

[First Reprint]

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 certain hot weather and air quality events; appropriates \$5 million.

CURRENT VERSION OF TEXT

As reported by the Senate Health, Human Services and Senior Citizens Committee on June 20, 2024, with amendments.



(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 ¹**[and]** ¹ amending
3 P.L.1942, c.251 ¹, and making an appropriation¹.
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. ¹The State Office of Emergency
27 Management in the Division of State Police in the Department of
28 Law and Public Safety shall establish a three-year pilot program in
29 order to establish a three-year plan for issuing Code Red alerts to
30 municipalities, social service agencies, and non-profit organizations
31 that provide services to at-risk individuals located within the
32 borders of counties participating in the pilot program.

33 b.¹ A county governing body, through its office of emergency
34 management or other appropriate office, agency, or department,
35 ¹**[shall establish a pilot program in the form of a three-year plan for**
36 **issuing a Code Red alert to municipalities, social service agencies,**
37 **and non-profit organizations that provide services to at-risk**
38 **individuals and are located within the county's borders. The**
39 **county]** may apply to participate in the pilot program in a form and
40 manner determined by the State Office of Emergency Management.

41 c. The State Office of Emergency Management shall select 10
42 counties in the State to participate in the pilot program based on
43 selection criteria established by the office. The governing body of

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:

¹Senate SHH committee amendments adopted June 20, 2024.

1 each county selected to participate in the pilot program shall receive
2 a \$500,000 grant.

3 d. Each participating county's¹ office of emergency
4 management, or appropriate office, agency, or department, shall
5 coordinate with municipal emergency management coordinators in
6 municipalities with a documented homeless population of at least
7 10 people, as noted in the most recent Annual Point In Time Count,
8 in developing consistent Code Red alert plans throughout the
9 county that provide for communication and outreach, emergency
10 warming or cooling centers, and transportation during
11 implementation of a Code Red alert plan. This plan may be carried
12 out by designated volunteer organizations. Volunteer-organized
13 Code Red efforts shall receive cooperation and logistical support
14 from the coordinator, but shall operate autonomously, provided that
15 the volunteer organizations operate in response to an alert and
16 pursuant to the Code Red alert plan. ¹The Code Red alert plan, as
17 overseen by the governing body of the county, shall include: (1) the
18 operation of cooling centers; (2) the necessary response to an alert
19 by a municipality, social service agency, or non-profit organization;
20 (3) a plan to coordinate with local groups within the county to
21 implement the Code Red alert plan; (4) an outreach plan to
22 vulnerable populations; (5) the availability of other heat and air
23 quality related mitigation strategies; (6) an implementation plan; (7)
24 a plan to coordinate any necessary transportation to cooling centers;
25 and (8) other specifics, as determined by the State Office of
26 Emergency Management. Each municipality, social service agency,
27 and non-profit organization shall report the location of cooling
28 centers to the Department of Environmental Protection for inclusion
29 in the Heat Hub NJ public resource.¹

30 ¹**[b.] e.**¹ On or before the first day of the 30th month next
31 following the effective date of P.L. , c. (pending before the
32 Legislature as this bill), the State Office of Emergency Management
33 shall submit a report to the Governor and, pursuant to section 2 of
34 P.L.1991, c.164 (C.52:14-19.1), to the Legislature. The report shall
35 provide information on the success of the pilot program, challenges
36 faced by the program, and recommendations on whether or not to
37 make the pilot program permanent. The State Office of Emergency
38 Management may request information needed for development and
39 compilation of this report from each appropriate county office.
40 ¹**[Following the conclusion of the pilot program, a county**
41 **governing body may certify and submit a request for a**
42 **reimbursement for the administrative costs of the pilot program to**
43 **the State Office of Emergency Management, and the State Office of**
44 **Emergency Management shall reimburse the county for those**
45 **certified costs.]¹**

1 3. (New section) ¹a.¹ A coordinator ¹of a county participating in
2 the pilot program¹ shall declare a Code Red alert during the time of
3 the three-year pilot program ¹], if, after evaluating weather
4 forecasts and advisories produced by the National Weather Service:

