

[First Reprint]

ASSEMBLY COMMITTEE SUBSTITUTE FOR
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STATE OF NEW JERSEY
220th LEGISLATURE

ADOPTED MAY 18, 2023

Sponsored by:

Assemblywoman YVONNE LOPEZ

District 19 (Middlesex)

Assemblywoman ANGELICA M. JIMENEZ

District 32 (Bergen and Hudson)

Assemblywoman ANGELA V. MCKNIGHT

District 31 (Hudson)

Co-Sponsored by:

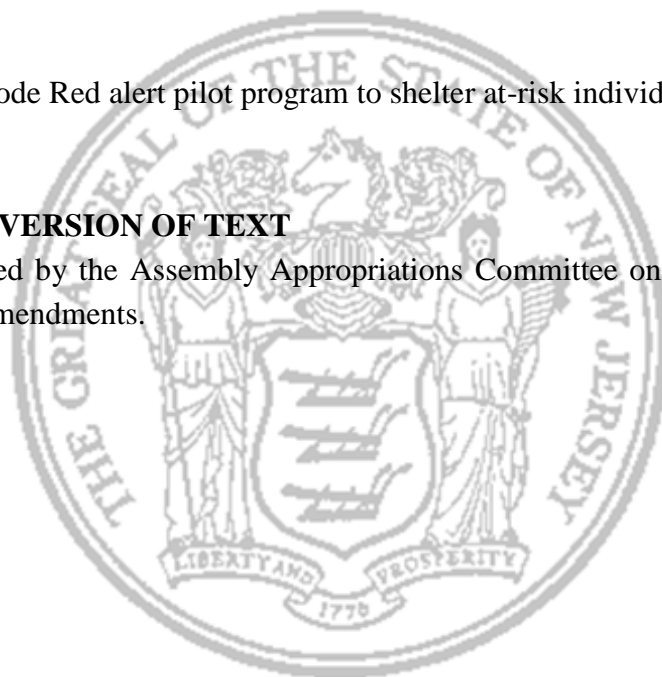
Assemblywoman Jasey, Assemblymen Sampson and Karabinchak

SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Assembly Appropriations Committee on December 18, 2023, with amendments.



(Sponsorship Updated As Of: 12/21/2023)

1 **AN ACT** concerning Code Red alert plans to shelter at-risk
2 individuals during certain pilot period and amending P.L.1942,
3 c.251.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. (New section) As used in P.L. , c. (pending before the
9 Legislature as this bill):

10 "At-risk individual" means an individual living outdoors, on the
11 streets, in the parks, or in poorly insulated settings, and who is at
12 risk for weather-related exposure and possible death.

13 "Coordinator" means the county emergency management
14 coordinator appointed pursuant to section 12 of P.L.1953, c.438
15 (C.App.A:9-42.1).

16 "County governing body" means the board of county
17 commissioners, or in the case of those counties organized pursuant
18 to the provisions of the "Optional County Charter Law," P.L.1972,
19 c.154 (C.40:41A-1 et seq.), the board of county commissioners and
20 the county executive, the county supervisor, or the county manager,
21 as appropriate.

22 "Pilot program" means the three-year pilot program established
23 pursuant to section 2 of P.L. , c. (pending before the Legislature
24 as this bill).

25
26 2. (New section) a. A county governing body, through its
27 office of emergency management or other appropriate office,
28 agency, or department, shall establish a pilot program in the form of
29 a three-year plan for issuing a Code Red alert to municipalities,
30 social service agencies, and non-profit organizations that provide
31 services to at-risk individuals and are located within the county's
32 borders. The county office of emergency management, or
33 appropriate office, agency, or department, shall coordinate with
34 municipal emergency management coordinators in municipalities
35 with a documented homeless population of at least 10 people, as
36 noted in the most recent Annual Point In Time Count, in developing
37 consistent Code Red alert plans throughout the county that provide
38 for communication and outreach, emergency warming or cooling
39 centers, and transportation during implementation of a Code Red
40 alert plan. This plan may be carried out by designated volunteer
41 organizations. Volunteer-organized Code Red efforts shall receive
42 cooperation and logistical support from the coordinator, but shall
43 operate autonomously, provided that the volunteer organizations

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AAP committee amendments adopted December 18, 2023.

