

App.A:9-43.18 to App.A:9-43.21 et al

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2017 **CHAPTER:** 68

NJSA: App.A:9-43.18 to App.A:9-43.21 et al (Concerns Code Blue alert plans to shelter at-risk individuals.)

BILL NO: A815 (Substituted for S1088)

SPONSOR(S) Land and others

DATE INTRODUCED: 1/27/2016

COMMITTEE: **ASSEMBLY:** Homeland Security and State Preparedness
Appropriations

SENATE: Budget & Appropriations

AMENDED DURING PASSAGE: Reprint

DATE OF PASSAGE: **ASSEMBLY:** 3/16/2017

SENATE: 2/13/2017

DATE OF APPROVAL: 5/11/2017

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Assembly Committee Substitute (First Reprint) enacted) Yes

A815

SPONSOR'S STATEMENT: (Begins on page 3 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes Homeland Security and State
Preparedness
Appropriations

SENATE: Yes Budget & Appropriations

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: Yes 3/31/2016
2/10/2017

S1088

SPONSOR'S STATEMENT: (Begins on page 3 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes Budget & Appropriations

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

(Continued)

FLOOR AMENDMENT STATEMENT:

No

LEGISLATIVE FISCAL ESTIMATE:

Yes 2/10/2017

VETO MESSAGE:

No

GOVERNOR'S PRESS RELEASE ON SIGNING:

Yes

FOLLOWING WERE PRINTED:

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REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

Yes

"Christie signs homeless-shelter bill - Bill to require shelters for homeless people signed by Christie," The Press of Atlantic City, May 12, 2017

RWH/JA

P.L.2017, CHAPTER 68, *approved May 11, 2017*
Assembly Committee Substitute (*First Reprint*) for
Assembly, No.815

1 AN ACT concerning Code Blue alert plans to shelter at-risk
2 individuals ¹, supplementing chapter 9 of Appendix A of the
3 Revised Statutes, and amending P.L.1942, c.251¹.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. ¹(New section)¹ As used in this act:

9 “At-risk individual” means an individual living outdoors, on the
10 streets, in the parks or in poorly insulated settings, and who is at
11 risk for weather-related exposure and possible death.

12 “Coordinator” means the county emergency management
13 coordinator appointed pursuant to section 12 of P.L.1953, c.438
14 (C.App.A:9-42.1).

15 “County governing body” means the board of chosen
16 freeholders, or in the case of those counties organized pursuant to
17 the provisions of the “Optional County Charter Law,” P.L.1972,
18 c.154 (C.40:41A-1 et seq.), the board of chosen freeholders and the
19 county executive, the county supervisor, or the county manager, as
20 appropriate.
21

22 2. ¹(New section)¹ A county governing body, through its office
23 of emergency management ¹or other appropriate office, agency, or
24 department¹, shall establish a ¹**[procedure] plan**¹ for issuing a Code
25 Blue alert ¹**[to provide notice]**¹ to municipalities, social service
26 agencies, and non-profit organizations that provide services to at-
27 risk individuals and are located within the county’s borders. The
28 county office of emergency management ¹, or appropriate office,
29 agency, or department,¹ shall coordinate with municipal emergency
30 management coordinators in municipalities with a documented
31 homeless population of at least 10^{1,1} as noted in the most recent
32 Annual Point In Time Count^{1,1} in developing consistent Code Blue
33 alert plans throughout the county that provide for emergency
34 warming centers during implementation of a Code Blue alert plan
35 ¹**[, which]** . This plan¹ may be carried out by designated volunteer
36 organizations. Volunteer-organized Code Blue efforts shall receive

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:

¹ Senate SBA committee amendments adopted January 30, 2017.

1 cooperation and logistical support from the coordinator, but shall
2 operate autonomously, provided that they operate ¹【when】¹ in
3 response to an alert and pursuant to the Code Blue alert plan.

4 ¹【A volunteer organization and its members and volunteers who
5 during implementation of a Code Blue alert plan provide in good
6 faith the services of an emergency warming center to an at-risk
7 individual, or transport an at-risk individual to an emergency
8 warming center, shall not be liable for any civil damages as a result
9 of any acts or omissions by those members or volunteers rendering
10 the services.】¹

11

12 3. ¹(New section)¹ A coordinator shall declare a Code Blue
13 alert after evaluating weather forecasts and advisories produced by
14 the National Weather Service that predict the following weather
15 conditions in the county within 24 to 48 hours: ¹【a】

16 a.¹ temperatures will reach 25 degrees Fahrenheit or lower
17 without precipitation ¹【; b) temperatures will reach】 or¹ 32 degrees
18 Fahrenheit or lower with precipitation; or

19 ¹b.¹ the National Weather Service windchill temperature will be
20 zero degrees Fahrenheit or less for a period of two hours or more.

21

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

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

1 under the terms of any policy of insurance. The provisions of this
2 section shall apply but shall not be limited to establishing or
3 developing a Code Blue alert plan, or implementing, carrying out,
4 or providing services under a Code Blue alert plan, pursuant to the
5 provisions of P.L. , c. (C.) (pending before the Legislature
6 as this bill).¹

7 (cf: P.L.1952, c. 14, s.1)

8 ¹**[4.] 5. (New section)**¹ The coordinator, or the coordinator's
9 designee, shall review weather forecasts from the National Weather
10 Service on a regular and consistent basis to determine when a Code
11 Blue alert is warranted.

12
13 ¹**[5.] 6.**¹ This act shall take effect ¹**[on the first day of the**
14 **fourth month following the date of enactment]** immediately¹.

