

# Swimming Pool Liability for Condos and HOAs

A private swimming pool run by a condo or homeowners' association (HOA) can be a very attractive amenity to potential homebuyers. However, while they can be popular with owners, pools create a number of liabilities for the association that need to be addressed to avoid safety and legal concerns.

To retain the benefits that a pool brings to your association, your board of directors will need to mitigate the risks of operating a pool by instituting proper safety measures, supplemented by adequate insurance coverage to protect the association from liability.

## Pool Liabilities

When evaluating the risk a pool poses, some potential liabilities may be fairly obvious while others may not. Obvious risks are drowning or slip and fall accidents, but don't overlook items such as water quality, chemical management and lifeguard staffing. Adequately identifying your risks is essential to addressing them.

## Mitigating Risk

Your association's board of directors should consider appointing a pool committee that can take responsibility for reviewing, updating and distributing pool rules. This process should begin with a review of all state and local regulations involving pool operation to ensure compliance. The committee should review the rules annually to make sure they are still addressing liability concerns, plus conduct a thorough inspection of all aspects of the pool facilities.

To avoid key areas of liability the committee should examine the following aspects of the property's pool:

- The pool area should be completely surrounded by a fence or other structure that includes a gate or door with a locking mechanism meant to prevent unauthorized access when the pool is closed.

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**Swimming pools can be an attractive amenity to offer residents as long as their liabilities are properly addressed.**

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- All rescue equipment including flotation devices, life hooks and backboards are readily accessible in case of an emergency; there should also be a first aid kit on hand.
- Chemicals should be kept in a cool, dry, well-ventilated and secure area inaccessible by patrons.
- Chemicals should be monitored on a consistent basis with recordkeeping completed in accordance with any state or local regulation.
- Hours of operation should not be taxing on the resources of the association.

Pool rules should be posted clearly in the pool area, and annually distributed to all residents.

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Provided by Foundation Insurance Group

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## Are you Covered?

Even if you take all the right precautions, it is important to be prepared in the event of an accident. Check with Foundation Insurance Group to verify if your association's current liability coverage addresses your pool risks. When talking to our team, also ask about any stipulations a policy may have for coverage. If your pool is not up to regulation, some policies may not pay out in the event of a claim, so it's important to know what is required of you.