

# Mutual Aid for Building Departments: Region 1

This regional fact sheet is designed to inform local officials and community stakeholders of building department mutual aid support following a disaster. Because most building departments do not maintain sufficient personnel levels to handle the influx of post-disaster inspections, permitting and enforcement tasks, mutual aid agreements allow building departments to augment their personnel in times of need.

## Mutual Aid Agreements

To utilize mutual aid support, building departments must request assistance through an established mutual aid agreement that describes the terms and conditions of the service. These agreements between states and among jurisdictions provide a mechanism to quickly obtain assistance in the form of personnel. The primary objective is to facilitate the rapid, short-term deployment of emergency support prior to, during, and/or after an incident.




Mutual aid personnel can be classified in two categories: **Public-Sector Personnel**, also referred to as state assets and can include local, state, and federal officials; and **Private-Sector Personnel**. The following public- and private-sector resources are capable of assisting communities after disaster:

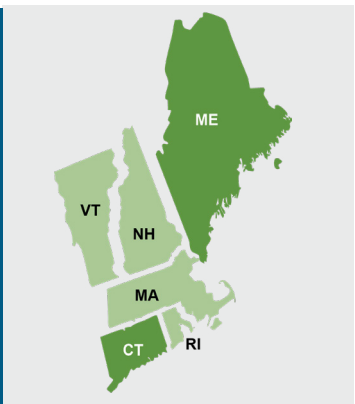
- Building Code Officials
- Floodplain Administrators
- Engineers & Architects
- Building Safety & Code Inspectors
- State NFIP Coordinators
- Technicians & Specialists

This fact sheet will discuss two types of mutual aid compacts. The Emergency Management Assistance Compact (EMAC) establishes a mutual aid system *between* states and territories, whereas an Intrastate Mutual Aid Compact (IMAC) establishes a mutual aid system *within* a state or territory. Each mutual aid agreement can be unique to the state or territory.

## Emergency Management Assistance Compact

EMAC is an interstate mutual aid agreement, i.e., **between states and territories**, passed in all 50 states, the District of Columbia, Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, and the U.S. Virgin Islands. It also allows states and territories to give and receive liability protections and reimbursements for those shared personnel. See <https://emacweb.org/> for more information.

	<p><b>Enhanced EMAC:</b> Provides benefits and protections to public-sector response personnel, while also providing some benefits and protections to private-sector response personnel. Private-sector personnel may be allowed to deploy through EMAC during disasters.</p>
	<p><b>Standard EMAC:</b> Provides benefits and protections to public-sector response personnel, but not to private-sector response personnel. Private-sector personnel may not be allowed to respond through EMAC during disasters.</p>
	<p><b>Not Participating in EMAC:</b> May not provide benefits or protections to any response personnel. Without an agreement in place, public- and private-sector personnel may not be allowed to respond outside of their home jurisdictions in an official capacity during disasters.</p>



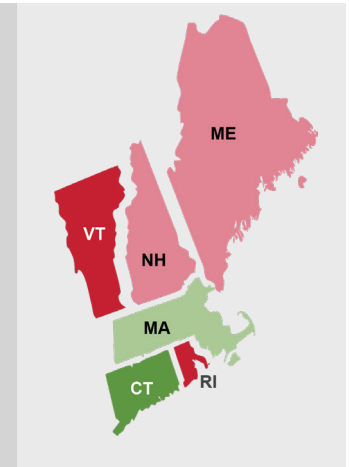
**Figure 1. FEMA Region 1 EMAC Types**



## Intrastate Mutual Aid Compact

An IMAC is a mutual aid agreement or system allowing political subdivisions **within a state or territory** to share their personnel during emergencies. An IMAC, unlike EMAC, exists in many different forms throughout the country, and not all areas have one. This fact sheet designates each state's IMAC into one of the following four categories.

	<b>Statewide opt-out program:</b> the state creates a mutual aid program and automatically integrates all of its political subdivisions into it, leaving the burden on jurisdictions to opt out if they so choose. Some states even forego an opt-out provision.
	<b>Statewide opt-in program:</b> the state creates a mutual aid program but leaves the burden on individual jurisdictions to opt in to the program.
	<b>Individual compacts:</b> Individual jurisdictions enter into mutual aid agreements with each other, often in the form of a Memorandum of Understanding or Memorandum of Agreement. This approach allows for geographic limitations of each individual agreement and the possibility for variations among individual agreements within a given area.
	<b>No known significant IMAC program.</b>



**Figure 2. FEMA Region 1 IMAC Types**

## Funding for Building Department Staff

The Disaster Recovery Reform Act of 2018, Section 1206 (DRRA-1206) authorizes FEMA Public Assistance grant funding to support recovery staffing needs of local building code and floodplain management departments up to 180 days following the date of the major disaster declaration. DRRA-1206 can help reimburse communities that seek out trained and certified mutual aid responder teams through EMAC for interstate mutual aid, or within a state through IMAC. DRRA-1206 reimbursement is only eligible for work required as a result of the major disaster declaration. See the Overview fact sheet in this series, FEMA's new [DRRA-1206 flyer](#), or [FEMA Policy FP 204-079-01](#) for more information.

