

THE RSC GOLDEN TURKEY AWARD

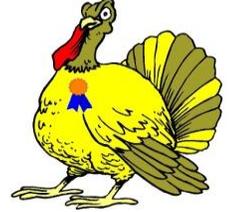
Sink the New DOJ Decision

March 2012



The RSC Golden Turkey Award highlights absurd – though obscure – government regulations. This DOJ rule will significantly affect hotel owners.

IN THIS MONTH'S EDITION: THE FEDERAL GOVERNMENT IS FORCING HOTEL OWNERS TO FOLLOW UNREASONABLE POOL ACCESSIBILITY REGULATIONS.



In 2010, the Department of Justice (DOJ) adopted new standards for accessible design to replace the 1991 standards, which included requirements for hotels to make pools and spas accessible to persons with disabilities. In other words, the Department of Justice is requiring all hotels to make pools and spas comply with federal accessibility standards, no matter the cost of implementation. Among other problems, these regulations do not allow for hoteliers to use one pool lift for different pools, implicitly requiring instead that pools with multiple bodies of water buy multiple pool lifts which must be kept operational at all times, including when the pool is unattended and unoccupied.

In February, the DOJ issued revised guidance to address questions from the hotel industry regarding how to implement the requirements for pool and spa accessibility, including the use of pool lifts. Unfortunately the guidance left much to be desired, and still left open questions of compliance ability and economic cost. The deadline for hotels to comply with the new pool standards was March 15. Rep. Mulvaney wrote a letter to DOJ to extend the deadline for compliance, allow hotels to use portable pool lifts at multiple pools and allow hotels flexibility in providing pool lifts to guests with disabilities. Rep. Mulvaney applauded the efforts of the DOJ to ensure access for disabled individuals, but insisted that access is provided in a reasonable and economically achievable manner.

Shortly after the letter was sent, the DOJ has extended the deadline for compliance with this regulation by 60 days. However, the regulations will still be implemented at the end of this time period unless DOJ decides otherwise, or unless Congress acts to prevent them.

As a result, Rep. Mulvaney has introduced H.R. 4256, the Pool Safety and Accessibility for Everyone (Pool SAFE) Act, which would extend the compliance deadline by a year from the date of passage, allow the use of a portable pool lift to comply with the accessibility standards, and allow the use of a single pool lift at a single site with multiple water features. All RSC Members are encouraged to support and cosponsor H.R. 4256. For more information or to cosponsor, please contact Natalee Binkholder at natalee.binkholder@mail.house.gov.

RSC Staff Contact: Rick Eberstadt, Rick.Eberstadt@mail.house.gov, (202) 226-9717

For more information about the RSC Golden Turkey Award, visit us at:
<http://RSC.Jordan.House.Gov/GoldenTurkey>