15
16
17 _____
18
19 Concerns Code Blue alert plans to shelter at-risk individuals.

ASSEMBLY, No. 815

STATE OF NEW JERSEY

217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

Sponsored by:

Assemblyman R. BRUCE LAND

District 1 (Atlantic, Cape May and Cumberland)

Assemblyman BOB ANDRZEJCZAK

District 1 (Atlantic, Cape May and Cumberland)

SYNOPSIS

Requires county emergency management coordinators to establish Code Blue Program to shelter homeless during severe weather events.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning emergency shelters for at-risk individuals
2 during severe weather events and supplementing chapter 9 of
3 Appendix A.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. a. As used in this act,

9 “At-risk individual” means an individual living outside, or in a
10 building not meant for human habitation or which the person has no
11 legal right to occupy.

12 “Coordinator” means the county emergency management
13 coordinator appointed pursuant to section 12 of P.L.1953, c.438
14 (C.App.A:9-42.1).

15 “Severe weather event” means, but is not limited to, a snow
16 emergency, excessive cold or heat, storms or other weather-related
17 conditions, which may include temperatures equal to or below 40
18 degrees Fahrenheit.

19 b. Each coordinator shall establish a Code Blue Program for at-
20 risk individuals who require shelter during a severe weather event.
21 The purpose of the Code Blue Program shall be to identify at-risk
22 individuals prior to, or during, a severe weather event and assist
23 those individuals in voluntarily finding appropriate shelter.

24 c. A coordinator shall declare a code blue alert within 24 hours
25 prior to the onset of a severe weather event. The code blue alert
26 shall continue until 8 a.m. the following day after the declaration,
27 unless the severe weather event worsens or continues for a
28 prolonged period of time. Upon the declaration of a code blue alert,
29 the coordinator shall inform each municipal law enforcement
30 agency in that county as well as the county police department, as
31 appropriate, of the need to identify and locate at-risk individuals
32 who may be in need of shelter during a severe weather event.
33 Following the code blue alert, each municipal law enforcement
34 agency and county police department shall conduct patrols to locate
35 at-risk individuals, and transport or arrange for the transportation of
36 those individuals to an appropriate shelter. In conducting patrols,
37 law enforcement officers shall give specific attention to areas where
38 at-risk individuals may congregate.

39 d. Following the declaration of a code blue alert, the
40 coordinator shall inform each county and municipal welfare agency
41 responsible for placing homeless families and persons in shelters of
42 the need to increase bed capacity within each shelter. During a
43 code blue alert, each county shall establish, in addition to existing
44 shelters for the homeless, emergency shelters which have been
45 authorized by a public officer of a municipality or the Department
46 of Community Affairs to provide shelter, or food and shelter, to a
47 specified number of individuals because of a severe weather event.

1 e. Each county office of emergency management shall conduct
2 a public awareness campaign, utilizing the Internet and any other
3 available resources, to inform the general public of the code blue
4 program and the importance of identifying at-risk individuals prior
5 to a severe weather event so that appropriate preparations may be
6 made to ensure that these individuals receive shelter.

7
8 2. This act shall take effect on the first day of the fourth month
9 following enactment.

10

11

12

STATEMENT

13

14 This bill requires county emergency management coordinators to
15 establish a Code Blue Program for at-risk individuals who require
16 shelter during a severe weather event. The purpose of the Code
17 Blue Program is to identify at-risk individuals prior to, or during, a
18 severe weather event and assist those individuals in voluntarily
19 finding appropriate shelter.

20 The bill defines at-risk individual as an individual living outside,
21 or in a building not meant for human habitation or which the person
22 has no legal right to occupy. The phrase “severe weather event” is
23 defined to include a snow emergency, excessive cold or heat, storms
24 or other weather-related conditions, which may include
25 temperatures equal to or below 40 degrees Fahrenheit.

26 Under the Code Blue Program, county emergency management
27 coordinators are required to declare a code blue alert within 24
28 hours prior to the onset of a severe weather event. Upon the
29 declaration of a code blue alert, the county emergency management
30 coordinator is to inform each municipal law enforcement agency in
31 that county as well as the county police department, if appropriate,
32 of the need to identify and locate at-risk individuals who may be in
33 need of shelter. Municipal law enforcement agencies and county
34 police departments would then conduct patrols to locate at-risk
35 individuals, and transport or arrange for the transportation of those
36 individuals to an appropriate shelter.

37 The bill also requires county emergency management
38 coordinators to inform each county and municipal welfare agency
39 responsible for placing homeless families and persons in shelters of
40 the need to increase the shelter bed capacity. The bill further
41 requires counties to establish emergency shelters for the homeless,
42 which have been authorized by a public officer of the municipality
43 or the Department of Community Affairs, to provide shelter, or food
44 and shelter, to a specified number of individuals in excess of its
45 licensed capacity because of emergency conditions.

46 Finally, the bill requires each county office of emergency
47 management to conduct a public awareness campaign, utilizing the
48 Internet and any other available resources, to inform the general

A815 LAND, ANDRZEJCZAK

4

- 1 public of the code blue program and the importance of identifying
- 2 at-risk individuals prior to a severe weather event so that
- 3 appropriate shelter preparations may be made.

ASSEMBLY HOMELAND SECURITY AND STATE
PREPAREDNESS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 815

STATE OF NEW JERSEY

DATED: MARCH 3, 2016

The Assembly Homeland Security and State Preparedness Committee reports favorably Assembly Bill No. 815.

