

# Residential Swimming Pool and Spa Rentals

## FREQUENTLY ASKED QUESTIONS

### When are residential pools considered public pools by the Minnesota Department of Health?

Minnesota statutes and rules clearly define “public pool” and “private residential pool.” A public pool means **any** pool other than a private residential pool that is available to the public under a variety of circumstances. A private residential pool does **not** include a pool used as part of a business.

A homeowner that rents their pool to customers via a sharing economy app or other platform has effectively turned their pool into a public pool. Pools and spa pools available for use as part of a vacation home rental are also considered public pools.

### Definitions

#### Pool and spa pool are defined in Minnesota rules.

[Minnesota Administrative Rules, Chapter 4717.0250, Subp. 6 and Subp. 9.](https://www.revisor.mn.gov/rules/4717.0250)  
(<https://www.revisor.mn.gov/rules/4717.0250/>)

Subp. 6. **Pool.** "Pool" means any structure, chamber, or tank containing an artificial body of water for swimming, diving, relaxation, or recreational use including special purpose pools and wading pools.

Subp. 9. **Spa pool.** "Spa pool" means a hot water pool intended for seated recreational use with a water agitation system in addition to the recirculation system. Spa pool is synonymous with the term "whirlpool."

#### Public pool is further defined in Minnesota statutes and rules.

[Minnesota Administrative Rules, Chapter 4717.0250, Subp. 8.](https://www.revisor.mn.gov/rules/4717.0250)  
(<https://www.revisor.mn.gov/rules/4717.0250/>)

Subp. 8. **Public pool.** "Public pool" has the meaning given in Minnesota Statutes, section 144.1222, subdivision 4, paragraph (d).

[Minnesota Statutes, Chapter 144.1222 Subd. 4 \(d\)](https://www.revisor.mn.gov/statutes/cite/144.1222)  
(<https://www.revisor.mn.gov/statutes/cite/144.1222>)

(d) "**Public pool**" means any pool other than a private residential pool, that is: (1) open to the public generally, whether for a fee or free of charge; (2) open exclusively to members of an organization and their guests; (3) open to residents of a multiunit apartment building, apartment complex, residential real estate development, or other multifamily residential area; (4) open to patrons of a hotel or lodging or other public accommodation facility; or (5) operated by a person in a park, school, licensed child care

facility, group home, motel, camp, resort, club, condominium, manufactured home park, or political subdivision with the exception of swimming pools at family day care homes licensed under section 245A.14, subdivision 11, paragraph (a).

[Minnesota Administrative Rules, Chapter 4717.0250, Subp. 7](https://www.revisor.mn.gov/rules/4717.0250/)  
(<https://www.revisor.mn.gov/rules/4717.0250/>)

Subp. 7. **Private residential pool.** "Private residential pool" means a pool connected with a single-family residence or owner-occupied duplex, located on private property under the control of the homeowner, the use of which is limited to family members or the family's invited guests. A private residential pool is not a pool used as part of a business.

## What potential risks are there if an unlicensed pool is rented to the public?

Swimming pools must meet certain design, construction, and operational standards to be licensed as public pools in Minnesota. All public pools are inspected regularly by trained environmental health specialists who ensure that the requirements are being met and that the pool is safe to enjoy.

An unlicensed pool is not inspected to ensure requirements are met and may pose significant risk to user health or safety. Potential risks include drowning, illness due to waterborne diseases, or injuries from improper use of pool disinfection chemicals.

Recreational water illness and injury resources:

[Recreational Water Illnesses](https://www.cdc.gov/healthywater/swimming/swimmers/rwi.html)  
(<https://www.cdc.gov/healthywater/swimming/swimmers/rwi.html>)

[Chemical Irritation of the Eyes and Lungs](https://www.cdc.gov/healthywater/swimming/swimmers/rwi/chemical-irritants.html)  
(<https://www.cdc.gov/healthywater/swimming/swimmers/rwi/chemical-irritants.html>)

## How are licensed public pools different from residential pools?

### Suction entrapment protection

**Residential pools** have not been inspected to ensure that required suction entrapment protection provisions are in place.

**Public pools** must be designed and constructed according to the Abigail Taylor Pool Safety Act, which requires pools to be built so that they do not present a suction entrapment hazard. Entrapment can occur when a body part or an object worn by the swimmer, such as jewelry, becomes entangled or stuck in the suction outlet cover, or when a body part forms a seal and suctions the swimmer to the outlet cover.

