

[First Reprint]

**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:**

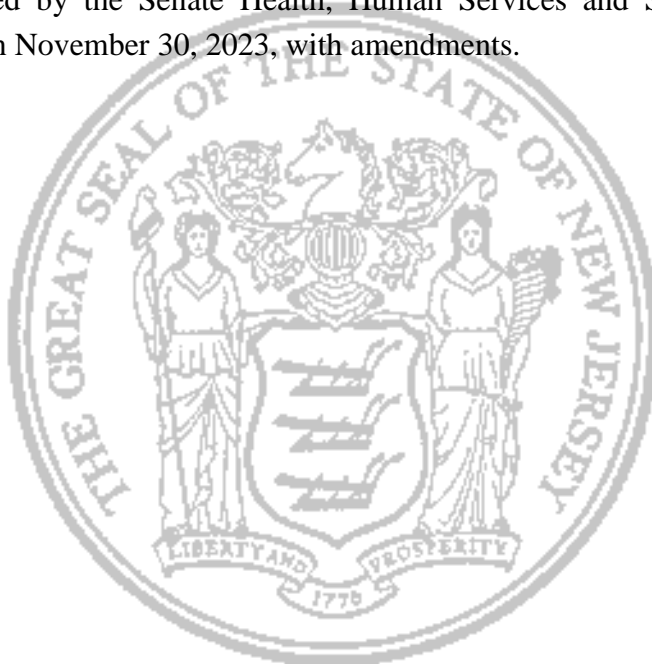
**Senators Burgess and Diegnan**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As reported by the Senate Health, Human Services and Senior Citizens Committee on November 30, 2023, with amendments.



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

1 AN ACT concerning Code Red alert plans to shelter at-risk  
2 individuals <sup>1</sup>during certain pilot period<sup>1</sup> and amending  
3 <sup>1</sup>[P.L.2017, c.68, P.L.2017, c.70, and]<sup>1</sup> 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 <sup>1</sup>[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)<sup>1</sup>]

30  
31 <sup>1</sup>[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:

**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:

<sup>1</sup>Senate SHH committee amendments adopted November 30, 2023.

1     (1) the heat index is forecast to reach 95 degrees Fahrenheit to  
2     99 degrees Fahrenheit for at least two consecutive days; or

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

5     (cf: P.L.2019, c.427, s.1)】<sup>1</sup>

6  
7     <sup>1</sup>【3.Section 5 of P.L.2017, c.70 (C.App.A:9-43.21) is amended  
8 as follows:

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

13     (cf: P.L.2017, c.70, s.5)】<sup>1</sup>

14  
15     <sup>1</sup>1. (New section) As used in P.L. , c. (pending before the  
16 Legislature as this bill):

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

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

23     "County governing body" means the board of county  
24 commissioners, or in the case of those counties organized pursuant  
25 to the provisions of the "Optional County Charter Law," P.L.1972,  
26 c.154 (C.40:41A-1 et seq.), the board of county commissioners and  
27 the county executive, the county supervisor, or the county manager,  
28 as appropriate.

29     "Pilot program" means the three-year pilot program established  
30 pursuant to section 2 of P.L. , c. (pending before the Legislature  
31 as this bill).<sup>1</sup>

32  
33     <sup>1</sup>2. (New section) a. A county governing body, through its  
34 office of emergency management or other appropriate office,  
35 agency, or department, shall establish a pilot program in the form of  
36 a three-year plan for issuing a Code Red alert to municipalities,  
37 social service agencies, and non-profit organizations that provide  
38 services to at-risk individuals and are located within the county's  
39 borders. The county office of emergency management, or  
40 appropriate office, agency, or department, shall coordinate with  
41 municipal emergency management coordinators in municipalities  
42 with a documented homeless population of at least 10 people, as  
43 noted in the most recent Annual Point In Time Count, in developing  
44 consistent Code Red alert plans throughout the county that provide  
45 for communication and outreach, emergency warming or cooling  
46 centers, and transportation during implementation of a Code Red  
47 alert plan. This plan may be carried out by designated volunteer

1 organizations. Volunteer-organized Code Red efforts shall receive  
2 cooperation and logistical support from the coordinator, but shall  
3 operate autonomously, provided that the volunteer organizations  
4 operate in response to an alert and pursuant to the Code Red alert  
5 plan.

