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ATTORNEYS AT LAW

A new federal law, The Virginia Graeme Pool and Spa Safety Act, imposes new requirements on the drainage systems of all pools and spas that are open to the public and those maintained by community associations. Taking effect on December 20, 2008, the law will require that all outlet fittings and drain covers meet the current standards set out by the American National Standards Institute and the American Society of Mechanical Engineers.

Furthermore, any pools and spas with a single main drain must have a main drain that is unblockable (i.e., it is designed so that a human body cannot block the drain and create a suction entrapment hazard), or the pool or spa must have a backup protection system to relieve vacuum pressure if someone gets caught in the drain. Among the approved types of backup systems are: a suction limiting vent system; a gravity drainage system; an automatic pump shut-off system; or a device or system that completely disables the drain.

If a drain cover is broken, damaged, not fully secured, or missing, then the association is obligated under the new law to immediately close the affected pool or spa until the situation is remedied.

Note that this new federal law may supersede the requirements of the Maricopa County Revised Code for Semipublic Swimming Pools to the extent that the new law imposes stricter standards. We recommend that associations consult with their pool maintenance professionals to ensure that their pools and spas meet the requirements of the new law before December 20, 2008.

The information contained in this Homeowners Association Tip of the Week© is for informational purposes only and is not specific legal advice or a substitute for specific legal counsel. Readers should not act upon this information without seeking professional counsel.

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