This bill requires county emergency management coordinators to establish a Code Blue Program for at-risk individuals who require shelter during a severe weather event. The purpose of the Code Blue Program is to identify at-risk individuals prior to, or during, a severe weather event and assist those individuals in voluntarily finding appropriate shelter.

The bill defines at-risk individual as an individual living outside, or in a building not meant for human habitation or which the person has no legal right to occupy. The phrase "severe weather event" is defined to include a snow emergency, excessive cold or heat, storms or other weather-related conditions, which may include temperatures equal to or below 40 degrees Fahrenheit.

Under the Code Blue Program, county emergency management coordinators are required to declare a code blue alert within 24 hours prior to the onset of a severe weather event. Upon the declaration of a code blue alert, the county emergency management coordinator is to inform each municipal law enforcement agency in that county as well as the county police department, if appropriate, of the need to identify and locate at-risk individuals who may be in need of shelter. Municipal law enforcement agencies and county police departments would then conduct patrols to locate at-risk individuals, and transport or arrange for the transportation of those individuals to an appropriate shelter.

The bill also requires county emergency management coordinators to inform each county and municipal welfare agency responsible for placing homeless families and persons in shelters of the need to increase the shelter bed capacity. The bill further requires counties to establish emergency shelters for the homeless, which have been authorized by a public officer of the municipality or the Department of Community Affairs, to provide shelter, or food and shelter, to a specified number of individuals in excess of its licensed capacity because of emergency conditions.

Finally, the bill requires each county office of emergency management to conduct a public awareness campaign, utilizing the

Internet and any other available resources, to inform the general public of the code blue program and the importance of identifying at-risk individuals prior to a severe weather event so that appropriate shelter preparations may be made.

This bill was pre-filed for introduction in the 2016-2017 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO ASSEMBLY COMMITTEE SUBSTITUTE FOR ASSEMBLY, No. 815

STATE OF NEW JERSEY

DATED: APRIL 4, 2016

The Assembly Appropriations Committee reports favorably an Assembly Committee Substitute for Assembly Bill No. 815.

This Assembly Committee Substitute provides for the coordination by the county office of emergency management of emergency services provided by municipal governments, social service agencies and non-profit organizations that provide emergency services to the homeless during harsh weather conditions. The substitute 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 substitute requires a county office of emergency management to coordinate with municipal emergency management coordinators in municipalities with a documented homeless population of at least 10 persons to develop consistent Code Blue alert plans throughout the county that provide emergency warming centers during implementation of a Code Blue alert.

The substitute makes the county emergency management coordinator responsible for monitoring National Weather Service weather forecasts, and requires issuance of a Code Blue alert if temperatures will reach 25 degrees Fahrenheit or lower without precipitation; b) temperatures will reach 32 degrees Fahrenheit or lower with precipitation; or the National Weather Service windchill temperature will be zero degrees Fahrenheit or less for a period of two hours or more.

The issuance of an alert will trigger implementation of the county Code Blue alert plan, including the provision of emergency warming centers for the at-risk individuals. These warming centers may be provided by designated volunteer organizations, that will receive planning support from the county but operate autonomously in response to an alert. The substitute gives "Good Samaritan" protection from civil liability to a volunteer organization and its members and volunteers who, during implementation of a Code Blue alert plan, provide the services of an emergency warming center to at-risk individuals.

FISCAL IMPACT:

The substitute requires a county office of emergency management to coordinate with municipal emergency management coordinators in municipalities with a documented homeless population of at least 10 persons to develop consistent Code Blue alert plans throughout the county that provide emergency warming centers during implementation of a Code Blue alert.

Certain counties and municipalities have already established a Code Blue Program. The substitute would have an indeterminate impact on local finances.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, No. 815**

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 30, 2017

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 815 ACS, with committee amendments.

As amended, this 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 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 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 Blue alert plans throughout the county that provide emergency warming centers during implementation of a Code Blue alert.

The bill makes the county emergency management coordinator responsible for monitoring National Weather Service weather forecasts, and requires issuance of a Code Blue alert if: 1) temperatures will reach 25 degrees Fahrenheit or lower without precipitation or 32 degrees Fahrenheit or lower with precipitation; or 2) the National Weather Service windchill temperature will be zero degrees Fahrenheit or less for a period of two hours or more.

The issuance of an alert will trigger implementation of the county Code Blue alert plan, including the provision of emergency warming centers for the at-risk individuals. These warming centers may be provided by designated volunteer organizations that will receive planning support from the county but operate autonomously in response to an alert. The bill gives “Good Samaritan” protection from civil liability to the State, a political subdivision, and the agents and employees thereof, as well as to a volunteer organization and its members and volunteers, who, during implementation of a Code Blue alert plan, provide the services of an emergency warming center to at-risk individuals.

As amended and reported, this bill is identical to the Senate Committee Substitute for Senate Bill No. 1088, as reported by the committee.

COMMITTEE AMENDMENTS:

The amendments permit appropriate offices, agencies, and departments, in addition to the office of emergency management, to establish a plan for issuing a Code Blue alert at the behest of a county governing body. The committee also extended existing law to provide “Good Samaritan” protection from civil liability related to a Code Blue alert to: (1) the State, its political subdivisions, and the agents and employees thereof; and (2) volunteer organizations and their members. Specifically, these entities and individuals are immune from claims that allege injury or death to persons or damage to property arising from establishing or developing a Code Blue alert plan, or implementing, carrying out, or providing services under a Code Blue alert plan. The committee, in addition, revised the title of the bill to reflect that it supplements chapter 9 of Appendix A of the Revised Statutes and amends P.L.1942, c.251, and changed the effective date such that the bill becomes effective immediately. Finally, the committee adopted technical amendments to sections 2 and 3 of the bill, which replace the word “procedure” with “plan” for consistency, omit superfluous language, and revise subparagraph formatting in order to clarify the provisions of the bill.

