

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:

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

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

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

5 (a) Where the results of any such test indicate levels of microbes
6 that are indicative of a maintenance deficiency requiring mitigation,
7 including but not limited to maintenance to prevent potential health
8 risks, the owner of the building that has such cooling tower shall,
9 [within] as soon as possible, but no later than 48 hours after such
10 owner knows or reasonably should know of such results, clean and disin-
11fect the cooling tower in accordance with the rules of the department.

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

19 1. An owner shall keep and maintain records of all inspections and
20 tests performed pursuant to this section for at least ~~[three]~~ ten years.
21 An owner shall maintain a copy of the maintenance program and plan
22 required by subdivision c of this section on the premises where a cool-
23ing tower is located. Such records and plan shall be made available to
24 the department immediately upon request.

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

33 (a) Where the results of any such test indicate levels of microbes
34 that are indicative of a maintenance deficiency requiring mitigation,
35 including but not limited to maintenance to prevent potential health
36 risks, the owner of the building that has such cooling tower shall,
37 [within] as soon as possible, but no later than 48 hours after such
38 owner knows or reasonably should know of such results, clean and disin-
39fect the cooling tower in accordance with the rules of the department.

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

47 1. An owner shall keep and maintain records of all inspections and
48 tests performed pursuant to this section for at least ~~[three]~~ ten years.
49 An owner shall maintain a copy of the maintenance program and plan
50 required by subdivision c of this section on the premises where a cool-
51ing tower is located. Such records and plan shall be made available to
52 the department immediately upon request.

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

1 that such owner shall be liable for a penalty of not more than [~~\$10,000~~
2 **\$12,500** for any violation that is accompanied by or results in a fatali-
3 ty or serious injury.

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