

Mutual Aid for Building Departments: Region 7

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.

	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.
	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.
	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.
	No known significant IMAC program.

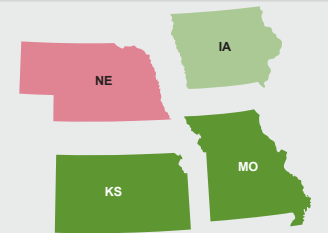


Figure 1. FEMA Region 7 IMAC Types



FEMA



IOWA

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

IMAC Public: State adopts a statewide opt-in IMAC program.²



IMAC Private: No known significant incorporation of private resources into IMAC program.

Protection: Except in cases of recklessness or willful and wanton misconduct, in-state licensed **architects** and professional **engineers** who, during a governor-proclaimed disaster emergency or a presidentially-declared major disaster, in good faith and at the request or with the approval of an appropriate public authority believed by the professional to be acting in an official capacity, voluntarily and without compensation other than expense reimbursement provide architectural, engineering, structural, electrical, mechanical, or other design professional services related to the disaster are not liable for civil damages for harm resulting from their acts and omissions in rendering those services.³



KANSAS

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 defines “Emergency Services” broadly as all activities intended to minimize damage resulting from disasters.⁶ State allows any individual with special skills and qualifications useful during an emergency to be deployed through IMAC.⁷ State empowers the governor and political subdivisions to accept equipment and services from private entities for disaster response and emergency management purposes.⁸

Protection: State deems all activities performed under the Intrastate Mutual Aid Act to be governmental functions, and deems all persons responding under the operational control of the requesting jurisdiction to be employees of that jurisdiction for liability purposes.⁹ Except in cases of willful misconduct, gross negligence, or bad faith, such persons are not liable for harm resulting from their emergency management actions.¹⁰ Volunteers providing emergency management services are not liable for harm resulting from their service except in cases of willful misconduct, gross negligence, or bad faith.¹¹

¹ Iowa Code § 29C.21 (2019).

² *Id.* at § 29C.22.

³ *Id.* at § 29C.20C.

⁴ Kansas Statutes Annotated § 48-9a01 (2018).

⁵ *Id.* at §§ 48-948 to 48-958.

⁶ *Id.* at § 48-904.

⁷ *Id.* at § 48-949.

⁸ *Id.* at § 48-916.

⁹ *Id.* at § 48-957.

¹⁰ *Id.*

¹¹ *Id.* at § 48-915.

This information is provided with the understanding that FEMA is not engaged in rendering legal or other professional services through this publication. The laws and regulations discussed and cited herein are based upon best available public records and sources at the time of research. This publication provides only a summary of the referenced laws and regulations; those laws and regulations may contain additional criteria, restrictions, or other qualifiers which are absent from the summary provided in this publication. This publication also may or may not be up-to-date as these laws and regulations can at any time be subsequently changed, updated, or repealed by the corresponding state legislatures and agencies. Consult the current, official law or regulation and consult with relevant state or territory authorities or a licensed attorney in the relevant state or territory to determine which laws and regulations currently will apply to your situation. Do not rely solely on this publication.



KANSAS (cont'd)

Except in cases of gross negligence or willful misconduct, in-state licensed **architects** and professional **engineers** who voluntarily and without expecting or receiving compensation provide structural inspection services at the scene of a declared natural disaster emergency at the request of a public official are immune from **negligence liability** for harm resulting from the inspection of a structure used for human habitation or a structure owned by a public entity if performed within 90 days of the disaster.¹²



MISSOURI

EMAC: State incorporates emergency volunteers¹³ into its EMAC¹⁴ program.

IMAC Public: State adopts a statewide opt-out IMAC program.¹⁵



IMAC Private: State defines “Emergency Management Services” broadly as all activities intended to minimize damage resulting from disasters.¹⁶ State provides for recruitment of emergency management volunteers,¹⁷ and will pay their incidental¹⁸ and travel¹⁹ expenses, and may offer state vehicles²⁰ for their use.