FISCAL IMPACT:

The Office of Legislative Services has determined that the bill will have an indeterminate impact on local finances. Counties may incur additional costs associated with the preparation of Code Blue plans and in providing logistical support to volunteer-organized Code Blue efforts.

Although the details of a Code Blue initiative vary from one jurisdiction to another, certain counties and municipalities have already-established programs. Under these programs, certain facilities, including centers managed by non-governmental organizations, may be activated as emergency shelters in the event of a Code Blue alert. During certain conditions, emergency shelters are generally prohibited from refusing to provide services for a designated period and are authorized to accept a number of individuals above the licensed capacity. Counties may, accordingly, incur additional expenditures associated with the operation of emergency shelters and the provision of transportation to deliver at-risk individuals to the shelters.

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY, No. 815
STATE OF NEW JERSEY
217th LEGISLATURE

DATED: MARCH 31, 2016

SUMMARY

Synopsis: Requires county emergency management coordinators to establish Code Blue Program to shelter homeless during severe weather events.

Type of Impact: Indeterminate fiscal impact.

Agencies Affected: Counties and municipalities.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
Local Finances	Indeterminate Fiscal Impact – See comments below		

- The Office of Legislative Services (OLS) concludes that the enactment of Assembly Bill No. 815 would have an indeterminate impact on local finances. Certain counties and municipalities have already established a Code Blue Program.
- Counties and municipalities may incur additional costs associated with the location of at-risk individuals and the transportation of those persons to appropriate shelters. Additional county expenditures may be required to operate an emergency homeless shelter during a Code Blue Alert.
- A homeless shelter’s emergency capacity is established when the shelter receives its certificate of occupancy. Therefore, shelters already have the resources to accept additional persons above their licensed capacity, when emergency conditions exist.

BILL DESCRIPTION

Assembly Bill No. 815 of 2016 requires county emergency management coordinators to establish a Code Blue Program for at-risk individuals who require shelter during a severe weather event. The purpose of the Code Blue Program is to identify at-risk individuals prior to, or during, a severe weather event and assist those individuals in voluntarily finding appropriate shelter. The bill defines “at-risk individual” as an individual living outside, or in a building not meant for human habitation or which the person has no legal right to occupy. The phrase “severe

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY COMMITTEE SUBSTITUTE FOR

ASSEMBLY, No. 815

STATE OF NEW JERSEY

217th LEGISLATURE

DATED: FEBRUARY 10, 2017

SUMMARY

Synopsis: Concerns Code Blue alert plans to shelter at-risk individuals.

Type of Impact: Indeterminate impact on local finances.

Agencies Affected: Counties and municipalities.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
Local Finances	Indeterminate Fiscal Impact – See comments below		

- The Office of Legislative Services (OLS) concludes that the enactment of the First Reprint of the Assembly Committee Substitute for Assembly Bill No. 815 will have an indeterminate impact on local finances. Certain counties and municipalities have already established a Code Blue Program.
- Counties and municipalities may incur additional costs associated with the implementation of a Code Blue alert plan. Counties may incur additional costs associated with the provision of logistical support to volunteer-organized Code Blue efforts and the preparation of a Code Blue alert plan.
- A homeless shelter's emergency capacity is established when the shelter receives its certificate of occupancy. Therefore, shelters already have the resources to accept additional persons above their licensed capacity.

BILL DESCRIPTION

The First Reprint of the Assembly Committee Substitute for Assembly Bill No. 815 of 2016 provides for the coordination, by the county office emergency management, of emergency services provided by municipal governments, social services agencies, and non-profit

organizations that provide emergency services to the homeless during harsh 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 committee substitute requires a county office 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 Blue alert plans throughout the county that provide emergency warming centers during implementation of a Code Blue alert. The committee substitute makes the county emergency management coordinator responsible for monitoring National Weather Service weather forecasts, and requires issuance of a Code Blue alert if: 1) temperatures will reach 25 degrees Fahrenheit or lower without precipitation or 32 degrees Fahrenheit or lower with precipitation; or 2) the National Weather Service wind chill temperature will be zero degrees Fahrenheit or less for a period of two hours or more.

The issuance of an alert will trigger implementation of the county Code Blue alert plan, including the provision of emergency warming centers for individuals. These warming centers may be provided by designated volunteer organizations that will receive planning support from the county but operate autonomously in response to an alert. The bill gives “Good Samaritan” protection from civil liability to the State, a political subdivision, and the agents and employees thereof, as well as to a volunteer organization and its members and volunteers, who, during implementation of a Code Blue alert plan, provide the services of an emergency warming center to at-risk individuals.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS has determined that the enactment of the First Reprint of the Assembly Committee Substitute for Assembly Bill No. 815 will have an indeterminate impact on local finances. Counties may incur additional costs associated with the provision of logistical support to volunteer-organized Code Blue efforts and the preparation of Code Blue alert plans. Depending in the specific requirements of the Code Blue alert plan, counties and municipalities may incur additional costs associated with the operation of facilities to provide shelter, or both food and shelter, to at-risk individuals. The OLS notes that 15 counties (Atlantic, Bergen, Burlington, Camden, Cape May, Cumberland, Essex, Hudson, Hunterdon, Mercer, Middlesex, Morris, Passaic, Salem, and Union) have already established a Code Blue program. Although certain counties and municipalities already implement a Code Blue program, the details of each initiative vary from one jurisdiction to another. The bill attempts to establish uniform procedures among municipalities within a specific county.

