STATE OF NEW YORK

8472--A

2025-2026 Regular Sessions

IN SENATE

August 6, 2025

Introduced by Sens. CLEARE, FERNANDEZ, GONZALEZ, JACKSON, PERSAUD, SALAZAR -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- recommitted to the Committee on Cities 1 in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the administrative code of the city of New York, in relation to requiring biannual certification of cooling towers

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 28-317.5 of the administrative code of the city of New York, as amended by section 3 of part A of local law number 126 of the city of New York for the year 2021, is amended to read as follows:

§ 28-317.5 [~~Annual~~] **Biannual** certification. The owner or operator of a cooling tower shall file [~~an annual~~] **a biannual** certification that such cooling tower was inspected, tested, cleaned and disinfected in compliance with section 17-194.1 of [~~the administrative code~~] **this chapter** and the rules of the department of health and mental hygiene, and that a maintenance program and plan has been developed and implemented as required by such section. Such **biannual** certification shall be submitted [~~by November first~~] **in January and July** of each year, or by [~~a date~~] **dates** otherwise specified in the rules of the department. [~~Consecutive annual certifications shall be submitted at least 90 days apart.~~] The department of health and mental hygiene shall send an electronic reminder to each owner or operator of a cooling tower at least 30 days before [~~such~~] **each** certification submission deadline. Such electronic reminder shall include a link to the website where such [~~certification~~] **certifications** may be submitted.

§ 2. Subparagraphs (a) and (b) of paragraph 2 of subdivision e and paragraph 1 of subdivision h of section 17-194.1 of the administrative code of the city of New York, subparagraphs (a) and (b) of paragraph 2

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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of subdivision e as added by local law number 77 of the city of New York for the year 2019 and paragraph 1 of subdivision h as amended by local law number 76 of the city of New York for the year 2019, are amended to read as follows:

(a) Where the results of any such test indicate levels of microbes that are indicative of a maintenance deficiency requiring mitigation, including but not limited to maintenance to prevent potential health risks, the owner of the building that has such cooling tower shall, [~~within~~] **as soon as possible, but no later than** 48 hours after such owner knows or reasonably should know of such results, clean and disinfect the cooling tower in accordance with the rules of the department.

(b) Where the results of any such test indicate levels of microbes that present a serious health threat, the owner of the building that has such cooling tower shall, [~~within~~] **as soon as possible, but no later than** 24 hours after such owner knows or reasonably should know of such results, (i) notify the department and (ii) clean and disinfect the cooling tower, including an additional application of biocide, in accordance with the rules of the department.

1. An owner shall keep and maintain records of all inspections and tests performed pursuant to this section for at least [~~three~~] **ten** years. An owner shall maintain a copy of the maintenance program and plan required by subdivision c of this section on the premises where a cooling tower is located. Such records and plan shall be made available to the department immediately upon request.

§ 3. Subparagraphs (a) and (b) of paragraph 2 of subdivision e, paragraph 1 of subdivision h and subparagraph (i) of paragraph 2 of subdivision i of section 17-194.1 of the administrative code of the city of New York, subparagraphs (a) and (b) of paragraph 2 of subdivision e and paragraph 1 of subdivision h as amended by local law number 159 of the city of New York for the year 2025 and subparagraph (i) of paragraph 2 of subdivision i as added by local law number 77 of the city of New York for the year 2015, are amended to read as follows:

(a) Where the results of any such test indicate levels of microbes that are indicative of a maintenance deficiency requiring mitigation, including but not limited to maintenance to prevent potential health risks, the owner of the building that has such cooling tower shall, [~~within~~] **as soon as possible, but no later than** 48 hours after such owner knows or reasonably should know of such results, clean and disinfect the cooling tower in accordance with the rules of the department.

(b) Where the results of any such test indicate levels of microbes that present a serious health threat, the owner of the building that has such cooling tower shall, [~~within~~] **as soon as possible, but no later than** 24 hours after such owner knows or reasonably should know of such results, (i) notify the department and (ii) clean and disinfect the cooling tower, including an additional application of biocide, in accordance with the rules of the department.

1. An owner shall keep and maintain records of all inspections and tests performed pursuant to this section for at least [~~three~~] **ten** years. An owner shall maintain a copy of the maintenance program and plan required by subdivision c of this section on the premises where a cooling tower is located. Such records and plan shall be made available to the department immediately upon request.

(i) Any owner of a building who violates any provision of this section or any of the rules promulgated thereunder shall be liable for a civil penalty of not more than [~~$2,000~~] **$2,500** for a first violation, and not more than [~~$5,000~~] **$7,000** for a second or subsequent violation, except

that such owner shall be liable for a penalty of not more than [~~$10,000~~] $12,500 for any violation that is accompanied by or results in a fatality or serious injury.

§ 4. This act shall take effect on the ninetieth day after it shall have become a law; provided, however, that the amendments to subparagraphs (a) and (b) of paragraph 2 of subdivision e of section 17-194.1 of the administrative code of the city of New York made by section two of this act shall take effect on the thirtieth day after it shall have become a law; and provided, further, that if local law number 159 of the city of New York for the year 2025 shall not have taken effect on or before such date then the amendments to subparagraphs (a) and (b) of paragraph 2 of subdivision e, and paragraph 1 of subdivision h of section 17-194.1 of the administrative code of the city of New York made by section three of this act shall take effect on the same date and in the same manner as such local law of the city of New York for the year 2025 takes effect. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.