



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**

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Division of Public Health

Revised August 24, 2021

POSITION STATEMENT: Swimming Pool Rental at a Single-Family Dwelling

PURSUANT TO: NCGS 130A-280 and 281

SOURCE: Alice Isley, Pools Tattoos, and State Institution Program

QUESTION: Does the single-family dwelling exemption extend to pool rentals located at a single-family dwelling through the use of apps such as Swimply or similar services?

ANSWER: No.

DISCUSSION AND RATIONALE:

The Pools, Tattoos, and State Institutions Program is aware of a new app that promotes and facilitates the renting of private pools by single-family dwelling owners and residents for hourly and other short-term use by the general public, without requiring a public pool inspection, operating permit, or full compliance with all the associated public health laws and rules intended to protect the health and safety of the general public. Typically, the rental is for one-hour increments and does not include control over the house or property seen in traditional landlord / tenant or owner/lodger arrangements.

RESPONSE AND INTERPRETATION:

NCGS 130A-280 provides for the regulation of public swimming pools in the State "...as they may affect the public health and safety."

NCGS 130A-280 also states those regulations do not apply "...to a private pool serving a single-family dwelling and used only by the residents of the dwelling and their guests." **In its plainest and fairest meaning, this limited exemption only applies to use of the dwelling's private swimming pool by the dwelling's residents (regardless of whether those residents are owners, tenants, or lodgers) and any guests of those residents, and (importantly) not the general public.** When an owner or resident of a single-family dwelling opens use of that dwelling's pool to the general public, especially for rent, they are explicitly expanding the use of the pool to users beyond the private use of the dwelling's residents and their guests, and the pool is no longer private. Therefore, the limited exemption intended to exempt the private use and enjoyment of a private pool serving a single-family dwelling used exclusively by the dwelling's residents and their guests does not apply, and the pool requires an operating permit as a public pool specified in NCGS 130A-281.

Public Pools are regulated in North Carolina in order to balance their public health risks with their health, social, and economic benefits, and with the important rights and responsibilities of public pools owners, operators, and public pool users. In operating a pool rental program through an app, the relationship between a resident and a guest who uses a dwelling's pool, the expectations of parties and the general public, and the recognized public health risks inherent to those actions are no longer those associated with private, single-family residential hosts and their guests, but those of public pool owners or operators and public pool renters/users.

PUBLIC HEALTH JUSTIFICATION:

Submerged suction outlets can cause serious injury such as entrapment, evisceration or death. The public pool rules of North Carolina and The Virginia Graeme Baker Pool and Spa Act (a Federal Law) mandates submerged suction outlets be fitted with compliant covers which are chosen to work specifically with the size of the circulation pump, the shape and dimensions of the sump, be installed per manufacturer's instructions, and replaced on a predetermined interval stated by the manufacturer. These covers also protect against mechanical entrapment and hair entrapment when sized and installed properly. Compliance is mandatory regardless of the date of construction of the pool and without benefit of inspection, it is not possible to know if residential pools are compliant. North Carolina public pools also:

- Have circulation equipment which is designed to run 24 hours per day while permitted, completely filtering the water at least every 6 hours.
- Have a continuous form of disinfection, reducing the likelihood of communicable disease transmission.
- Have safety equipment which includes a permanently attached emergency phone with a callback number and pool address posted, to be used during an emergency, a ring buoy with attached line and a body hook.
- Fencing and self-closing positive self-latching gates are inspected to ensure they are working correctly.
- Approved water supply, sewage disposal and restroom facilities are also required and inspected.

When local environmental health specialists learn of any non-permitted single-family residential pool being advertised to, opened to, used by, or rented to the public at large in the manner of a public swimming pool, outside of the exceptions codified in rule and statute (reiterated below), the owner must be notified in writing that this is a violation of NCGS 130A-281, and directed to immediately stop operating a public pool, or legal action may be initiated against them. The local health department should treat these pools like any other public pool which is operating without a public pool permit.

PLEASE NOTE: Except as noted herein, this guidance does NOT apply to any of the pools exempted under GS 130A-280.

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.

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