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2 Councilmember Jack Evans


Councilmember Vincent C. Gray

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7 A BILL
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11 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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18 To establish standards, on a temporary basis, governing the presence of lifeguards at
19 semi-public swimming pools; to exempt semi-public swimming pools from the
20 requirement to provide shower facilities, toilet facilities, eye wash stations, and dressing
21 rooms, if the facilities are restricted to residents and guests and are located within 300
22 feet of a dwelling unit; and to exempt cooperatives, condominiums, and apartment
23 buildings operating semi-public swimming pools from requirements to provide a pool
24 operator, water quality and safety logs, a fence around rooftop swimming pools, or a
25 safety line.
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27 BE IT ENACTED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
28 act may be cited as the “Pools Without Penalties Temporary Act of 2018”.

29 Sec. 2. Definitions.

30 For the purposes of this act, the term:

31 (1) “Bather” means any person using a swimming pool or spa pool and adjoining deck
32 area for the purpose of water sports, recreation therapy or related activities.

33 (2) “Class C, semi-public swimming pool” or “swimming pool” means any swimming
34 pool operated solely for and in conjunction with lodgings such as hotels, motels, cooperatives,
35 apartments, and condominiums.

36 (3) "Diving board" means a recreational mechanism for entering a swimming pool,
37 consisting of a semi-rigid board that derives its elasticity through the use of a fulcrum mounted
38 below the board.

39 (4) "Lifeguard" means a person having the qualifications of and possessing a current
40 American Red Cross, YMCA, or other Lifeguard Certifications, current First Aid Certificates,
41 current CPR (which includes adult, child, and infant), Certificates issued by nationally
42 recognized aquatic training organizations, such as the International Lifeguard Training Program,
43 that are adopted and recognized by the Department of Health; and is responsible for the safety of
44 the users of a public swimming pool or spa pool.

45 (5) "Sauna" means an aquatic feature including but not limited to the application of water
46 vapor from hot water facilities such as Jacuzzis, hot tubs and steam baths.

47 (6) "Spa pool" means a structure intended for either warm or cold water where prolonged
48 exposure is not intended. Spa structures are intended to be used for bathing or other recreational
49 uses and are not usually drained and refilled after each use. It may include, but is not limited to,
50 hydrotherapy, air induction bubbles, and recirculation.

51 Sec. 3. Lifeguards.

52 (a) Except as provided in subsection (b) of this section, a lifeguard shall not be required
53 for a Class C, semi-public swimming pool that is:

54 (1) Open for use only to persons who hold membership or other paid association
55 in the facility where the swimming pool is located;

56 (2) Open for use only to persons who are permanent or temporary residents or
57 guests of residents at the facility where the swimming pool is located;

58 (3) Open for use to persons who are lodging for a fee at the facility where the
59 swimming pool is located; or

60 (4) A spa pool or sauna.

61 (b) A lifeguard shall be required for a swimming pool that has:

62 (1) A diving board;

63 A depth of at least 5 feet; provided, that the swimming pool is constructed after
64 June 30, 2018; and

65 (3) An expected bather population of fifty percent or more children under the age
66 of 15.

67 Sec. 3. Facilities.

68 An operator of a Class C, semi-public swimming pool shall not be required to provide
69 shower facilities, toilet facilities, eye wash stations, and dressing rooms for swimming pool users
70 where:

71 (1) Use of the swimming is restricted to residents and guests; and

72 (2) The farthest dwelling unit in the hotel, motel, cooperative, condominium, or
73 apartment building is less than 300 feet from the swimming pool area, as measured along
74 walkways provided for access by residents and guests to the swimming pool area.

75 Sec. 4. Operations.

76 A cooperative, condominium or apartment building operating a Class C, semi-public
77 swimming pool shall not be required to provide:

78 (1) A swimming pool operator pursuant to section 300.1 of Title 25-C of the
79 District of Columbia Municipal Regulations (25-C DCMR § 300.1);

80 (2) The information required pursuant to section 412 of Title 25-C of the District
81 of Columbia Municipal Regulations (25-C DCMR § 412 *et seq.*);

82 (3) New construction or alterations to a swimming pool beyond those required by
83 the Americans with Disabilities Act, approved July 26, 1990 (104 Stat. 327; 42 U.S.C. § 12183),
84 and 28 C.F.R § 36.401;

85 (4) A fence around a rooftop swimming pool; or

86 (5) A safety line pursuant to section 505.4 of Title 25-C of the District of
87 Columbia Municipal Regulations (25-C DCMR § 505.4).

