1-877-4MD-DHMH ext. 8417

**Who should use this form?**

- Maryland pools and spas regulated by the Department of Health and Mental Hygiene

**Why must I complete this form?**

- To document whether the pool or spa must comply with 2010 ADA Standards for Accessible Design

**When do I need to submit this form?**

- When you submit either: (1) an application for an annual operating permit to your local health department; (2) an application for a construction permit or compliance schedule to the DHMH Division of Community Services (DCS)

**What happens if the form is not submitted?**

- The operating permit for the pool or spa will be denied or suspended

The U.S. Department of Justice (USDOJ) published revised regulations for Titles II and III of the Americans with Disabilities Act of 1990 (“ADA”) in the Federal Register on September 15, 2010. These regulations adopted revised, enforceable accessibility standards called the 2010 ADA Standards for Accessible Design (“2010 Standards” or “Standards”), which are available online at [http://www.ada.gov/2010ADASTandards\\_index.htm](http://www.ada.gov/2010ADASTandards_index.htm). The 2010 Standards set minimum requirements – both scoping and technical – for State and local government facilities, public accommodations, and commercial facilities to be readily accessible to and usable by individuals with disabilities. It should also be noted that swimming pools and spas are specifically not eligible for the so-called “safe harbor” provision of the regulation, so that if they are subject to the regulation at all they must comply with the provisions of 2010 Standards *by March 15, 2012*.

**Provide the following information about your facility:**

Name of Owner: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 Contact name: \_\_\_\_\_ Phone number(s): \_\_\_\_\_  
 Contact email: \_\_\_\_\_

Type:	Pool	Wading pool	Spa	Pool(s) or spa(s) physical address:
Number:				

**Use the following questions to determine if your pool or spa will need to comply with the 2010 ADA Standards:**

1. Is the pool or spa required to obtain an annual operating permit from the Department of Health and Mental Hygiene or the local health department?  
 Yes  Go to Question 2.      No  You do not need to submit this form.
2. Is the pool or spa owned by an entity of local or State government?  
 Yes  The pool or spa is required to meet the 2010 ADA Standards. Read and sign the Owner’s Statement on page 2.  
 No  Go to Question 3.
3. Is the pool or spa owned by a condominium association or timeshare?  
 Yes  Skip to 5. Condominium/Timeshare Questions.  
 No  Go to Question 4.

4. Is the pool or spa owned by:
- a.  A 'private club' exempted from coverage under title II of the Civil Rights Act of 1964 (42U.S.C. 2000a(e))
  - b.  A homeowners association
  - c.  An apartment complex  
If a, b, or c applies, skip to Question 6.
  - d.  None of the above. The pool or spa is required to meet the 2010 ADA Standards. Read and sign the Owner's Statement below.

5. Condominium/Timeshare Questions

- a. Are guest rooms primarily for short term stays (30 days or less)?
- b. Is there an on-site or off-site management and reservation service and does more than one owner use the same service?
- c. Are guest rooms available on a walk-up or call-in basis?
- d. Is there housekeeping or linen service?
- e. Are reservations for a guest room accepted without guaranteeing a particular unit or room until check-in and without a prior lease or security deposit?

At least one room meets ALL of the above. The pool or spa is required to meet the 2010 ADA Standards. Read and sign the Owner's Statement below.

Not even one guest room meets all 5 of the above. Go to question 6.

6. Can the public pay to use the pool or spa, including buying pool memberships or renting the pool or spa for events?
- Yes  The pool or spa is required to meet the 2010 ADA Standards. Read and sign the Owner's Statement below.
- No  The pool or spa is **not required** to meet the 2010 ADA Standards. Read and sign the Owner's Statement below and submit this form to your local health department with your application for an annual operating permit.

**Owner's Statement:**

I have carefully examined and read this form and understand that providing false information may result in denial, suspension or revocation of an operating permit. I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

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Signature (Owner or Owner's Agent) Title Date

**If applicable, compliance with the 2010 ADA Standards for Accessible Design is required by March 15, 2012. Further information can be found at: <http://ideha.dhmdh.maryland.gov/OFPCHS/consumer-health-services.aspx>**