

SENATE, No. 2346

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED JANUARY 29, 2024

Sponsored by:

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

Senator ANGELA V. MCKNIGHT

District 31 (Hudson)

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/5/2024)

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

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

16

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

21 (1) the heat index is forecast to reach a daily high temperature of
22 95 degrees Fahrenheit to 99 degrees Fahrenheit for at least two
23 consecutive days; or

24 (2) the daily high temperature is forecast to reach a high of at least
25 100 degrees Fahrenheit for any length of time.

26

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

31

32 5. Section 20 of P.L.1942, c.251 (C.App.A:9-52) is amended to
33 read as follows:

34 20. Neither the State nor any political subdivision of the State
35 under any circumstances, nor the agents, officers, employees,
36 servants or representatives of the State or any political subdivision
37 thereof, including all volunteers, in good faith carrying out,
38 complying with, or attempting to comply with, any order, rule or
39 regulation promulgated pursuant to the provisions of **【this act】**
40 P.L.1942, c.251 (C.App. A:9-33 et seq.) or performing any
41 authorized service in connection therewith, shall be liable for any
42 injury or death to persons or damage to property as the result of **【any**
43 **such】** the activity. No person owning, possessing or managing any
44 real property which has been designated, pursuant to the provisions
45 of **【this act】** P.L.1942, c.251 (C.App. A:9-33 et seq.) or of any order,
46 rule or regulation promulgated thereunder, as a shelter from
47 destructive operations or attacks by enemies of the United States,
48 shall be liable in any civil action for death or injury to any person

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

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

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21 6. This act shall take effect immediately, and shall expire three
22 years thereafter.

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24

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STATEMENT

26

27 This bill creates a Code Red alert pilot program modeled on the
28 Code Blue alert and plans under current law.

29 The bill requires the establishment of a three-year pilot program
30 to provide for the coordination, by a county office of emergency
31 management, of emergency services rendered by municipal
32 governments, social service agencies, and certain non-profit
33 organizations to the homeless during harsh hot weather conditions.
34 The bill defines an at-risk individual as an individual living outdoors
35 or in poorly insulated settings who is at risk for weather-related
36 exposure and possible death.

37 The bill would require the Code Red alert plans throughout the
38 county include communication and outreach to at-risk individuals, as
39 well as transportation during the implementation of a Code Red alert
40 plan.

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

1 The bill requires the State Office of Emergency Management
2 (State office) to submit a report to the Governor and Legislature on
3 the success of the pilot program, and recommend whether or not to
4 make the program permanent. The State office may request
5 information needed for the development and compilation of this
6 report from each appropriate county office. Following the conclusion
7 of the pilot program, the bill permits a county governing body to
8 certify and submit a request for a reimbursement for the
9 administrative costs of the pilot program to the State office, and the
10 bill requires the State office to reimburse the county for those
11 certified costs.

12 The bill makes the county emergency management coordinator
13 responsible for monitoring National Weather Service weather
14 forecasts and issuing a Code Red alert during the time of the pilot
15 program if:

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

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

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