



**NO SHOES,  
NO SHIRT,  
NO SUN—**

*No Problem*



## For one upper Midwest apartment management company, the end of summer doesn't mean the end of pool season.

*BY LAUREN BOSTON*

**W**eather in the upper Midwest and pool season are like Kanye West and Taylor Swift: they just don't mesh well. Yet one Chicago-based apartment management company isn't letting Mother Nature get in the way of resident splash time.

RMK Management operates 25 communities in the Upper Midwest, 20 of which have outdoor, heated pools that open as early as mid-April and don't close until mid-to-late October.

Diana Pittro, Vice President of RMK, says the reasoning behind the company's unusually long pool season is twofold. "The residents really appreciate the extended months because there's such a small window in the Midwest to enjoy traditional, non-heated pools," Pittro says. "And then there's the aesthetic factor. Why do I want to look at a green pool covering when I can look at sparkling blue water? From a marketing standpoint, it makes sense to keep the pool open as long as possible."

RMK heats its pools to 82 degrees when they are opened every season, but Pittro says the system is used as more of a back-up in the summer because the weather is typically warm enough to naturally heat the water.

Although the outdoor pools close by the end of October, Pittro says residents still take advantage of the barbecue grills located in the pool area well into November. Others read on the lounge chairs around the pool after it has closed.

"The pool area is just a great place for people to meet and socialize," Pittro says. "For many people, it becomes part of their social community and network."



For more resources on Pool & Spa Safety, visit the Regulatory Compliance library by clicking "All Libraries" under the Resources tab. Sign in at <http://community.naahq.org>.



# DON'T GET STUCK IN THE DEEP END

**N**ew rules were announced in July 2010 by the U.S. Department of Justice, which is charged with enforcement of the Americans with Disabilities Act (ADA), affecting accessibility standards for pools.

Under the rules, public accommodations are required to provide “accessible means of entry” for their pools, which means either a pool lift or a sloped entry as the primary means of access. Large pools—defined as those containing more than 300 linear feet of pool wall—are required to have at least two means of access, while small pools require only one. The second means of access for a large pool may consist of a pool lift, sloped entry, transfer wall, transfer system or accessible pool stairs.

If an owner can establish that installing the required means of access is not readily achievable, he may seek an exemption from the new rules. However, because pool lifts are relatively inexpensive, the Department of Justice has indicated that exemptions will be rare. The rules took effect on March 15, 2011. However, compliance with the new regulations will not be enforced until March 15, 2012.

## Diving Into the Fine Print

The ADA defines a place of public accommodation as a “facility operated by a private entity whose operations affect commerce.” Included in the definition are lodging places, restaurants, theaters, grocery and department stores, schools, museums and other places of recreation. In short, just about any place that is open to the public may be considered a place of public accommodation.

In general, privately owned residential communities, such as manufactured home communities and apartment communities, are not considered to be places of public accommodation under the ADA. Communities that are funded with public monies, such as tax-credit properties and properties that receive Section 8 monies, however, may be covered by the ADA. It is important for owners to be aware of the new rules because in some cases, property owners, by virtue of the manner in which their pools are used, will be covered by the new accessibility standards.

If an owner is unsure whether or not his community must meet the new standards, he should ask:

1. Do I charge a fee to use the pool?
2. Is the pool open to the public, or is its use restricted to my residents?
3. For what purposes can the pool be used?

In cases where a community’s pool is exclusively for the use of the community’s residents, the ADA would not apply. In contrast, in cases where the general public is also entitled to regularly use the pool, the ADA would most certainly apply. For example, if a property owner sells memberships to the general public, or if he allows the pool to be used for public swim meets, the ADA will likely apply.

Then there are the gray areas. What about the owner who allows his residents to bring guests to the pool? What if the residents’ guests are allowed to use the pool even if the resident is not present? What if the owner allows the residents to rent the pool area for parties? Or what if the owner periodically throws pool parties as part of his marketing and advertising plan?

