

ASSEMBLY, No. 676

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

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District 19 (Middlesex)

SYNOPSIS

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

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



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
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)

30
31 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 25 degrees Fahrenheit or lower
40 without precipitation or 32 degrees Fahrenheit or lower with
41 precipitation; or

42 **【b.】** (2) the National Weather Service windchill temperature
43 will be zero degrees Fahrenheit or less for a period of two hours or
44 more**【.】** ; or

45 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.

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.2017, c.68, s.3)

6
7 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)

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

17 20. Neither the State nor any political subdivision of the State
18 under any circumstances, nor the agents, officers, employees,
19 servants or representatives of the State or any political subdivision
20 thereof, including all volunteers, in good faith carrying out,
21 complying with, or attempting to comply with, any order, rule or
22 regulation promulgated pursuant to the provisions of this act or
23 performing any authorized service in connection therewith, shall be
24 liable for any injury or death to persons or damage to property as
25 the result of **any such** the activity. No person owning, possessing
26 or managing any real property which has been designated, pursuant
27 to the provisions of this act or of any order, rule or regulation
28 promulgated thereunder, as a shelter from destructive operations or
29 attacks by enemies of the United States, shall be liable in any civil
30 action for death or injury to any person who, because **such** the
31 real property has been designated a shelter **as aforesaid**, enters
32 upon it solely for the purpose of seeking refuge therein during such
33 destructive operations or attacks or during civil defense tests
34 ordered by lawful authority, except where **such** the death or
35 injury is caused by the willful act of **such** the owner, possessor or
36 manager, or his agents or employees. The foregoing shall not affect
37 the right of any person to receive benefits or compensation which
38 may be specifically provided by the provisions of this or any other
39 State or Federal Statute, nor shall it affect the right of any person to
40 recover under the terms of any policy of insurance. The provisions
41 of this section shall apply but shall not be limited to establishing or
42 developing a Code Blue or Code Red alert plan, or implementing,
43 carrying out, or providing services under a Code Blue or Code Red
44 alert plan, pursuant to the provisions of P.L.2017, c.68 (C.App.A:9-
45 43.18 et al.).

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

1 5. This act shall take effect immediately.

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STATEMENT

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6 This bill creates a Code Red alert modeled on the Code Blue
7 alert under current law.

8 The bill provides for the coordination, by a county office of
9 emergency management, of emergency services rendered by
10 municipal governments, social service agencies, and certain non-
11 profit organizations to the homeless during harsh hot weather
12 conditions. The bill defines an at-risk individual as an individual
13 living outdoors or in poorly insulated settings who is at risk for
14 weather-related exposure and possible death.

15 The bill amends current law to ensure the plans throughout the
16 county include communication and outreach to at-risk individuals,
17 as well as transportation during the implementation of a Code Blue
18 or Code Red alert plan.

19 The bill requires a county office of emergency management, or
20 other appropriate county office, agency, or department, to
21 coordinate with municipal emergency management coordinators in
22 municipalities with a documented homeless population of at least
23 10 persons, to develop consistent Code Red alert plans throughout
24 the county that provide emergency cooling centers during
25 implementation of a Code Red alert.

26 The bill makes the county emergency management coordinator
27 responsible for monitoring National Weather Service weather
28 forecasts, and requires issuance of a Code Red alert if:

29 1) the heat index is forecast to reach 95 degrees Fahrenheit to
30 99 degrees Fahrenheit for at least two consecutive days; or

31 2) the temperatures will reach 100 degrees Fahrenheit to 104
32 degrees Fahrenheit for any length of time.

33 The issuance of an alert will trigger implementation of the
34 county Code Red alert plan, including the provision of emergency
35 cooling centers for at-risk individuals. These cooling centers may
36 be provided by designated volunteer organizations that would
37 receive planning support from the county but operate autonomously
38 in response to an alert.

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