1 operate in response to an alert and pursuant to the Code Red alert
2 plan.

3 b. On or before the first day of the 30th month next following
4 the effective date of P.L. , c. (pending before the Legislature as
5 this bill), the State Office of Emergency Management shall submit a
6 report to the Governor and, pursuant to section 2 of P.L.1991, c.164
7 (C.52:14-19.1), to the Legislature. The report shall provide
8 information on the success of the pilot program, challenges faced by
9 the program, and recommendations on whether or not to make the
10 pilot program permanent. The State Office of Emergency
11 Management may request information needed for development and
12 compilation of this report from each appropriate county office.
13 Following the conclusion of the pilot program, a county governing
14 body may certify and submit a request for a reimbursement for the
15 administrative costs of the pilot program to the State Office of
16 Emergency Management, and the State Office of Emergency
17 Management shall reimburse the county for those certified costs.

18
19 3. (New section) A ¹county¹ coordinator shall declare a Code
20 Red alert during the time of the three-year pilot program ¹**],** if, after
21 evaluating weather forecasts and advisories produced by **]** when¹ the
22 National Weather Service ¹**]:**

23 (1) the heat index is forecast to reach a daily high temperature of
24 95 degrees Fahrenheit to 99 degrees Fahrenheit for at least two
25 consecutive days; or

26 (2) the daily high temperature is forecast to reach a high of at
27 least 100 degrees Fahrenheit for any length of time. **]** office for that
28 county's region declares a heat advisory for the area.¹

29
30 ¹**[**4. (New section) The coordinator, or the coordinator's
31 designee, shall review weather forecasts from the National Weather
32 Service on a regular and consistent basis during the time of the
33 three-year pilot program to determine when a Code Red alert is
34 warranted.**]**¹

35
36 ¹**[**5. 4.¹ Section 20 of P.L.1942, c.251 (C.App.A:9-52) is
37 amended to read as follows:

38 20. Neither the State nor any political subdivision of the State
39 under any circumstances, nor the agents, officers, employees,
40 servants or representatives of the State or any political subdivision
41 thereof, including all volunteers, in good faith carrying out,
42 complying with, or attempting to comply with, any order, rule or
43 regulation promulgated pursuant to the provisions of **[**this act**]**
44 P.L.1942, c.251 (C.App. A:9-33 et seq.) or performing any
45 authorized service in connection therewith, shall be liable for any
46 injury or death to persons or damage to property as the result of
47 **[**any such**]** the activity. No person owning, possessing or

1 managing any real property which has been designated, pursuant to
2 the provisions of **【this act】** P.L.1942, c.251 (C.App. A:9-33 et seq.)
3 or of any order, rule or regulation promulgated thereunder, as a
4 shelter from destructive operations or attacks by enemies of the
5 United States, shall be liable in any civil action for death or injury
6 to any person who, because **【such】** the real property has been
7 designated a shelter **【as aforesaid】**, enters upon it solely for the
8 purpose of seeking refuge therein during such destructive
9 operations or attacks or during civil defense tests ordered by lawful
10 authority, except where **【such】** the death or injury is caused by the
11 willful act of **【such】** the owner, possessor or manager, or his agents
12 or employees. The foregoing shall not affect the right of any person
13 to receive benefits or compensation which may be specifically
14 provided by the provisions of this or any other State or Federal
15 Statute, nor shall it affect the right of any person to recover under
16 the terms of any policy of insurance. The provisions of this section
17 shall apply but shall not be limited to establishing or developing a
18 Code Blue alert plan, or a Code Red alert plan pursuant to P.L. ,
19 c. (pending before the Legislature as this bill), or implementing,
20 carrying out, or providing services under a Code Blue alert plan,
21 pursuant to the provisions of P.L.2017, c.68 (C.App.A:9-43.18 et
22 al.), or a Code Red alert plan pursuant to the provisions of
23 P.L. , c. (pending before the Legislature as this bill).
24 (cf: P.L.2017, c.68, s.4)

25

26 ¹**【6.】** 5.¹ This act shall take effect immediately, and shall expire
27 three years thereafter.