[Minnesota Statutes, Chapter 144.1222 Public Pools "Abigail Taylor Pool Safety Act"](https://www.revisor.mn.gov/statutes/cite/144.1222)  
(<https://www.revisor.mn.gov/statutes/cite/144.1222>)

- In response to a Minnesota entrapment incident where 6-year-old Abigail Taylor suffered serious injuries leading to her death, a law regulating the installation of anti-entrapment drain covers and other systems to ensure children or others cannot become trapped by pool drains was passed by the Minnesota Legislature and signed into law by Governor Tim Pawlenty on May 16, 2008. Several important requirements were designated in this legislation, including:
  - **By July 1, 2008**, public pool owners/operators were to certify to the Commissioner that:
    - (1) all outlets except for unblockable drains are equipped with covers that have been stamped by the manufacturer that they comply with ASME/ANSI standards; and
    - (2) all covers and grates, including mounting rings, have been inspected to ensure that they have been properly installed and are not broken or loose.
  - **By January 1, 2009**, all public pools must have dual main drains connected in parallel or other protections to avoid entrapment injuries. Vacuum ports are prohibited.

## Pool construction

**Residential pools** are often constructed with a vinyl liner, and often include non-compliant floor slopes.

**Public pools** must be constructed according to provisions in the code, including finish material that is permanent, impervious, and that is white or light colored, and they must have an approved shape, an appropriately sloped floor, and approved designs for side walls, corners, and ledges.

[4717.2350 POOL STRUCTURE \(https://www.revisor.mn.gov/rules/4717.2350/\)](https://www.revisor.mn.gov/rules/4717.2350/)

## Entry, egress, decking, and depth markers

**Residential pools** typically do not have the required ADA lift, steps, handrails, and waterline handholds. The deck is often undersized and may not extend around the entire pool. Markings indicating depth, “No Diving,” and floor slope changes are often missing.

**NOTE:** Compliance with Minnesota’s public pool laws does not necessarily ensure compliance with federal ADA requirements that may be applicable to a pool or surrounding structures as a consequence of the pool being made available for public rental. Public pool owners should familiarize themselves with these federal requirements as well.

**Public pools** must provide steps, ladders, handholds, and handrails as described in the pool code. Depth markings are required in several locations, as are “No Diving” markings in water that does not comply with depth requirements for diving.

[4717.3250 STEPS, LADDERS, HANDHOLDS, AND HANDRAILS](https://www.revisor.mn.gov/rules/4717.3250/)

(<https://www.revisor.mn.gov/rules/4717.3250/>)

[4717.3350 DECKS AND WALKWAYS](https://www.revisor.mn.gov/rules/4717.3350/) (<https://www.revisor.mn.gov/rules/4717.3350/>)

[4717.2450 MARKINGS AND LINES](https://www.revisor.mn.gov/rules/4717.2450/) (<https://www.revisor.mn.gov/rules/4717.2450/>)

## Filter systems, turnover, piping, chlorine feeders

**Residential pools** often have a recirculation system that does not meet the requirements in the pool code. Disinfectant chemicals are often added manually which is not allowed, and the pumps are not operated 24/7 during swimming season, as required by code.

**Public pools** are required to install, maintain, and operate water treatment and filtration equipment according to the code.

[4717.2550 RECIRCULATION SYSTEM](https://www.revisor.mn.gov/rules/4717.2550/) (<https://www.revisor.mn.gov/rules/4717.2550/>)

[4717.2560 RECIRCULATION RATE](https://www.revisor.mn.gov/rules/4717.2560/) (<https://www.revisor.mn.gov/rules/4717.2560/>)

[4717.2570 RECIRCULATION EQUIPMENT](https://www.revisor.mn.gov/rules/4717.2570/) (<https://www.revisor.mn.gov/rules/4717.2570/>)

## Certified trained operator and daily chemical testing

**Residential pools** often do not have a certified trained operator, and the owners may not keep daily testing logs. The pool testing strips used by many homeowners do not meet code requirements.

**Public pools** must be operated by a person who has completed an approved training course. They must ensure that daily water chemistry testing is done with an approved test kit, and that records are maintained. They must be available to respond to emergencies and unsafe and unsanitary conditions whenever the pool is open.

