



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**

ROY COOPER • Governor
MANDY COHEN, MD, MPH • Secretary
MARK T. BENTON • Assistant Secretary for Public Health
Division of Public Health

November 12, 2020

POSITION STATEMENT: Regulatory Guidance for Public Swimming Pools

PURSUANT TO: General Statute 130A-280

SOURCE: Alice Isley, Pools Tattoos and State Institution Programs

QUESTION: Are spas serving a single rental dwelling unit considered a public pool?

DISCUSSION AND RATIONALE: We have received several questions asking if a single spa serving either a cabin or tent would be considered a public pool? While a common spa serving multiple housing units is regulated, the question remains of when a spa changes from exempt to regulated.

RESPONSE AND INTERPRETATION:

G.S. 130A-280 defines what is a public swimming pool and then exempts a private pool serving a single-family dwelling used only by the residents and their guests.

The NC Vacation Rental Act (GS Chapter 42) regulates most of the compounds which have multiple units with individual spas serving each unit *exclusively*. The Act requires the property owner to “Maintain in good and safe working order and reasonably and promptly repair all electrical, plumbing, sanitary, heating, ventilating, and **other facilities** and major appliances supplied by him or her ...” Since these spas are included under this Act, it is not necessary for multiple agencies to regulate these facilities.

Moving forward, spas which are for the *exclusive* use of a single family and their guests while renting a dwelling which is included under the Vacation Rental Act are not required to be permitted as a public swimming pool. If the spa is provided for use by *multiple* dwelling units, then it is a public pool and subject to regulation under the .2500 Rules.

This guidance replaces any guidance given in previous written or verbal communications.

NOTE: Position statements are policy documents to clarify how to interpret or enforce a law or rule. They are not enforceable on their own but are intended to promote uniform interpretation and enforcement of the underlying law or rule.

NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF PUBLIC HEALTH

LOCATION: 5605 SIX FORKS RD, RALEIGH NC 27609
MAILING ADDRESS: 1632 MAIL SERVICE CENTER, RALEIGH NC 27699-1632
www.ncdhhs.gov • TEL: 919-707-5854 • FAX: 919-845-3972

AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER