

SENATE, No. 2429

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED MAY 9, 2022

Sponsored by:

Senator RICHARD J. CODEY

District 27 (Essex and Morris)

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

Co-Sponsored by:

Senators Burgess and Diegnan

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/27/2023)

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 to
9 read as follows:

10 2. A county governing body, through its office of emergency
11 management or other appropriate office, agency, or department, shall
12 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 the
15 county's borders. The county office of emergency management, or
16 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 the
19 most recent Annual Point In Time Count, in developing consistent
20 Code Blue or Code Red alert plans throughout the county that provide
21 for communication and outreach, emergency warming or cooling
22 centers, and transportation during implementation of a Code Blue or
23 Code Red alert plan. This plan may be carried out by designated
24 volunteer organizations. Volunteer-organized Code Blue and Code
25 Red efforts shall receive cooperation and logistical support from the
26 coordinator, but shall operate autonomously, provided that they
27 operate in response to an alert and pursuant to the Code Blue or Code
28 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 to
32 read as follows:

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

37 a. a Code Blue alert if:

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

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

42 b. a Code Red alert if:

43 (1) the heat index is forecast to reach 95 degrees Fahrenheit to 99
44 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 as
6 follows:

7 5. The coordinator, or the coordinator's designee, shall review
8 weather forecasts from the National Weather Service on a regular and
9 consistent basis to determine when a Code Blue or Code Red alert is
10 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 the
23 result of **【any such】** the activity. No person owning, possessing or
24 managing any real property which has been designated, pursuant to
25 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 real
29 property has been designated a shelter **【as aforesaid】**, enters upon it
30 solely for the purpose of seeking refuge therein during such
31 destructive operations or attacks or during civil defense tests ordered
32 by lawful authority, except where **【such】** the death or injury is caused
33 by the willful act of **【such】** the owner, possessor or manager, or his
34 agents or employees. The foregoing shall not affect the right of any
35 person to receive benefits or compensation which may be specifically
36 provided by the provisions of this or any other State or Federal
37 Statute, nor shall it affect the right of any person to recover under the
38 terms of any policy of insurance. The provisions of this section shall
39 apply but shall not be limited to establishing or developing a Code
40 Blue or Code Red alert plan, or implementing, carrying out, or
41 providing services under a Code Blue or Code Red alert plan,
42 pursuant to the provisions of P.L.2017, c.68 (C.App.A:9-43.18 et al.).
43 (cf: P.L.2017, c.68, s.4)

44
45 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.