



THE CITY OF NEW YORK
COMMUNITY BOARD 9
MANHATTAN

Morningside Heights
Manhattanville
Hamilton Heights
Sugar Hill

September 19, 2025

Hon. Dr. Michelle Morse, MD, MPH
Acting Health Commissioner and
Chief Medical Officer
NYC Department of Health and Mental Hygiene
125 Worth Street
New York, New York 10013

Dear Dr. Michelle Morse, MD, MPH,

At its regularly scheduled General Board Meeting held on Thursday, September 18, 2025, Manhattan Community Board No. 9 passed the following Resolution re: **Legionella Cooling Tower Testing:** with a friendly amendment from the previous vote on August 18, 2025, by unanimous consent, with 32 members present:

WHEREAS, Legionnaires' disease is a serious, and sometimes fatal, form of pneumonia caused by the *Legionella* bacteria, which proliferates in warm water systems such as cooling towers, hot water tanks, and plumbing systems;

WHEREAS, outbreaks of Legionnaires' disease have been repeatedly documented in the summer months of July and August, particularly in disinvested and underserved neighborhoods such as Harlem;

WHEREAS, the New York City Department of Health and Mental Hygiene (DOHMH) has responded commendably to recent outbreaks, including public awareness campaigns and community outreach efforts, such as the distribution of informational flyers in Harlem with the Mayor;

WHEREAS, preventive maintenance of water systems in residential buildings—especially cooling towers and domestic hot water systems—is known to reduce the risk of *Legionella* proliferation;

WHEREAS, the current system places a disproportionate burden on public health officials and tenants rather than building owners and operators, and creates opportunities for malfeasance and negligence from building owners;

THEREFORE, BE IT RESOLVED THAT the City shall mandate that all owners of buildings with cooling towers perform a *Legionella* risk assessment and water system inspection every 60 days;

BE IT FURTHER RESOLVED THAT such inspections shall be conducted by a New York State licensed professional engineer; certified industrial hygienist; certified water technologist; environmental consultant or water treatment professional with training and experience performing inspections in accordance with current standard industry protocols including, but not limited to ASHRAE 188-2015, and that documentation of all inspections be completed and submitted by no later than five (5) working days following the inspection;

BE IT FURTHER RESOLVED THAT building owners shall be required to file proof of inspection and remediation with the Department of Buildings and/or DOHMH, which will maintain a publicly accessible online registry of building compliance; including information such as the number of positive tests, date of remediation, any violations and enforcement actions taken, name of the manufacturer of the cooling tower; model number of the cooling tower; specific unit serial number of the cooling tower, if available; whether maintenance is performed by in-house personnel, by a contractor, or by other parties; and year the cooling tower was placed into service. This database should be made available to the public in a manner similar to the HPD Online Building Information database;

BE IT FURTHER RESOLVED THAT building owners shall be required to notify tenants in writing (in multiple languages where applicable) of inspection results, planned maintenance actions, and any potential exposure risks—via posted notices in common areas and mailed notices to tenants;

BE IT FURTHER RESOLVED THAT following a positive test result of greater than 1000 colony forming units (CFUs) of *Legionella*, that any subsequent test following remediation should be confirmed by a NYC DOHMH employee;

BE IT FURTHER RESOLVED THAT building owners be required to remediate positive tests of greater than 1000 CFUs within one (1) working day, and positive tests of greater than 20 CFUs but less than 1000 CFUs within two (2) working days.

BE IT FURTHER RESOLVED THAT failure to comply with these mandates shall result in escalating penalties, including fines, emergency remediation orders, mandatory inspection by a NYC DOHMH-contracted certified inspector at the building owner's expense; and potential criminal liability in cases of gross negligence or repeat violations.

BE IT FURTHER RESOLVED THAT that city-owned buildings shall not be exempted from the requirements and penalties described above; and further that the Department of Buildings and/or the Department of Health and Mental Hygiene shall be required to publish a live and continuously updated database of the inspection status and testing results of city owned buildings.

Hon. Dr. Michelle Morse, MD, MPH

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If you have any questions and/or further information is needed, please do not hesitate contacting me and/or District Manager, Eutha Prince, at the District Office, info@cb9m.org.

Sincerely,

A handwritten signature in dark ink, appearing to read "Victor Edwards", with a large, stylized loop at the end.

Victor Edwards

Chair

cc: Hon. Eric Adams, Mayor

Hon. James S. Oddo, Commissioner, NYC Buildings Department

Hon. Brad Lander, NYC Comptroller

Hon. Mark Levine, Manhattan Borough President

Hon. Cordell Cleare, New York State Senate

Hon. Micah Lasher, Assembly Member

Hon. Jordan J.D. Wright, Assembly Member

Hon. Al Taylor, Assembly Member

Hon. Shaun Abreu, City Council Member

Hon. Yusef Salaam, City Council Member

Mr. Padmore John, Assistant Commissioner, Policy and Community Resilience
NYC DOHMH

Mr. Ricky Wong, Assistant Commissioner, Bureau of Government Affairs
NYC DOHMH

Mr. Zead Ramadan, Executive Director, West Harlem Development Corporation