5 (1) the heat index is forecast to reach a daily high temperature of
6 95 degrees Fahrenheit to 99 degrees Fahrenheit for at least two
7 consecutive days; or

8 (2) the daily high temperature is forecast to reach a high of at
9 least 100 degrees Fahrenheit for any length of time ¹ when the
10 National Weather Service office for that county's region declares a
11 heat advisory for the area or reports an Air Quality Index of 151 or
12 higher. This section shall not be understood to prohibit a county,
13 municipality, social service agency, or non-profit organization from
14 operating a cooling center or other heat related mitigation strategy
15 when a Code Red alert is not required by this section.

16 b. When a Code Red alert is declared pursuant to subsection a.
17 of this section, the county coordinator of a participating county, or
18 the coordinator's designee, may coordinate with NJ 211, which may
19 include identifying cooling center locations and transportation
20 options in the county.¹

21

22 ¹[4. (New section) The coordinator, or the coordinator's
23 designee, shall review weather forecasts from the National Weather
24 Service on a regular and consistent basis during the time of the
25 three-year pilot program to determine when a Code Red alert is
26 warranted.]¹

27

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

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

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

18

19 ^{14.} Section 20 of P.L.1942, c.251 (C.App.A:9-52) is amended to
20 read as follows:

21 20. Neither the State nor any political subdivision of the State
22 under any circumstances, nor the agents, officers, employees,
23 servants or representatives of the State or any political subdivision
24 thereof, including all volunteers, in good faith carrying out,
25 complying with, or attempting to comply with, any order, rule or
26 regulation promulgated pursuant to the provisions of **[this act]**
27 P.L.1942, c.251 (C.App. A:9-33 et seq.) or performing any
28 authorized service in connection therewith, shall be liable for any
29 injury or death to persons or damage to property as the result of
30 **[any such]** the activity. No person owning, possessing or
31 managing any real property which has been designated, pursuant to
32 the provisions of **[this act]** P.L.1942, c.251 (C.App. A:9-33 et seq.)
33 or of any order, rule or regulation promulgated thereunder, as a
34 shelter from destructive operations or attacks by enemies of the
35 United States, shall be liable in any civil action for death or injury
36 to any person who, because **[such]** the real property has been
37 designated a shelter **[as aforesaid]**, enters upon it solely for the
38 purpose of seeking refuge therein during such destructive
39 operations or attacks or during civil defense tests ordered by lawful
40 authority, except where **[such]** the death or injury is caused by the
41 willful act of **[such]** the owner, possessor or manager, or his agents
42 or employees. The foregoing shall not affect the right of any person
43 to receive benefits or compensation which may be specifically
44 provided by the provisions of this or any other State or Federal
45 Statute, nor shall it affect the right of any person to recover under
46 the terms of any policy of insurance. The provisions of this section
47 shall apply but shall not be limited to establishing or developing a

1 Code Blue alert plan, or a Code Red alert plan pursuant to P.L. __,
2 c. (pending before the Legislature as this bill), or implementing,
3 carrying out, or providing services under a Code Blue alert plan,
4 pursuant to the provisions of P.L.2017, c.68 (C.App.A:9-43.18 et
5 al.), or a Code Red alert plan pursuant to the provisions of P.L. __,
6 c. (pending before the Legislature as this bill).¹
7 (cf: P.L.2017, c.68, s.4)

8
9 ^{15.} (New section) There is appropriated from the General Fund
10 to the State Office of Emergency Management in the Division of
11 State Police in the Department of Law and Public Safety the sum of
12 \$5,000,000 to implement the provisions of this act. The State
13 Office of Emergency Management shall issue a grant in the amount
14 of \$500,000 to the governing body of each county selected to
15 participate in the pilot program to effectuate the provisions of this
16 act.¹

17
18 6. This act shall take effect immediately, and shall expire three
19 years thereafter.