[4717.0650 POOL OPERATION AND MAINTENANCE; OPERATOR TRAINING](https://www.revisor.mn.gov/rules/4717.0650/)

(<https://www.revisor.mn.gov/rules/4717.0650/>)

[4717.1750 POOL WATER CONDITION](https://www.revisor.mn.gov/rules/4717.1750/) (<https://www.revisor.mn.gov/rules/4717.1750/>)

## Lifesaving equipment

**Residential pools** may not have the required lifesaving equipment available.

**Public pools** must have lifesaving equipment, such as ring buoys and shepherd's crooks, available at all times.

[4717.1450 LIFEGUARD STATIONS AND LIFESAVING EQUIPMENT](https://www.revisor.mn.gov/rules/4717.1450/)

(<https://www.revisor.mn.gov/rules/4717.1450/>)

## User sanitation and safety

**Residential pools** may not have required user sanitation and safety signage. They generally do not provide access to a dressing room, restroom, or a shower for users to clean themselves as required prior to entering the pool.

**Public pools** must post user safety and sanitation rules. Toilets, showers, and dressing rooms must be conveniently available to pool patrons. Users are required to take a shower prior to entering a public swimming pool, and shower again after using the restroom.

[4717.1650 USER SANITATION AND SAFETY \(https://www.revisor.mn.gov/rules/4717.1650/\)](https://www.revisor.mn.gov/rules/4717.1650/)

[4717.3650 TOILETS, LAVATORIES, SHOWERS, AND DRESSING ROOMS \(https://www.revisor.mn.gov/rules/4717.3650/\)](https://www.revisor.mn.gov/rules/4717.3650/)

## Security

**Residential pools** may not have the required self-closing and self-latching gates and doors, or a fence of an appropriate height.

**Public pools** are required to have appropriate fencing or enclosures to effectively prevent the entrance of children.

[4717.1550 POOL ACCESS RESTRICTION; FENCING \(https://www.revisor.mn.gov/rules/4717.1550/\)](https://www.revisor.mn.gov/rules/4717.1550/)

## What is the process for having a public pool licensed?

The Minnesota Department of Health (MDH) reviews all plans for new or altered public swimming pools and spas in Minnesota.

The plan review submission process is in [MN Rules 4717.0450 SUBMISSION OF PLANS AND SPECIFICATIONS \(https://www.revisor.mn.gov/rules/4717.0450/\)](https://www.revisor.mn.gov/rules/4717.0450/).

The plan review fee is located in [MN Statutes 144.1222 Subd. 1a FEES \(https://www.revisor.mn.gov/statutes/cite/144.1222\)](https://www.revisor.mn.gov/statutes/cite/144.1222).

Requirements for public pools are found in [MS 144.1222 PUBLIC POOLS; ENCLOSED SPORTS ARENAS \(https://www.revisor.mn.gov/statutes/cite/144.1222\)](https://www.revisor.mn.gov/statutes/cite/144.1222) and [MN Rules 4717 PUBLIC SWIMMING POOLS \(https://www.revisor.mn.gov/rules/4717/\)](https://www.revisor.mn.gov/rules/4717/).

MDH license fees are in [MN Statutes 157.16 Subd. 3 LICENSES REQUIRED; FEES \(https://www.revisor.mn.gov/statutes/cite/157.16\)](https://www.revisor.mn.gov/statutes/cite/157.16).

Once the plan is reviewed and approved by MDH, construction may begin. After construction is complete but prior to opening, an inspection is done to ensure that the pool has been constructed according to the plan.

The license to operate may be issued by MDH or by a locally delegated jurisdiction within Minnesota. Regardless of jurisdiction, licenses are renewed annually. Public pools are

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considered “high risk.” They are inspected annually at minimum by environmental health specialists to ensure they are being operated and maintained in a safe and sanitary manner.

Local building and zoning requirements may also apply during the permitting and construction of swimming pools, whether they are residential or public pools.

Additional information can be found on the MDH website: [Public Swimming Pools \(https://www.health.state.mn.us/communities/environment/recreation/pools/index.html\)](https://www.health.state.mn.us/communities/environment/recreation/pools/index.html).

### **For those who have received enforcement letters, what should they do?**

To avoid enforcement actions, pool owners must discontinue renting their pool to others until they meet all the construction requirements of a public pool and become licensed. We recommend that those interested in renting out their pool contact MDH to ensure that they follow the pool construction and licensing requirements prior to advertising it.

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[www.health.state.mn.us](http://www.health.state.mn.us)

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