When a county or municipality initiates a Code Blue alert local authorities are authorized to take homeless adults to shelter programs that have agreed to make additional beds available. Warming centers are also opened during stated hours to provide residents with heated facilities. As part of their emergency management planning process, counties have already designated facilities that could be activated as emergency shelters. In the event of a Code Blue alert, counties may incur additional expenditures associated with the operation of the emergency

shelter and the provision of transportation to deliver at-risk individuals to the shelter. The OLS notes that many shelters and warming centers are managed by non-governmental organizations.

Current law prohibits emergency shelters for the homeless from refusing to provide shelter, or both food and shelter, for a minimum of 72 hours, to an individual or family seeking these services, unless the shelter is at its maximum occupancy level (defined in current law as “licenses capacity”) or the basis for refusal is otherwise authorized by law or regulation. In the event of emergency conditions such as snow emergencies, excessive cold or heat, storms, or other weather-related conditions, emergency shelters for the homeless, which have to be authorized to provide shelter, or both food and shelter, to individuals in excess of their licensed capacity, are prohibited from refusing to provide these services for a minimum of 24 hours from the commencement of the emergency condition or for the duration of the emergency condition, whichever is longer, unless the shelters are at their licensed capacity plus any authorized excess emergency capacity, or the basis for refusal is otherwise authorized by law or regulation (see P.L.2013, c.204).

The Bureau of Rooming and Boarding House Inspection in the Division of Codes and Standards in the Department of Community Affairs has previously indicated that a shelter’s emergency capacity is fixed at the time it is granted a certificate of occupancy. The shelter already has the authority necessary to accept a number of individuals above its licensed capacity. Generally, a shelter’s emergency capacity is 20 percent to 25 percent higher than its licensed capacity. The frequency at which an emergency shelter is required to provide shelter, or both food and shelter, to persons above its licensed capacity, depends on the length of the period of time for which emergency conditions exist.

Section: Local Government
Analyst: Scott A. Brodsky
Senior Fiscal Analyst
Approved: Frank W. Haines III
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

SENATE, No. 1088

STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED FEBRUARY 8, 2016

Sponsored by:

Senator JEFF VAN DREW

District 1 (Atlantic, Cape May and Cumberland)

Senator THOMAS H. KEAN, JR.

District 21 (Morris, Somerset and Union)

Co-Sponsored by:

Senators Rice and Beck

SYNOPSIS

Requires county emergency management coordinators to establish Code Blue Program to shelter homeless during severe weather events.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/31/2017)

1 AN ACT concerning emergency shelters for at-risk individuals
2 during severe weather events and supplementing chapter 9 of
3 Appendix A.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. a. As used in this act:

9 “At-risk individual” means an individual living outside, or in a
10 building not meant for human habitation or which the person has no
11 legal right to occupy.

12 “Coordinator” means the county emergency management
13 coordinator appointed pursuant to section 12 of P.L.1953, c.438
14 (C.App.A:9-42.1).

15 “Severe weather event” means, but is not limited to, a snow
16 emergency, excessive cold or heat, storms or other weather-related
17 conditions, which may include temperatures equal to or below 40
18 degrees Fahrenheit.

19 b. Each coordinator shall establish a Code Blue Program for at-
20 risk individuals who require shelter during a severe weather event.
21 The purpose of the Code Blue Program shall be to identify at-risk
22 individuals prior to, or during, a severe weather event and assist
23 those individuals in voluntarily finding appropriate shelter.

24 c. A coordinator shall declare a code blue alert within 24 hours
25 prior to the onset of a severe weather event. The code blue alert
26 shall continue until 8 a.m. the following day after the declaration,
27 unless the severe weather event worsens or continues for a
28 prolonged period of time. Upon the declaration of a code blue alert,
29 the coordinator shall inform each municipal law enforcement
30 agency in that county as well as the county police department, as
31 appropriate, of the need to identify and locate at-risk individuals
32 who may be in need of shelter during a severe weather event.
33 Following the code blue alert, each municipal law enforcement
34 agency and county police department shall conduct patrols to locate
35 at-risk individuals, and transport or arrange for the transportation of
36 those individuals to an appropriate shelter. In conducting patrols,
37 law enforcement officers shall give specific attention to areas where
38 at-risk individuals may congregate.

39 d. Following the declaration of a code blue alert, the
40 coordinator shall inform each county and municipal welfare agency
41 responsible for placing homeless families and persons in shelters of
42 the need to increase bed capacity within each shelter. During a
43 code blue alert, each county shall establish, in addition to existing
44 shelters for the homeless, emergency shelters which have been
45 authorized by a public officer of a municipality or the Department
46 of Community Affairs to provide shelter, or food and shelter, to a
47 specified number of individuals because of a severe weather event.

1 e. Each county office of emergency management shall conduct
2 a public awareness campaign, utilizing the Internet and any other
3 available resources, to inform the general public of the code blue
4 program and the importance of identifying at-risk individuals prior
5 to a severe weather event so that appropriate preparations may be
6 made to ensure that these individuals receive shelter.

7
8 2. This act shall take effect on the first day of the fourth month
9 following enactment.

