

Mutual Aid for Building Departments: Region 2

The Disaster Recovery and Reform Act of 2018 (DRRA), Sec. 1206, authorizes FEMA funding to reimburse certain costs of deploying mutual aid responders for building department support. Following a declared disaster, communities may need additional emergency responder support for building department functions, including building safety evaluations, substantial damage estimates, and permit review. Mutual aid arrangements enable jurisdictions to share personnel for response and recovery efforts, while maintaining their liability protections and credentials, licenses, and certifications.

Intrastate and Interstate Mutual Aid Programs

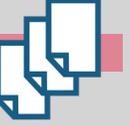
An **Intrastate Mutual Aid Compact (IMAC)** is a mutual aid agreement or system in which political subdivisions within a state or territory agree to share their resources during emergencies. An IMAC, unlike EMAC, exists in many different forms throughout the country, and not all areas have one.

The **Emergency Management Assistance Compact (the Compact, or EMAC)** is an interstate mutual aid agreement which all 50 states, the District of Columbia, Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, and the U.S. Virgin Islands have passed. The Compact establishes a mutual aid system allowing participating jurisdictions to share personnel during emergencies, and allowing them to give and receive liability protections and reimbursements for those shared personnel.

Private Sector Utilization

Historically, mutual aid laws and regulations generally do not allow for private sector resources. Now, many states recognize the need for more private sector inclusion.

- Some states legislate liability protections & EMAC deployment eligibility for certain classes of private personnel.
- Other states designate certain private personnel as government agents/employees within mutual aid compacts.
- This guide provides a summary of selected liability protections and other laws and regulations. Additional criteria, restrictions, or other qualifiers may be present in the official text but absent from the summary in this publication.

	<p>Statewide opt-out program: the state creates a mutual aid program and automatically incorporates all political subdivisions into it, leaving the burden on jurisdictions to opt out if they so choose. Some states even forego an opt-out provision. This is the most robust IMAC approach.</p>	 <p>Figure 1. FEMA Region 2 IMAC Types</p>
	<p>Statewide opt-in program: the state creates a mutual aid program but leaves the burden on individual jurisdictions to opt in to the program. This is less robust than an opt-out program.</p>	
	<p>Individual compacts: Individual jurisdictions enter into mutual aid agreements with each other, often in the form of a Memorandum of Understanding or Memorandum of Agreement. This is the least efficient approach because of the geographic limitations of each individual agreement and the possibility for variations among individual agreements within a given area.</p>	
	<p>No known significant IMAC program.</p>	



FEMA



NEW JERSEY

EMAC: No known significant incorporation of private resources into EMAC.¹

IMAC Public: No known significant IMAC program.



IMAC Private: No known significant private mutual aid policies.

Protection: Except in cases of fraud, malice, or intentional misconduct, in-state licensed **architects** and **engineers** are not liable for civil damages for harm resulting from their acts, errors, or omissions in practicing architecture or engineering, respectively, when: (1) practicing as uncompensated volunteers responding at the scene of a declared emergency, (2) during or within 90 days of such declaration, (3) pursuant to a governmental request, and (4) when no contractual relationship exists with the governmental entity.

For purposes of the New Jersey Tort Claims Act, an **architect** or **engineer** entitled to the preceding immunity shall be considered an employee of the public entity on whose behalf the public safety official requested the emergency architectural or engineering services (but this does not create any right or entitlement to workers' compensation from that entity).³



NEW YORK

EMAC: No known significant incorporation of private resources into EMAC.⁴

IMAC Public: State adopts a statewide opt-out IMAC program.⁵



IMAC Private: State authorizes the Office of Emergency Management to accept private resources offered for emergency management purposes.⁶ State defines "Emergency Services Organization" to include private and volunteer organizations and defines "Disaster Emergency Response Personnel" to include volunteers affiliated with public officials or agencies.⁷

Protection: No known legislation extending legal protections to private, non-medical emergency responders.

¹ New Jersey Statutes Annotated § 38A:20-5 (2019).

² *Id.* at §§ 59:3-15 and 3-16.

³ *Id.* at § 3-15.

⁴ New York Executive Law § 29-G (2019).

⁵ *Id.* at § 29-H.

⁶ *Id.* at § 29-J.

⁷ *Id.* at § 20. New York does not seem anywhere to incorporate these terms into its emergency management legislation beyond defining them, however.

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PUERTO RICO



EMAC: No known significant incorporation of private resources into EMAC.⁸

IMAC Public: No known significant IMAC program.



IMAC Private: No known significant private mutual aid policies.

Protection: Except in cases of gross negligence or intentional misconduct, in-state licensed **architects, engineers**, land surveyors, and construction personnel under their control, are not liable for civil damages for harm resulting from their acts, errors, or omissions in rendering their professional services if providing them voluntarily and without compensation during a declared disaster and at the request or with the approval of a public official, and without any legal or contractual relationship.⁹

US VIRGIN ISLANDS



EMAC: USVI law allows its EMAC¹⁰ system to include volunteer health practitioners.¹¹

IMAC Public: No known significant IMAC program.



IMAC Private: No known significant private mutual aid policies.

Protection: No known legislation extending legal protections to private, non-medical emergency responders.

⁸ Puerto Rico Laws Annotated tit. 1, §§ 621 to 633 (2019).

⁹ *Id.* at tit. 17, §§ 1531 to 1533.

¹⁰ Virgin Islands Code Annotated tit. 23, §§ 1051 to 1064 (2018).

¹¹ *Id.* at § 1099.

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