

Homeowner Association Swimming Pool Supervision Exemption

All "**Homeowner**" swimming pools, as defined by the New York State Sanitary Code (below), may be granted an exemption from the bather supervision requirement. All other provisions of the code continue to apply at these facilities however, including those relating to an operating permit, the development and implementation of a safety plan, lifesaving equipment, and the maintenance of sanitary pool water quality.

As defined in section 6-1.2(r): A homeowner swimming pool means a swimming pool owned and operated by a **condominium**..., by a property commonly known as a **cooperative**..., or by an incorporated or unincorporated **property association**, all of whose members own residential property in a fixed or defined geographic area with deeded rights to use, with similarly situated owners, a defined swimming pool, provided such pool is used exclusively by members of the condominium, cooperative apartment or corporation or association, and their family and friends.

Before a pool facility can be granted a supervision exemption however, documentation proving that the facility meets the "homeowner" criteria **must** be submitted to this office for review and approval. The following are examples of acceptable documentation:

- A copy of the Declaration and Bylaws of an Offering Plan for a condominium or realty subdivision showing that the bathing facility is commonly owned by the residential owners.
- For cooperatives, the Certificate of Incorporation, Offering Statement, and copy of the deed.
- The Certificate of Incorporation for a homeowner's association, along with a copy of the deed (s) conveying title of the common property (the bathing facility) to the association.
- For unincorporated homeowner's associations, copies of the individual deeds for the member/owners showing ownership and/or legal right to access of the common property.

Important: If your facility has assumed the exemption in the past, but you have yet to submit the required documentation and have not been notified in writing by this office that the exemption has been granted, **do not** assume that it will carry over to this year. Each facility will be reviewed annually. **If acceptable documentation has not been received by this office, you will be required to provide appropriate lifeguard protection.**