6 b. On or before the first day of the 30th month next following  
7 the effective date of P.L. , c. (pending before the Legislature as  
8 this bill), the State Office of Emergency Management shall submit a  
9 report to the Governor and, pursuant to section 2 of P.L.1991, c.164  
10 (C.52:14-19.1), to the Legislature. The report shall provide  
11 information on the success of the pilot program, challenges faced by  
12 the program, and recommendations on whether or not to make the  
13 pilot program permanent. The State Office of Emergency  
14 Management may request information needed for development and  
15 compilation of this report from each appropriate county office.  
16 Following the conclusion of the pilot program, a county governing  
17 body may certify and submit a request for a reimbursement for the  
18 administrative costs of the pilot program to the State Office of  
19 Emergency Management, and the State Office of Emergency  
20 Management shall reimburse the county for those certified costs.<sup>1</sup>

21  
22 <sup>13.</sup> (New section) A coordinator shall declare a Code Red alert  
23 during the time of the three-year pilot program, if, after evaluating  
24 weather forecasts and advisories produced by the National Weather  
25 Service:

26 (1) the heat index is forecast to reach a daily high temperature of  
27 95 degrees Fahrenheit to 99 degrees Fahrenheit for at least two  
28 consecutive days; or

29 (2) the daily high temperature is forecast to reach a high of at  
30 least 100 degrees Fahrenheit for any length of time.<sup>1</sup>

31  
32 <sup>14.</sup> (New section) The coordinator, or the coordinator's  
33 designee, shall review weather forecasts from the National Weather  
34 Service on a regular and consistent basis during the time of the  
35 three-year pilot program to determine when a Code Red alert is  
36 warranted.<sup>1</sup>

37  
38 <sup>1</sup>[4.] 5.<sup>1</sup> Section 20 of P.L.1942, c.251 (C.App.A:9-52) is  
39 amended to read as follows:

40 20. Neither the State nor any political subdivision of the State  
41 under any circumstances, nor the agents, officers, employees,  
42 servants or representatives of the State or any political subdivision  
43 thereof, including all volunteers, in good faith carrying out,  
44 complying with, or attempting to comply with, any order, rule or  
45 regulation promulgated pursuant to the provisions of <sup>1</sup>[this act]  
46 P.L.1942, c.251 (C.App. A:9-33 et seq.)<sup>1</sup> or performing any  
47 authorized service in connection therewith, shall be liable for any

1 injury or death to persons or damage to property as the result of  
2 **any such** the activity. No person owning, possessing or  
3 managing any real property which has been designated, pursuant to  
4 the provisions of **this act** P.L.1942, c.251 (C.App. A:9-33 et  
5 seq.)<sup>1</sup> or of any order, rule or regulation promulgated thereunder, as  
6 a shelter from destructive operations or attacks by enemies of the  
7 United States, shall be liable in any civil action for death or injury  
8 to any person who, because **such** the real property has been  
9 designated a shelter **as aforesaid**, enters upon it solely for the  
10 purpose of seeking refuge therein during such destructive  
11 operations or attacks or during civil defense tests ordered by lawful  
12 authority, except where **such** the death or injury is caused by the  
13 willful act of **such** the owner, possessor or manager, or his agents  
14 or employees. The foregoing shall not affect the right of any person  
15 to receive benefits or compensation which may be specifically  
16 provided by the provisions of this or any other State or Federal  
17 Statute, nor shall it affect the right of any person to recover under  
18 the terms of any policy of insurance. The provisions of this section  
19 shall apply but shall not be limited to establishing or developing a  
20 Code Blue alert plan,<sup>1</sup> or a<sup>1</sup> Code Red alert plan pursuant to  
21 P.L. , c. (pending before the Legislature as this bill)<sup>1</sup> , or  
22 implementing, carrying out, or providing services under a Code  
23 Blue **or Code Red**<sup>1</sup> alert plan, pursuant to the provisions of  
24 P.L.2017, c.68 (C.App.A:9-43.18 et al.) <sup>1</sup>, or a Code Red alert plan  
25 pursuant to the provisions of P.L. , c. (pending before the  
26 Legislature as this bill)<sup>1</sup> .  
27 (cf: P.L.2017, c.68, s.4)

28  
29 **[5.] 6.**<sup>1</sup> This act shall take effect immediately <sup>1</sup>, and shall  
30 expire three years thereafter<sup>1</sup> .