Each of these situations creates uncertainty. Because the ADA regulations are new and no court cases have been decided (nor will any likely be decided anytime soon, since compliance could be delayed until 2012), owners have little guidance. The only guidance currently available is this: the more it appears that the pool is available for the public’s use, the more likely the new ADA rules will apply.



Source: Steve Williams, Partner, Coben Seglias Pallas Greenball & Furman PC, Harrisburg, Pa., [www.cobenseglias.com](http://www.cobenseglias.com)

## Fair Housing FYI

**E**ven though the ADA may not apply to a given situation, the Fair Housing Act (FHA) applies to almost all private landlords. Under the FHA, a landlord may not discriminate against a disabled person in the use of the landlord’s amenities.

While the FHA does not contain accessibility standards like those under the new ADA rules, landlords are required to provide a barrier-free pathway to the edge of their pools. In addition, owners may not unreasonably prevent a resident from using his own lift or other equipment to gain access to a pool. —S.W.

From a property management standpoint, we want people to meet their neighbors and be engaged with the neighborhood.”

## PAYING FOR POOL TIME

While a few of RMK Management’s communities have year-round indoor pools, Pittro says it’s the outdoor ones that require the most attention due to openings and closings and potential winter damage.

Although the company’s maintenance technicians are required to take a pool certification course and are responsible for maintaining the pool during the regular season, Pittro says RMK hires a third-party company to conduct all openings and closings. “The third-party company ensures a consistent method of opening and closing and it also conducts a review of all of our pool equipment, from our belts and oil to our sand filter,” she says. “Our in-house guys aren’t necessarily equipment experts and when it comes to pools, you really can’t risk messing it up.” (For more on pool openings, see IRO Insider, “Fill ‘er Up,” p. 18.)

Pittro estimates that the company spends \$300 to \$400 each season to open an outdoor pool, which includes treating the water with chlorine, algacide, and other harsh chemicals that shock the system. It costs \$250 to \$300 to close the pool in October, when the third-party company checks the equipment, makes necessary repairs and covers the pool for the winter.

If a problem is detected during closing, Pittro prefers fixing it in the spring. “Unless it’s a leak, I’ll document the problem and attack those repairs right before I open in April,” she says. “That way you can test the equipment right away. If you fix a problem in October and the same piece of equipment is in need of repair when you open in April, you don’t know whether you failed to fix the problem the first time or the equipment was just damaged again due to the off-season weather.”

Some common weather-related damage includes cracks and tears in the concrete or vinyl shell of the pool, which can occur when the ground repeatedly freezes and thaws. Pools surrounded by expansive trees can also cause a headache, with leaf debris and sap dropping into the water.

Still, Pittro says it’s worth the trouble. “I don’t know about you, but I wouldn’t live in a community that didn’t have a pool,” she says. “If you live in a suburb and spend your whole week driving in traffic, you don’t want to get back in the car when you get home. You want to grab your flip flops and towel and walk over to the pool.”

## WET AND WILD

A little fun in the sun never hurt anyone, but what about when that somewhat mischievous group of residents decides it is a good idea to jump over the fence and take a midnight dip? And let’s not forget the yet-to-be-potty-trained children who treat the pool like, well, a giant diaper.

Every pool season is bound to include a few unforeseen or cringe-worthy incidents, but Pittro says RMK Management takes several steps to protect both the company and the residents.

RMK’s pools do not have slides or diving boards, due in large

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part to the advice of the company's insurance carrier. Each community has several in-house pool attendants who monitor the area.

"They're not certified life guards, so we're certainly not relying on them to jump in and try to save someone, but they watch who comes in and out of the pool area, clean up and deal with any problems that may arise," Pittro says.

With standard safety measures in place, RMK has hosted several community-wide pool parties without a glitch. Pittro says her favorite event was an American Idol-themed karaoke party at one Naperville, Ill., community. One can only hope the crowd reaction was as warm as the water. **NAA**

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Farmington Lakes Apartments, Oswego, Ill., has 304 units.



A Farmington Lakes resident and his children take advantage of RMK's extended pool season and an 82-degree pool.