

## California Builder's Code (CBC) and the ADA

Much has already been written discussing barrier removal requirements attached to the revised Americans with Disabilities Act (ADA) that was signed into law on July 26, 2010. With respect to swimming pools, the regulations are pretty much the same for everyone, unless you live in California.

Besides complying with the provisions of the ADA, residents of California are also under the jurisdiction of the California Builder's Code (CBC). Provisions of this code, in some cases, actually go beyond the requirements stipulated in the ADA.

This paper will discuss how the CBC rules for swimming pools differ from the ADA.

### Facilities Required to Provide Access

The 2010 ADA revision established firm requirements for providing accessibility to both Title II (government owned entities) and Title III (privately owned public accommodations) facilities.

Determining who is subject to ADA regulations is fairly clear with respect to Title III. Public Accommodations are those facilities who fall under any of the following twelve categories:

- 1) Places of lodging (e.g., inns, hotels, motels) (except for owner-occupied establishments renting fewer than six rooms);
- 2) Establishments serving food or drink (e.g., restaurants and bars);
- 3) Places of exhibition or entertainment (e.g., motion picture houses, theaters, concert halls, stadiums);
- 4) Places of public gathering (e.g., auditoriums, convention centers, lecture halls);
- 5) Sales or rental establishments (e.g., bakeries, grocery stores, hardware stores, shopping centers);
- 6) Service establishments (e.g., laundromats, dry-cleaners, banks, barber shops, beauty shops, travel services, shoe repair services, funeral parlors, gas stations, offices of accountants or lawyers, pharmacies, insurance offices, professional offices of health care providers, hospitals);
- 7) Public transportation terminals, depots, or stations (not including facilities relating to air transportation);

- 8) Places of public display or collection (e.g., museums, libraries, galleries);
- 9) Places of recreation (e.g., parks, zoos, amusement parks);
- 10) Places of education (e.g., nursery schools, elementary, secondary, undergraduate, or postgraduate private schools);
- 11) Social service center establishments (e.g., day care centers, senior citizen centers, homeless shelters, food banks, adoption agencies);
- 12) Places of exercise or recreation (e.g., gymnasiums, health spas, bowling alleys, golf courses).

Noticeably absent from this list is any type of residential facility, including private homes, apartment complexes, condominiums, and home owner's associations. While there are times when these types of facilities may fall under ADA jurisdiction, for the most part they are not required to provide access to swimming pools located on their premises.

The CBC establishes minimum requirements for public buildings within the State of California. A central theme that permeates this code is to ensure that barrier-free design is incorporated into all public facilities and that they are both accessible and usable by persons with disabilities.

This includes swimming pools.

The CBC applies to any non-private pool located in any of the following types of facilities:

- commercial building
- hotel, motel, resort
- automobile and trailer park, automobile court, mobile home park
- campground
- apartment house, condominium, townhouse, homeowner association, club, community building
- public or private school
- gymnasium and health establishments

In California, a private pool is defined as any constructed pool, permanent or portable, which is intended for noncommercial use as a swimming pool by not more than three owner families and their guests.

A public pool in California is any pool other than a private pool.

Under CBC public pools in California that fall into this category must be accessible, and a mechanism to assist persons with disabilities in gaining entry into the pool and in exiting the pool shall be provided.

This means that apartments, condos, and HOA's within the State of California must provide access to their swimming pools, even though access would not be required under ADA regulations anywhere else in the country.

## Means of Access

The 2010 ADA Regulations define five permitted means of access for swimming pools:

- Swimming Pool Lifts
- Sloped Entries
- Transfer Walls
- Transfer Systems
- Accessible Pool Stairs

The CBC only mentions one means of access when requiring a mechanism to assist users to gain entry to a pool. "Such a mechanism may consist of a swimming pool lift device as long as the device meets all of the following criteria . . ." There is no mention of any type of access means other than a lift, although the language is sufficiently vague to leave the door open for other options. If another option is used, there is no CBC criteria for its operational characteristics, however, the ADA regulations can provide such guidance.

The criteria for a swimming pool lift outlined by CBC is similar to the requirements specified by the ADA regulations, however, there are some differences. The following chart compares the respective requirements:

Requirement	ADA	CBC
Water depth at location	48" maximum (1009.2.1)	36" minimum (1004B.4.4.5)
Seat location for transfer	Center line of seat shall be a minimum of 16" from the edge of the pool (1009.2.2)	Not mentioned
Clear Deck Space	36" x 48" from edge of seat extending forward from 12" from back of seat (1009.2.3)	Not mentioned
Seat height above deck in loading position	Designed to allow a stop at 16 inches minimum to 19 inches maximum (1009.2.4)	Not less than 17 inches and not more than 19 inches, inclusive of any cushioned surface that might be provided (1004B.4.4.1.2)
Seat width	16" minimum (1009.2.5)	Not specified
Footrests and arm rests	Footrest required, arm rest optional (1009.2.6)	Two arm rests required. (1004B.4.4.1.3) Footrests not specified
Operation	The lift shall be capable of unassisted operation from both the deck and water levels. (1009.2.7)	Be capable of unassisted operation from both the deck and water levels. (1004B.4.4.2)

<b>Requirement</b>	<b>ADA</b>	<b>CBC</b>
Submerged Depth	The lift shall be designed so that the seat will submerge to a water depth of 18 inches minimum below the stationary water level. (1009.2.8)	Lower the operator at least 18 inches (457 mm) below the surface of the water. (1004B.4.4.6)
Lifting capacity	300 pounds (1009.2.9)	300 pounds (1004B.4.4.4)
Seat Composition	Not Specified	Must be rigid. (1004B.4.4.1.1)
Back Support	Not Specified	The seat must have a back support that is at least 12 inches tall. (1004B.4.4.1.4)
Occupant Restraint	Not Specified	The seat must have an occupant restraint for use by the occupant of the seat. (1004B.4.4.1.5)
Stability	Not Specified	Be stable and not permit unintended movement when a person is getting into or out of the seat. (1004B.4.4.3)

Most pool lifts on the market that meet the ADA requirements will also comply with the criteria specified by the CBC, although those where arm rests are an option will need to be sure that this item is included.

For more information on ADA regulations for swimming pools, please visit our web site, [www.poollifts.com](http://www.poollifts.com), or contact the Disability Rights Section of the Department of Justice at [www.ada.gov](http://www.ada.gov).