## How to Use the Regional Fact Sheets and Pursue Mutual Aid

Local officials and community stakeholders can use this fact sheet to identify the mutual aid agreements and the protections offered to personnel capable of performing post-disaster building damage assessments and recovery tasks. Mutual aid laws and protections vary from state to state. Before requesting or providing mutual aid assistance:

- Review the laws and regulations using the footnotes and references provided for each state as a guide
- Make sure the laws and regulations in the requesting and assisting states provide for the use and protection of private-sector and volunteer responders. Some of the select mutual aid provisions for private and volunteer personnel may include:
  - Deployment criteria
  - Designation of private personnel as government agents/employees
  - License reciprocity
  - Liability protections
  - Workers' compensation
  - Reimbursement
- Contact the local emergency management office or state agency to verify the limitations of public- and private-sector personnel and with any questions about the mutual aid laws and regulations.

This document contains references to non-federal resources and organizations. The references are solely for informational purposes and are not an endorsement of any non-federal entity by FEMA, Department of Homeland Security, or the U.S. government.



## CONNECTICUT

<p><b>EMAC Public &amp; Private:</b></p>	<p>State has an enhanced compact.<sup>1</sup> The governor may deploy private personnel through EMAC if they are part of a duly organized civil preparedness force or mobile support unit.<sup>2</sup></p>	
<p><b>IMAC Public:</b></p>	<p>State adopts a statewide opt-out IMAC program.<sup>3</sup></p>	
<p><b>IMAC Private:</b></p>	<p>State defines “civil preparedness” broadly as all activities intended to minimize damage resulting from disasters and emergencies. “Civil preparedness forces” are any organized personnel engaged in carrying out civil preparedness functions in accordance with the <i>Civil Preparedness, Emergency Management and Homeland Security</i> chapter of the Connecticut General Statutes (chapter 517).<sup>4</sup></p>	
<p><b>Private/Volunteer In-State Benefits &amp; Protections:</b></p>	<p>Personnel serving in civil preparedness forces or mobile support units are given the same immunity as state employees, and can be compensated for their service.<sup>5</sup> While complying or attempting to comply with chapter 517, or with any order or regulation promulgated pursuant to chapter 517, such personnel are not liable for harm to persons or property resulting from their service except in cases of willful misconduct.<sup>6</sup></p> <p>In-state licensed <b>engineers</b> rendering their services for emergency relief, without compensation and outside of the normal course of their employment, at the request or with the approval of a public official are not liable for civil damages for harm to persons or property resulting from such service if it is performed with reasonable care and consistent with professionally recognized standards during or within a period of 90 days following a declared emergency.<sup>7</sup></p> <p>Effective October 1, 2022, in-state licensed <b>architects</b> who render their professional services at the request or direction of a public safety official (see footnote), voluntarily and without compensation, while acting in good faith to assist such official evaluating the safety of elements of a built environment (see footnote) in the aftermath of a major disaster or emergency (see footnote), shall be held to the same standard of care applicable to the public safety official who would have performed the evaluation if not for the major disaster or emergency, and shall not be civilly liable for their acts or omissions that occur during the time period that a declaration of a civil preparedness emergency (see footnote) is effective, or for sixty days after the issuance of such declaration, whichever is longer, unless they failed to act as a reasonably prudent public safety official, as applicable to the circumstances, would have acted under the same or similar circumstances.<sup>8</sup></p>	

<sup>1</sup> Connecticut General Statutes § 28-23a (2022).

<sup>2</sup> *Id.* at § 28-6.

<sup>3</sup> *Id.* at § 28-22a.

<sup>4</sup> *Id.* at § 28-1.

<sup>5</sup> *Id.* at § 28-6.

<sup>6</sup> *Id.* at § 28-13.

<sup>7</sup> *Id.* at § 20-308a.

<sup>8</sup> Public Act No. 22-86 of the 2022 Connecticut General Assembly, Regular Session (not yet codified in the Connecticut General Statutes). The terms “public safety official” and “built environment” are defined in section 1 of Public Act No. 22-86. The term “major disaster or emergency” is defined in section 28-1 of the Connecticut General Statutes. The term “civil preparedness emergency” is defined in section 28-9 of the Connecticut General Statutes.

