

# STATE OF NEW YORK

9058--A

2025-2026 Regular Sessions

## IN ASSEMBLY

September 5, 2025

Introduced by M. of A. WRIGHT -- read once and referred to the Committee on Cities -- recommitted to the Committee on Cities in accordance with Assembly Rule 3, sec. 2 -- 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:

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

4 § 28-317.5 [~~Annual~~] Biannual certification. The owner or operator of a  
5 cooling tower shall file [~~an annual~~] a biannual certification that such  
6 cooling tower was inspected, tested, cleaned and disinfected in compli-  
7 ance with section 17-194.1 of [~~the administrative code~~] this chapter and  
8 the rules of the department of health and mental hygiene, and that a  
9 maintenance program and plan has been developed and implemented as  
10 required by such section. Such biannual certification shall be submitted  
11 [~~by November first~~] in January and July of each year, or by [~~a date~~]  
12 dates otherwise specified in the rules of the department. [~~Consecutive~~  
13 ~~annual certifications shall be submitted at least 90 days apart.~~] The  
14 department of health and mental hygiene shall send an electronic remind-  
15 er to each owner or operator of a cooling tower at least 30 days before  
16 [~~such~~] each certification submission deadline. Such electronic reminder  
17 shall include a link to the website where such [~~certification~~] certif-  
18 ications may be submitted.

19 § 2. Subparagraphs (a) and (b) of paragraph 2 of subdivision e and  
20 paragraph 1 of subdivision h of section 17-194.1 of the administrative  
21 code of the city of New York, subparagraphs (a) and (b) of paragraph 2  
22 of subdivision e as added by local law number 77 of the city of New York  
23 for the year 2019 and paragraph 1 of subdivision h as amended by local

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

LBD13604-06-6

1 law number 76 of the city of New York for the year 2019, are amended to  
2 read as follows:

3 (a) Where the results of any such test indicate levels of microbes  
4 that are indicative of a maintenance deficiency requiring mitigation,  
5 including but not limited to maintenance to prevent potential health  
6 risks, the owner of the building that has such cooling tower shall,  
7 [~~within~~] as soon as possible, but no later than 48 hours after such  
8 owner knows or reasonably should know of such results, clean and disin-  
9fect the cooling tower in accordance with the rules of the department.

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

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

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

31 (a) Where the results of any such test indicate levels of microbes  
32 that are indicative of a maintenance deficiency requiring mitigation,  
33 including but not limited to maintenance to prevent potential health  
34 risks, the owner of the building that has such cooling tower shall,  
35 [~~within~~] as soon as possible, but no later than 48 hours after such  
36 owner knows or reasonably should know of such results, clean and disin-  
37fect the cooling tower in accordance with the rules of the department.

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

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

51 (i) Any owner of a building who violates any provision of this section  
52 or any of the rules promulgated thereunder shall be liable for a civil  
53 penalty of not more than [~~\$2,000~~] \$2,500 for a first violation, and not  
54 more than [~~\$5,000~~] \$7,000 for a second or subsequent violation, except  
55 that such owner shall be liable for a penalty of not more than [~~\$10,000~~]

1 **\$12,500** for any violation that is accompanied by or results in a fatali-  
2 ty or serious injury.  
3 § 4. This act shall take effect on the ninetieth day after it shall  
4 have become a law; provided, however, that the amendments to subpara-  
5 graphs (a) and (b) of paragraph 2 of subdivision e of section 17-194.1  
6 of the administrative code of the city of New York made by section two  
7 of this act shall take effect on the thirtieth day after it shall have  
8 become a law; and provided, further, that if local law number 159 of the  
9 city of New York for the year 2025 shall not have taken effect on or  
10 before such date then the amendments to subparagraphs (a) and (b) of  
11 paragraph 2 of subdivision e, and paragraph 1 of subdivision h of  
12 section 17-194.1 of the administrative code of the city of New York made  
13 by section three of this act shall take effect on the same date and in  
14 the same manner as such local law of the city of New York for the year  
15 2025 takes effect. Effective immediately, the addition, amendment and/or  
16 repeal of any rule or regulation necessary for the implementation of  
17 this act on its effective date are authorized and directed to be made  
18 and completed on or before such effective date.