Protection: Persons recruited under the emergency management volunteer program receive workers’ compensation insurance during the performance of their official duties.²¹

Architects, engineers, and certain qualified building officials and building inspectors, when working under the emergency volunteer program, are not liable for civil damages for harm resulting from their services except in cases of willful misconduct or gross negligence.²²

¹² *Id.* at § 60-4201.

¹³ Missouri Revised Statutes § 44.023.

¹⁴ *Id.* at § 44.415.

¹⁵ *Id.* at § 44.090.

¹⁶ *Id.* at § 44.010.

¹⁷ *Id.* at §§ 44.023 and 44.125.

¹⁸ *Id.* at § 44.023.

¹⁹ *Id.* at § 44.125.

²⁰ *Id.*

²¹ *Id.* at § 44.023.

²² *Id.* Building officials and building inspectors must be employed by local governments, qualified by training and experience, certified by the state emergency management agency, and perform their duties under the direction of an in-state licensed architect or engineer.

This information is provided with the understanding that FEMA is not engaged in rendering legal or other professional services through this publication. The laws and regulations discussed and cited herein are based upon best available public records and sources at the time of research. This publication provides only a summary of the referenced laws and regulations; those laws and regulations may contain additional criteria, restrictions, or other qualifiers which are absent from the summary provided in this publication. This publication also may or may not be up-to-date as these laws and regulations can at any time be subsequently changed, updated, or repealed by the corresponding state legislatures and agencies. Consult the current, official law or regulation and consult with relevant state or territory authorities or a licensed attorney in the relevant state or territory to determine which laws and regulations currently will apply to your situation. Do not rely solely on this publication.

NEBRASKA

EMAC: Any emergency management workers performing emergency management services in the state pursuant to EMAC²³ are given the same privileges and immunities they would possess in their home jurisdictions, and are exempt from professional licensing requirements during a declared emergency.²⁴

IMAC Public: State provides for individual compacts.²⁵

IMAC Private: State defines “Emergency Management Worker” to include employees and volunteers of any organization providing emergency management services in Nebraska under the control or request of the state or a political subdivision thereof.²⁶ Emergency Management Workers performing emergency management services in the state during a declared emergency are exempt from professional licensing requirements.²⁷ State empowers the governor and political subdivisions to accept equipment and services from private entities for disaster response and emergency management purposes.²⁸

Protection: State deems all activities relating to emergency management to be government functions.²⁹ Except in cases of bad faith, willful misconduct, or gross negligence, Emergency Management Workers, when complying with or reasonably attempting to comply with any order, rule, or regulation promulgated pursuant to the Emergency Management Act,³⁰ are not liable for civil damages for harm resulting from their emergency services.³¹ Private persons serving on state emergency response teams receive compensation, the same rights and immunities as state employees during their service, and travel and subsistence expense reimbursement.³² Any Emergency Management Workers performing emergency management services in the state pursuant to any mutual aid arrangement with the State of Nebraska are given the same privileges and immunities they would possess in their home jurisdictions.³³

²³ Nebraska Revised Statutes Appendix § 1-124 (2019).

²⁴ Nebraska Revised Statutes § 81-829.55.

²⁵ *Id.* at § 81-829.48.

²⁶ *Id.* at § 81-829.39.

²⁷ *Id.* at § 81-829.55.

²⁸ *Id.* at § 81-829.59

²⁹ *Id.* at § 81-829.53.

³⁰ *Id.* at §§ 81-829.36 to 81-829.75.

³¹ *Id.* at § 81-829.55.

³² *Id.* at § 81-829.53.

³³ *Id.* at § 81-829.55.

This information is provided with the understanding that FEMA is not engaged in rendering legal or other professional services through this publication. The laws and regulations discussed and cited herein are based upon best available public records and sources at the time of research. This publication provides only a summary of the referenced laws and regulations; those laws and regulations may contain additional criteria, restrictions, or other qualifiers which are absent from the summary provided in this publication. This publication also may or may not be up-to-date as these laws and regulations can at any time be subsequently changed, updated, or repealed by the corresponding state legislatures and agencies. Consult the current, official law or regulation and consult with relevant state or territory authorities or a licensed attorney in the relevant state or territory to determine which laws and regulations currently will apply to your situation. Do not rely solely on this publication.