10

11

12

STATEMENT

13

14 This bill requires county emergency management coordinators to
15 establish a Code Blue Program for at-risk individuals who require
16 shelter during a severe weather event. The purpose of the Code
17 Blue Program is to identify at-risk individuals prior to, or during, a
18 severe weather event and assist those individuals in voluntarily
19 finding appropriate shelter.

20 The bill defines “at-risk individual” as an individual living
21 outside, or in a building not meant for human habitation or which
22 the person has no legal right to occupy. The phrase “severe weather
23 event” is defined to include a snow emergency, excessive cold or
24 heat, storms or other weather-related conditions, which may include
25 temperatures equal to or below 40 degrees Fahrenheit.

26 Under the Code Blue Program, county emergency management
27 coordinators are required to declare a code blue alert within 24
28 hours prior to the onset of a severe weather event. Upon the
29 declaration of a code blue alert, the county emergency management
30 coordinator is to inform each municipal law enforcement agency in
31 that county as well as the county police department, if appropriate,
32 of the need to identify and locate at-risk individuals who may be in
33 need of shelter. Municipal law enforcement agencies and county
34 police departments would then conduct patrols to locate at-risk
35 individuals, and transport or arrange for the transportation of those
36 individuals to an appropriate shelter.

37 The bill also requires county emergency management
38 coordinators to inform each county and municipal welfare agency
39 responsible for placing homeless families and persons in shelters of
40 the need to increase the shelter bed capacity. The bill further
41 requires counties to establish emergency shelters for the homeless,
42 which have been authorized by a public officer of the municipality
43 or the Department of Community Affairs, to provide shelter, or food
44 and shelter, to a specified number of individuals in excess of its
45 licensed capacity because of emergency conditions.

46 Finally, the bill requires each county office of emergency
47 management to conduct a public awareness campaign, utilizing the
48 Internet and any other available resources, to inform the general

S1088 VAN DREW, T.KEAN

4

- 1 public of the code blue program and the importance of identifying
- 2 at-risk individuals prior to a severe weather event so that
- 3 appropriate shelter preparations may be made.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 1088**

STATE OF NEW JERSEY

DATED: JANUARY 30, 2017

The Senate Budget and Appropriations Committee reports favorably a Senate Committee Substitute for Senate Bill No. 1088.

This substitute 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 weather conditions. The substitute 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 substitute 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 Blue alert plans throughout the county that provide emergency warming centers during implementation of a Code Blue alert.

The substitute makes the county emergency management coordinator responsible for monitoring National Weather Service weather forecasts, and requires issuance of a Code Blue alert if: 1) temperatures will reach 25 degrees Fahrenheit or lower without precipitation or 32 degrees Fahrenheit or lower with precipitation; or 2) the National Weather Service windchill temperature will be zero degrees Fahrenheit or less for a period of two hours or more.

The issuance of an alert will trigger implementation of the county Code Blue alert plan, including the provision of emergency warming centers for the at-risk individuals. These warming centers may be provided by designated volunteer organizations that will receive planning support from the county but operate autonomously in response to an alert. The bill gives “Good Samaritan” protection from civil liability to the State, a political subdivision, and the agents and employees thereof, as well as to a volunteer organization and its members and volunteers, who, during implementation of a Code Blue alert plan, provide the services of an emergency warming center to at-risk individuals.

As reported, this Senate Committee Substitute for Senate Bill No. 1088 is identical to Assembly Bill No. 815 (ACS), as amended and reported by the committee.

FISCAL IMPACT:

The Office of Legislative Services has determined that the substitute will have an indeterminate impact on local finances. Counties may incur additional costs associated with the preparation of Code Blue plans and in providing logistical support to volunteer-organized Code Blue efforts.

Although the details of a Code Blue initiative vary from one jurisdiction to another, certain counties and municipalities have already-established programs. Under these programs, certain facilities, including centers managed by non-governmental organizations, may be activated as emergency shelters in the event of a Code Blue alert. During certain conditions, emergency shelters are generally prohibited from refusing to provide services for a designated period and are authorized to accept a number of individuals above the licensed capacity. Counties may, accordingly, incur additional expenditures associated with the operation of emergency shelters and the provision of transportation to deliver at-risk individuals to the shelters.

LEGISLATIVE FISCAL ESTIMATE
SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 1088
STATE OF NEW JERSEY
217th LEGISLATURE

DATED: FEBRUARY 10, 2017

SUMMARY

Synopsis: Concerns Code Blue alert plans to shelter at-risk individuals.

Type of Impact: Indeterminate impact on local finances.

Agencies Affected: Counties and municipalities.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
Local Finances	Indeterminate Fiscal Impact – See comments below		

- The Office of Legislative Services (OLS) concludes that enactment of Senate Committee Substitute for Senate Bill No. 1088 will have an indeterminate impact on local finances. Certain counties and municipalities have already established a Code Blue Program.
- Counties and municipalities may incur additional costs associated with the implementation of a Code Blue alert plan. Counties may incur additional costs associated with the provision of logistical support to volunteer-organized Code Blue efforts and the preparation of a Code Blue alert plan.
- A homeless shelter’s emergency capacity is established when the shelter receives its certificate of occupancy. Therefore, shelters already have the resources to accept additional persons above their licensed capacity.

BILL DESCRIPTION

The Senate Committee Substitute for Senate Bill No. 1088 of 2016 provides for the coordination by the county office of emergency management of emergency management services provided by municipal governments, social service agencies, and non-profit organizations that provide emergency services to the homeless during harsh weather conditions. The committee substitute 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 substitute 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 Blue alert plans throughout the county that provide emergency warming centers during implementation of a Code Blue alert. The committee substitute makes the county emergency management coordinator responsible for monitoring National Weather Service weather forecasts, and requires issuance of a Code Blue alert if: 1) temperatures will reach 25 degrees Fahrenheit or lower without precipitation; or 2) the National Weather Service wind chill temperature forecast will be zero degrees Fahrenheit or less for a period of two hours or more.

