

# ASSEMBLY, No. 3540

## STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED MARCH 8, 2022

**Sponsored by:**

**Assemblywoman YVONNE LOPEZ**

**District 19 (Middlesex)**

**Assemblywoman ANGELICA M. JIMENEZ**

**District 32 (Bergen and Hudson)**

**Assemblywoman ANGELA V. MCKNIGHT**

**District 31 (Hudson)**

**SYNOPSIS**

Creates Code Red alert to shelter at-risk individuals during hot weather.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 3/17/2022)

1 AN ACT concerning Code Red alert plans to shelter at-risk  
2 individuals and amending P.L.2017, c.68, P.L.2017, c.70, and  
3 P.L.1942, c.251.

4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7

8 1. Section 2 of P.L.2017, c.68 (C.App.A:9-43.19) is amended  
9 to read as follows:

10 2. A county governing body, through its office of emergency  
11 management or other appropriate office, agency, or department,  
12 shall establish a plan for issuing a Code Blue or Code Red alert to  
13 municipalities, social service agencies, and non-profit organizations  
14 that provide services to at-risk individuals and are located within  
15 the county's borders. The county office of emergency management,  
16 or appropriate office, agency, or department, shall coordinate with  
17 municipal emergency management coordinators in municipalities  
18 with a documented homeless population of at least 10, as noted in  
19 the most recent Annual Point In Time Count, in developing  
20 consistent Code Blue or Code Red alert plans throughout the county  
21 that provide for communication and outreach, emergency warming  
22 or cooling centers, and transportation during implementation of a  
23 Code Blue or Code Red alert plan. This plan may be carried out by  
24 designated volunteer organizations. Volunteer-organized Code  
25 Blue and Code Red efforts shall receive cooperation and logistical  
26 support from the coordinator, but shall operate autonomously,  
27 provided that they operate in response to an alert and pursuant to  
28 the Code Blue or Code Red alert plan.

29 (cf: P.L.2017, c.68, s.2)

30

31 2. Section 3 of P.L.2017, c.68 (C.App.A:9-43.20) is amended  
32 to read as follows:

33 3. **【A coordinator shall declare a Code Blue alert after】** After  
34 evaluating weather forecasts and advisories produced by the  
35 National Weather Service that predict the following weather  
36 conditions in the county within 24 to 48 hours, a coordinator shall  
37 declare:

38 a. a Code Blue alert if:

39 (1) temperatures will reach 32 degrees Fahrenheit or lower; or

40 **【b.】** (2) the National Weather Service wind chill temperature  
41 will be zero degrees Fahrenheit or less for a period of two hours or  
42 more**【.】**; or

43 b. a Code Red alert if:

44 (1) the heat index is forecast to reach 95 degrees Fahrenheit to  
45 99 degrees Fahrenheit for at least two consecutive days; or

**EXPLANATION** – Matter enclosed in bold-faced brackets **【thus】** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 (2) the temperatures will reach 100 degrees Fahrenheit to 104  
2 degrees Fahrenheit for any length of time.

3 (cf: P.L.2019, c.427, s.1)

4  
5 3. Section 5 of P.L.2017, c.70 (C.App.A:9-43.21) is amended  
6 as follows:

7 5. The coordinator, or the coordinator's designee, shall review  
8 weather forecasts from the National Weather Service on a regular  
9 and consistent basis to determine when a Code Blue or Code Red  
10 alert is warranted.

11 (cf: P.L.2017, c.70, s.5)

12  
13 4. Section 20 of P.L.1942, c.251 (C.App.A:9-52) is amended to  
14 read as follows:

15 20. Neither the State nor any political subdivision of the State  
16 under any circumstances, nor the agents, officers, employees,  
17 servants or representatives of the State or any political subdivision  
18 thereof, including all volunteers, in good faith carrying out,  
19 complying with, or attempting to comply with, any order, rule or  
20 regulation promulgated pursuant to the provisions of this act or  
21 performing any authorized service in connection therewith, shall be  
22 liable for any injury or death to persons or damage to property as  
23 the result of **any such** the activity. No person owning, possessing  
24 or managing any real property which has been designated, pursuant  
25 to the provisions of this act or of any order, rule or regulation  
26 promulgated thereunder, as a shelter from destructive operations or  
27 attacks by enemies of the United States, shall be liable in any civil  
28 action for death or injury to any person who, because **such** the  
29 real property has been designated a shelter **as aforesaid**, enters  
30 upon it solely for the purpose of seeking refuge therein during such  
31 destructive operations or attacks or during civil defense tests  
32 ordered by lawful authority, except where **such** the death or  
33 injury is caused by the willful act of **such** the owner, possessor or  
34 manager, or his agents or employees. The foregoing shall not affect  
35 the right of any person to receive benefits or compensation which  
36 may be specifically provided by the provisions of this or any other  
37 State or Federal Statute, nor shall it affect the right of any person to  
38 recover under the terms of any policy of insurance. The provisions  
39 of this section shall apply but shall not be limited to establishing or  
40 developing a Code Blue or Code Red alert plan, or implementing,  
41 carrying out, or providing services under a Code Blue or Code Red  
42 alert plan, pursuant to the provisions of P.L.2017, c.68 (C.App.A:9-  
43 43.18 et al.).

44 (cf: P.L.2017, c.68, s.4)

45  
46 5. This act shall take effect immediately.

STATEMENT

This bill creates a Code Red alert modeled on the Code Blue alert under current law.

The bill provides for the coordination, by a county office of emergency management, of emergency services rendered by municipal governments, social service agencies, and certain non-profit organizations to the homeless during harsh hot weather conditions. The bill defines an at-risk individual as an individual living outdoors or in poorly insulated settings who is at risk for weather-related exposure and possible death.

The bill amends current law to ensure the plans throughout the county include communication and outreach to at-risk individuals, as well as transportation during the implementation of a Code Blue or Code Red alert plan.

The bill requires a county office of emergency management, or other appropriate county office, agency, or department, to coordinate with municipal emergency management coordinators in municipalities with a documented homeless population of at least 10 persons, to develop consistent Code Red alert plans throughout the county that provide emergency cooling centers during implementation of a Code Red alert.

The bill makes the county emergency management coordinator responsible for monitoring National Weather Service weather forecasts, and requires issuance of a Code Red alert if:

- 1) the heat index is forecast to reach 95 degrees Fahrenheit to 99 degrees Fahrenheit for at least two consecutive days; or
- 2) the temperatures will reach 100 degrees Fahrenheit to 104 degrees Fahrenheit for any length of time.

The issuance of an alert will trigger implementation of the county Code Red alert plan, including the provision of emergency cooling centers for at-risk individuals. These cooling centers may be provided by designated volunteer organizations that would receive planning support from the county but operate autonomously in response to an alert.

The bill provides “Good Samaritan” protection from civil liability to the State, a political subdivision, and their agents and employees, as well as to volunteer organizations and their members and volunteers who, during implementation of a Code Red alert plan, provide emergency cooling centers to at-risk individuals.