

# ADA Pool Lift Compliance: Predatory Litigation

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Over the past few years many of you have heard a great deal about a new piece of legislation that was put into place that significantly affected both the lodging and multi-family industry. The Department of Justice made a major change to the Americans with Disabilities Act (“the ADA”), which now requires a pool lift (or means of entry) for its guests and residents.<sup>1</sup> The new regulations mandate that all pools (and spas) have at least one means of access – which means installing pool lifts that are permanently affixed to the pool deck. The new requirements for all newly constructed and existing pools are meant to ensure that, going forward, people with disabilities can enjoy the same activities as everyone else. However, with all new laws there are unintended consequences.

Over the past several months, we have seen a rise in lawsuits filed against hotels for violations of not just the new ADA Pool Lift law, however, various other ADA compliance rules and regulations as well. One plaintiff in particular has filed over 60 lawsuits in three states: Texas, Tennessee and New York. Even more surprisingly, many of these hotels are actually in compliance of many of the alleged violations. They have ordered and installed pool lifts and meet all ADA compliance standards, however, that has not deterred this predatory practice. For example, if an employee of an ADA compliant hotel provides a person with inaccurate information regarding their pool lift compliance, it could be enough to trigger a lawsuit.

In order to familiarize yourself with the 2010 ADA Standards requirements and technical specifications: a pool lift's location, size of the seat, lifting capacity, clear floor space, etc. View a copy of the ADA Standards at [http://www.ada.gov/2010ADASTANDARDS\\_INDEX.HTM](http://www.ada.gov/2010ADASTANDARDS_INDEX.HTM).

<sup>1</sup> See [http://www.ada.gov/pools\\_2010.htm](http://www.ada.gov/pools_2010.htm)