The issuance of an alert will trigger implementation of the county Code Blue alert plan, including the provision of emergency warming centers for the at-risk individuals. These warming centers may be provided by designated volunteer organizations that will receive planning support from the county but operate autonomously in response to an alert. The substitute gives “Good Samaritan” protection from civil liability to a volunteer organization and its members and volunteers who, during implementation of a Code Blue alert plan, provide the services of an emergency warming center to at-risk individuals.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS has determined that the enactment of the Senate Committee Substitute for Senate Bill No. 1088 will have an indeterminate impact on local finances. Counties may incur additional costs associated with the provision of logistical support to volunteer-organized Code Blue alert efforts and the preparation of Code Blue alert plans. Depending on the specific requirements of the Code Blue alert plan, counties and municipalities may incur additional costs associated with the operation of facilities to provide shelter, or both food and shelter, to at-risk individuals. The OLS notes that 15 counties (Atlantic, Bergen, Burlington, Camden, Cape May, Cumberland, Essex, Hudson, Hunterdon, Mercer, Middlesex, Morris, Passaic, Salem, and Union) have already established a Code Blue program. Although certain counties and municipalities implement a Code Blue program, the details of each initiative vary from one jurisdiction to another. The committee substitute attempts to establish uniform procedures among municipalities within a specific county.

When a county or municipality initiates a Code Blue alert local authorities are authorized to take homeless adults to shelter programs that have agreed to make additional beds available. Warming centers are also opened during stated hours to provide residents with heated facilities. As part of their emergency management planning process, counties have already designated facilities that could be activated as emergency shelters. In the event of a Code Blue alert, counties may incur additional expenditures associated with the operation of the emergency shelter and the provision of transportation to deliver at-risk individuals to the shelter. The OLS notes that many shelters and warming centers are managed by non-governmental organizations.

Current law prohibits emergency shelters for the homeless from refusing to provide shelter, or both food and shelter, for a minimum of 72 hours, to an individual or family seeking these services, unless the shelter is at its maximum occupancy level (defined in law as “licensed

capacity”) or the basis for refusal is otherwise authorized by law or regulation. In the event of emergency conditions, such as snow emergencies, excessive cold or heat, storms, or other weather-related conditions, emergency shelters for the homeless, which have to be authorized to provide shelter, or both food and shelter, to individuals in excess of their licensed capacity, are prohibited from refusing to provide these services for a minimum of 24 hours from the commencement of the emergency condition or for the duration of the emergency condition, whichever is longer, unless the shelters are at their licensed capacity plus any authorized excess emergency capacity, or the basis for refusal is otherwise authorized by law or regulation (see P.L.2013, c.204).

The Bureau of Rooming and Boarding House Inspection in the Division of Codes and Standards in the Department of Community Affairs has previously indicated that a shelter’s emergency capacity is fixed at the time it is granted a certificate of occupancy. The shelter already has the authority necessary to accept a number of individuals above its licensed capacity. Generally, a shelter’s emergency capacity is 20 percent to 25 percent higher than its licensed capacity. The frequency at which an emergency shelter is required to provide shelter, or both food and shelter, to persons above its licensed capacity, depends on the length of the period of time for which emergency conditions exist.

Section: Local Government

*Analyst: Scott A. Brodsky
Senior Fiscal Analyst*

*Approved: Frank W. Haines III
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

Governor Christie Takes Action On Pending Legislation

Thursday, May 11, 2017 Tags: [Bill Action](#)



Trenton, NJ - Governor Chris Christie today signed into law additional bills to support New Jersey's military members, veterans, and their families and show pride in the state's military history. On May 1, he signed a number of bills impacting veterans and the military, including a law creating a program to divert certain veterans accused of non-violent offenses from the criminal justice system and into appropriate mental health and substance use services.

Today, Governor Christie signed A450/S750 (Mazzeo, Andrzejczak, Mukherji, Moriarty, Benson, Daniels, Houghtaling/Beach, Van Drew) creating the Wounded Warrior Caregivers Relief Act, which provides a gross income tax credit of up to \$675 to family caregivers of totally disabled veterans whose injuries occurred as a result of serving on active duty on or after September 11, 2001.

"We must do all we can do to make it easier for military members who have been left with debilitating injuries in the line of duty and their family members who now care for them," said Governor Christie. "This compassionate new law provides a tax credit to ease some of the financial burden on those families and show our appreciation for the many sacrifices they have made to keep their loved ones safe and at home."

Other military and veterans bills signed by Governor Christie allow active duty members of the U.S. Armed Forces who have completed basic training to wear their dress uniform at their high school graduation and require the Department of Military and Veterans' Affairs to work with the Division of Travel and Tourism and the New Jersey Historical Commission to develop an online list with a historic tour of war battles fought and places of historical military significance in New Jersey and its State waters.

