



Courtesy of the California Real Estate Inspection Association (CREIA)

A new law has been enacted (SB 442) that affects every Pool and Spa owner in the state of California. The bill requires, when a private single family home is transferred and the home has a swimming pool, spa or hot tub any home inspection performed on the property shall identify which of 7 specified drowning safety features are present. The home inspection report will also report if there are fewer than two of the specified pool drowning safety features. The bill further requires that all new and remodeled pools and spas will be required to have 2 of the 7 child protective safety barriers. Existing pools and spas are not required to add the additional safety features. However, the California Real Estate Inspection Association (CREIA) suggests, that when it comes to protecting our young and vulnerable, that all pools and spas should have safety features upgraded to the new requirements. CREIA strongly supports these new requirements and as a courtesy is providing this high-level *overview* to assist you, a pool or spa owner in safeguarding your most precious and vulnerable assets! Our CHILDREN!

An overview of the approved and required child safety features are:

- (1) An enclosure that meets the requirements of Section 115923 and isolates the swimming pool or spa from the private single-family home
 - Any access gates through the enclosure open away from the swimming pool, and are self-closing with a self-latching device placed no lower than 60 inches above the ground.
 - A minimum height of 60 inches.
 - A maximum vertical clearance from the ground to the bottom of the enclosure of two inches.
 - Gaps or voids, if any, do not allow passage of a sphere equal to or greater than four inches in diameter.
 - An outside surface free of protrusions, cavities, or other physical characteristics that would serve as handholds or footholds that could enable a child below the age of five years to climb over.
- (2) Removable mesh fencing that meets American Society for Testing and Materials (ASTM) Specifications F2286 standards.

A **partial** list of required features of a mesh fence are:

- Mesh fence must be removable.
- The mesh barrier cannot be higher than 1 inch from the deck or installed surface.
- The mesh barrier cannot allow a 4-inch sphere to pass through at any point.

- The top of fence has minimum height of 48 inches above grade.
- If a hinged gate is present, the gate must be self-closing and self-latching, accommodate a locking device 54 inches above grade and be located on the outside of the gate and open outward from the Pool/Spa.
- Latching devices which secure each barrier section shall be no lower than 45 inches above grade and provide security equal or greater than hook-and-eye-type latch with a spring retaining lever (safety gatehook).
- An outside surface free of protrusions, cavities, or other physical characteristics that would serve as handholds or footholds that could enable a child below the age of five years to climb over.
- The mesh fence must provide 360-degree protection and prevents unsupervised access to the Pool / Spa.

(3) An approved safety pool cover, as defined in subdivision (d) of Section 115921.

Definition of Pool Safety Cover: “An approved safety pool cover” means a manually or power-operated safety pool cover that meets **all** of the performance standards of ASTM standard F1346-91.

- The safety requirements of “An approved safety pool cover” are too long, detailed and specific to attempt to cover in this informational flyer.
- If a manual or power-operated safety pool cover is present it is strongly suggested that a licensed and qualified Pool / Spa contractor be employed to perform evaluations and provide you with their expert opinion.

(4) Exit alarms on the private single-family home’s doors that provide direct access to the swimming pool or spa. The exit alarm may cause either an alarm noise or a verbal warning, such as a repeating notification that “the door to the pool is open.”

- All doors that lead to the Pool / Spa.
- All screen doors that lead to the Pool / Spa.
- All garage doors that lead to the Pool / Spa.
- Note: Exit alarms as defined in the Health and Safety Code 115922 (e) are alarms which are installed on both doors and windows that provide direct access to the swimming pool or spa. However, SB442 *does not specifically require* them on windows providing direct access to the swimming pool or spa.

(5) A self-closing, self-latching device with a release mechanism placed no lower than 54 inches above the floor on the private single-family home doors.

- All doors that lead to the Pool / Spa.
- All screen doors that lead to the Pool / Spa.
- All garage doors that lead to the Pool / Spa.

(6) An alarm that, when placed in a swimming pool or spa, will sound upon detection of accidental or unauthorized entrance into the water.

A partial list of required features or types of pool surface alarms are:

- The alarm shall meet and be independently certified to the ASTM Standard F2208 “Standard Safety Specification for Residential Pool Alarms”.
- Detect surface motion or by pressure, sonar, laser, and infrared type alarms.
- Swimming protection that is not approved are alarms designed for individual use, including an alarm attached to a child that sounds when the child exceeds a certain distance or becomes submerged in water.

(7) Other means of protection, if the degree of protection afforded is equal to or greater than that afforded by any of the features set forth above and has been independently verified by an approved testing laboratory as meeting standards for those features established by the ASTM or the American Society of Mechanical Engineers (ASME).

SB442 does not specifically address perimeter fencing requirements. CREIA believes that the above pool safety features would be much less effective without a perimeter fence which separates your yard from the neighboring properties. CREIA recommends the following features:

- Gates shall open away from the swimming pool.
- Gates shall be self-closing with a self-latching device located a minimum of 54 inches from the bottom of the gate.
- Where the release mechanism of the self-latching device is located less than 54 inches from the bottom of the gate, the release mechanism shall be located on the pool side of the enclosure at least 3 inches below the top of the gate and the gate and enclosure shall have no opening greater than 1/2 inch within 18 inches of the release mechanism.
- Any gates other than pedestrian access gates shall be equipped with lockable hardware or padlocks and shall remain locked at all times when not in use.
- Enclosures shall be a minimum height of 60 inches measured on the side of the enclosure that faces away from the swimming pool.
- Maximum vertical clearance from the ground to the bottom of the enclosure shall be 2 inches. The maximum vertical clearance at the bottom of the enclosure may be increased to 4 inches when the grade is a solid surface such as a concrete deck or when the enclosure is mounted on the top of the above-ground pool structure.
- Gaps or voids, if any, shall not allow passage of a sphere equal to or greater than 1-3/4 inches in diameter. For fencing composed of vertical and horizontal members, the spacing between vertical members may be increased up to four inches when the distance between the tops of horizontal members is 45 inches or more.

- Enclosures shall have an outside surface free of protrusions, cavities or other physical characteristics that would serve as handholds or footholds that could enable a child below the age of five years to climb over.
- Chain link fences used to separate the swimming pool from neighboring properties shall not be less than 11.5 gauge and the mesh size shall not be larger than 2-1/4-inch square. Chain link fences used to separate the swimming pool from the home shall not be less than 11.5 gauge and the mesh size shall not be larger than 1-3/4-inchesquare.

If you have concerns about whether your Pool / Spa barriers are within compliance please be aware that CREIA is dedicated to consumer protection and education.

You are encouraged to go to WWW.CREIA.ORG/FIND-AN-INSPECTOR and locate a qualified CREIA inspector near you and schedule an appointment to have your Pool / Spa child safety barriers evaluation by a Certified Professional Home Inspector!

CREIA - The California Real Estate Inspection Association, CREIA is a non-profit association dedicated to using all its resources for the benefit of members and the home buying public they serve. For over 40 years CREIA is an association of members for members, founded on the principle that joining and working together they can do much more to advance the home inspection profession and protect the public than could possibly be accomplished individually. An informative flyer can be downloaded at CREIA.org
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