88 Sec. 5. Fiscal impact statement.

89 The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact
90 statement required by section 4a of the General Legislative Procedures Act of 1975, approved
91 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

92 Sec. 6. Effective date.

93 (a) This act shall take effect following approval by the Mayor (or in the event of veto by
94 the Mayor, action by the Council to override the veto), a 30-day period of congressional review
95 as provided in section 602 (c)(1) of the District of Columbia Home Rule Act, approved
96 December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the
97 District of Columbia Register.

98 (b) This act shall expire after 225 days of its having taken effect.



OFFICE OF THE GENERAL COUNSEL

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MEMORANDUM

TO: Councilmember Vincent Gray

FROM: John Hoellen, Deputy General Counsel *JH*

DATE: February 6, 2018

RE: Legal Sufficiency Determination for Bill 22-____, the Pools Without Penalties Temporary Act of 2018

This temporary measure is legally and technically sufficient for Council consideration.

The Pools Without Penalties Temporary Act of 2018 would create standards governing when Class C, semi-public swimming pools ("swimming pools")¹ are required to have a lifeguard present. Further, the measure would exempt swimming pool operators from the requirement to provide shower facilities, toilet facilities, eye wash stations, and dressing rooms, if those facilities are restricted to residents and guests, and are located within 300 feet of a dwelling unit. Finally, the measure would exempt a cooperatives, condominium, and apartment building operating a swimming pool from requirements to provide: (1) a pool operator; (2) water quality and safety logs; (3) new construction or alterations to a swimming pool beyond those already required by the Americans with Disabilities Act, approved July 26, 1990 (104 Stat. 327; 42 U.S.C. § 12183), and 28 C.F.R § 36.401; (4) a fence around rooftop swimming pools; or (5) a safety line.

I am available if you have any questions.

¹ For the purposes of the act, a Class C, semi-public swimming pools is defined as "any swimming pool operated solely for and in conjunction with lodgings such as hotels, motels, cooperatives, apartments, and condominiums".

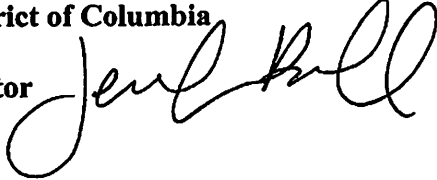
COUNCIL OF THE DISTRICT OF COLUMBIA
Office of the Budget Director



Jennifer Budoff
Budget Director

FISCAL IMPACT STATEMENT

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Jennifer Budoff, Budget Director 

DATE: February 5, 2018

SHORT TITLE: Pools Without Penalties Emergency/Temporary Act of 2018

TYPE: Emergency/Temporary

REQUESTED BY: Councilmember Vincent Gray

Conclusion

Funds are sufficient to implement this proposed emergency/temporary legislation because there is no impact to the District's budget and financial plan.

Background

In October 2017, the Council introduced the Pools without Penalties Act of 2017 (B22-0511) to repeal the District of Columbia Department of Health regulations on semi-public pools. The "Pools Without Penalties Emergency Act of 2018" amends B22-0511 and establishes standards for semi-public pools that includes various exemptions, such as providing lifeguards, shower facilities, toilet facilities, eye wash stations, dressing rooms under certain criteria. Additionally, it includes exemptions for cooperatives, condominiums, and apartment buildings that operate semi-public pools. Exemptions for these building categories include requirements for pool operators, water quality and safety logs, fences around rooftop swimming pools, and safety lines.

This emergency legislation amends B22-0511 to include the exemptions mentioned above; include a lifeguard requirement for semi-public pools with a depth of at least five feet (5 ft.), constructed after June 30, 2018; removes the exemption of the facility license requirement from the Mayor per DCR § 700.1; and makes several technical corrections.

Analysis of Impact on Spending

This legislation would not impact spending.

Analysis of Impact on Revenue

This legislation may have a minor impact on revenue. As of February 2018, there are approximately 140 cooperatives and 6,009 apartment buildings with licensed, semi-public swimming pools in the District. There could be a minor revenue loss from a reduced number of fence permits for rooftop pools and a reduced number of Swimming Pool Operator (SPO) IDs. A building with a rooftop pool requires a fence permit. A swimming pool operator requires an SPO ID.

Fence permits cost approximately \$36.00, which includes new installations or existing repairs. The Office of the Budget Director did not receive a response from the District of Columbia Department of Consumer and Regulatory Affairs regarding the total number of rooftop pools among the 140 cooperatives and 6,009 apartment buildings. The Office of the Budget Director cannot estimate the potential revenue impact of fence permits without this information.

SPO IDs cost approximately \$10.00, which includes new IDs and renewals. SPO IDs are valid for three years from the date of examination. The swimming pool operator exemption for cooperatives, condominiums, and apartment buildings could potentially result in an approximate revenue loss of \$61,500 or more every three years, which would have a de minimis impact.