Governor Christie also took action on the following bills:

BILL SIGNINGS:

ACS for A-815/ACS for S-1088 (Land, Andrzejczak, Mosquera, Vainieri Huttle, Bramnick/Van Drew, T. Kean) - Concerns Code Blue alert plans to shelter at-risk individuals

A-837/S-468 (Jimenez, Green, Mukherji, Sumter, Munoz/Sacco, Greenstein) - Establishes "Hazardous Drug Safe Handling Act;" requires promulgation of standards and regulations concerning safe handling of hazardous drugs by certain health care personnel

A-1256/S-1381 (Caride, Singleton, Jasey, Wimberly/Bateman) - Requires State Board of Education regulations regarding school nurse certification to include certain minimum eligibility requirements

A-1649/S-853 (Schaer, Pintor Marin, Wimberly, Mukherji/Stack) - Requires local governments and authorities to obtain financing cost estimate from NJ Environmental Infrastructure Trust for certain projects

ACS for A-1973/SCS for S-2401 (Prieto, Handlin/Diegnan, Stack) - "Appraisal Management Company Registration and Regulation Act"

A-1991/S-2722 (Prieto, Jimenez, Oliver/Stack, Cunningham) - Provides two elected members of pension commission of closed Hudson County Employees' Pension Fund may be active or retired county employees

ACS for A-2004/SCS for S-731 (Green, Benson, Moriarty, Mukherji, Pintor Marin/Cruz-Perez, Beach) - Establishes certain penalties for operating or participating in pyramid promotional schemes

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[GOVERNOR'S STATEMENT UPON SIGNING ASSEMBLY BILL NO. 4146](#)

A-2087/SCS for S-2792 (Mukherji, Schaer, Downey, Quijano/Greenstein, Turner) - Grants drivers additional time to resolve parking violations prior to license or registration suspension

A-2340/S-2108 (Benson, Muoio, Gusciora/Greenstein, Diegnan) - Authorizes students in Marie H. Katzenbach school for the deaf to operate State vehicle for driver education and provides protection for such activity under tort claims act

A-2512/S-1899 (DeAngelo, Pintor Marin, Houghtaling/Whelan, Turner) - Requires BPU to render decision on case within 12 months of final public hearing or hold another public hearing prior to deciding case

A-2805/S-2726 (Caputo, Houghtaling, McKeon, Chiaravalloti/Codey, Pou) - Requires DMVA to develop online historic tour identifying locations of war battles and places of significance to war efforts in State

A-3011/S-2796 (Conaway, Singleton/Allen) - Modifies charter of Board of Island Managers of Burlington Island to move elections to November

AS for A-3351/S-2570 (Lampitt, Andrzejczak, Quijano, Holley, Jones, Space/Cruz-Perez, Oroho) - Creates license to manufacturer and sell hard cider and mead

A-3581/SCS for S-2582, 2092 (Downey, Mosquera, Danielsen, Houghtaling, Van Drew, Turner, Moriarty) - Requires Internet-connected baby monitors to include security features

A-3601/S-2209 (Schaer/Vitale, Gill) - Concerns regulation of guaranteed asset protection waivers by DOBI

A-3785/S-2396 (Downey, Houghtaling, Jasey, Singleton, Holley, Caride, Wimberly/Ruiz, Turner) - Requires State to pay educational costs of students who reside in homeless shelter outside district of residence for more than one year

A-4019/S-2491 (Mazzeo, Mukherji, Andrzejczak, Land, DeCroce, McKnight, Danielsen/Cruz-Perez, Madden) - Permits eligible students who are members of United States Armed Forces to wear military uniform at high school graduation

A-4146/S-2521 (Vainieri Huttie, Benson, Lampitt, Johnson, McKnight, Sumter/Vitale, Gordon) – STATEMENT UPON SIGNING - Provides for monitoring and evaluation of transition of mental health and substance use disorder treatment service system and developmental disability system to fee-for-service reimbursement model; makes appropriation

A-4284/S-2675 (Quijano, Benson, Muoio, Caride, Vainieri Huttie, McKnight, Wimberly, Sumter/Diegnan, Beach) - Provides that school districts and nonpublic schools may receive reimbursement for costs incurred on or after January 1, 2016 for testing school drinking water for lead

A-4344/S-2729 (Karabinchak, Pinkin, Coughlin, Wisniewski/Diegnan, Vitale) - Designates portion of Route 18 in East Brunswick as "State Trooper Werner Foerster Memorial Interchange"

AJR-76/SJR-16 (Vainieri Huttie, Holley, McKnight, Jasey/Gill) - Designates September "Affordable Housing Awareness Month"

AJR-130/SJR-92 (Vainieri Huttie, Lampitt/Vitale, Singer) - Designates January 23 of each year as "Maternal Health Awareness Day" in New Jersey

BILLS VETOED:

A-1850/S-2606 (Giblin, DeAngelo, Mukherji, Holley/Diegnan) – ABSOLUTE - Extends by two months seasonal retail consumption alcoholic beverage license

A-1869/S-668 (Wimberly, Vainieri Huttie, Oliver, Tucker, Quijano, Johnson/Rice, Cruz-Perez) - CONDITIONAL - Establishes Division of Minority and Women Business Development and State Chief Disparity Officer to monitor efforts to promote participation by minority-owned and women-owned businesses in State contracting

A-2353/S-367 (Vainieri Huttie, Jasey, Mukherji, Benson, Quijano/Codey, Turner) – CONDITIONAL - Establishes measures to deter steroid use among students; appropriates \$45,000 to DOE for New Jersey State Interscholastic Athletic Association testing of student-athletes for steroids and other performance enhancing substances

A-3091/S-2528 (Munoz, Gusciora, O'Scanlon, Oliver, Lagana, Lampitt, Mukherji, Sumter/Pou, Weinberg, Cunningham) - CONDITIONAL - Bars persons under age 18 from marrying or entering into a civil union

###

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