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## MAINE

<b>EMAC Public &amp; Private:</b>	State has an enhanced compact. <sup>9</sup> State may deploy private personnel through EMAC to another state. <sup>10</sup>	
<b>IMAC Public:</b>	For first responders, state adopts a statewide opt-out IMAC, <sup>11</sup> but otherwise directs each local emergency management organization to develop mutual aid agreements with other public and private agencies within the state. <sup>12</sup>	
<b>IMAC Private:</b>	State and local Emergency Management Agencies (EMAs) may employ any person considered necessary to assist with emergency management activities. <sup>13</sup>	
<b>Private/ Volunteer In-State Benefits &amp; Protections:</b>	Any persons officially called upon for disaster assistance are considered employees of the state for liability immunity and, with limited exception, for workers' compensation purposes. <sup>14</sup>  Absent reckless or intentional misconduct, in-state licensed <b>architects</b> and professional <b>engineers</b> , as well as in-state licensed landscape architects and land surveyors, along with certain certified planners and certain contractors, who volunteer their professional services in good faith for disaster relief without compensation other than expense reimbursement at the request or with the approval of a public authority they believe to be acting in an official capacity are not liable for civil damages for harm to persons or property resulting from their acts, errors, or omissions in rendering those professional services when provided during the natural disaster or during a period of emergency that has been extended by the president or governor. <sup>15</sup>	

<sup>9</sup> Maine Revised Statutes, tit. 37-B, §§ 921 to 933 (2022).

<sup>10</sup> *Id.* at § 784-A.

<sup>11</sup> *Id.* at § 784-B.

<sup>12</sup> *Id.* at § 784.

<sup>13</sup> *Id.* at § 784-A.

<sup>14</sup> *Id.* at § 784-A.

<sup>15</sup> *Id.* at tit. 14, § 172.

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## MASSACHUSETTS

<p><b>EMAC Public &amp; Private:</b></p>	<p>Commonwealth has a standard compact with no known significant incorporation of private resources into EMAC.<sup>16</sup></p>	
<p><b>IMAC Public:</b></p>	<p>Commonwealth adopts a commonwealth-wide opt-in IMAC program.<sup>17</sup> Most communities have opted-in.<sup>18</sup></p>	
<p><b>IMAC Private:</b></p>	<p>Commonwealth’s IMAC system allows responding jurisdictions to deploy volunteers and contractors to a requesting jurisdiction.<sup>19</sup></p>	
<p><b>Private/Volunteer In-State Benefits &amp; Protections:</b></p>	<p>Volunteers and contractors officially responding to mutual aid requests and officially operating under a government unit are considered government employees and given the same civil liability immunity as government employees.<sup>20</sup></p> <p>Absent wanton, willful, or intentional misconduct or gross negligence, in-state licensed <b>architects</b> and professional <b>engineers</b>, as well as landscape architects, land surveyors, planners certified by the American Institute of Certified Planners, and certain contractors, who volunteer their professional services in good faith for disaster relief without compensation at the request or with the approval of a public authority they believe to be acting in an official capacity are not liable for civil damages for harm resulting from their acts, errors, or omissions in their performance of certain statutorily-defined professional services relating to buildings, structures, and other statutorily-defined engineered systems and components when provided during or within 90 days of the natural disaster, unless the period of emergency is extended by the governor.<sup>21</sup></p>	

<sup>16</sup> 2000 Massachusetts Acts Ch. 339.

<sup>17</sup> Massachusetts General Laws Ch. 40, § 4J (2022).

<sup>18</sup> <https://www.mass.gov/doc/statewide-mutual-aid-map>

<sup>19</sup> Massachusetts General Laws. Ch. 40, § 4J (2022).


<sup>20</sup> *Id.* Ch. 40, § 4J (2022).


<sup>21</sup> *Id.* at Ch. 112, § 60Q.

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## NEW HAMPSHIRE

**EMAC Public & Private:** State has a standard compact with no known significant incorporation of private resources into EMAC.<sup>22</sup> 

**IMAC Public:** State authorizes mutual aid agreements between political subdivisions.<sup>23</sup> 

**IMAC Private:** State authorizes the governor and political subdivisions to accept private equipment and services offered for emergency management purposes.<sup>24</sup> State authorizes the Division of Homeland Security & Emergency Management Director to cooperate with private agencies in all emergency management matters.<sup>25</sup>

**Private/Volunteer In-State Benefits & Protections:**

State declares all emergency management functions to be governmental functions.<sup>26</sup> Emergency management workers can include any full or part-time paid, volunteer, or auxiliary employees of any corporation, agency, or organization, public or private, who are performing emergency management services in the state under the operational control of or pursuant to a request of a public emergency management authority. Such emergency management workers may be reimbursed for travel and subsistence expenses incurred.<sup>27</sup> Private emergency management workers serving under the operational control of a public emergency management authority are not liable for civil damages for harm to persons or property resulting from their emergency management services when complying or reasonably attempting to comply with the applicable state and local laws, regulations, or ordinances (see statute cited in footnote).<sup>28</sup>

Absent gross negligence, or wanton or willful misconduct, in-state licensed **architects** and **engineers** who volunteer their professional services in good faith without charge or compensation, and act at the direction of the director of the Division of Homeland Security and Emergency Management, the state fire marshal, or a town or city emergency management director who is managing a disaster or life-threatening emergency, are not liable for civil damages for harm resulting from their acts or omissions in rendering those professional services during the emergency and relating to the structural integrity of any building, structure, or system involved in the emergency, or to any nonstructural element thereof which affects public safety.<sup>29</sup>

<sup>22</sup> New Hampshire Revised Statutes Annotated § 108:3 (2022).

<sup>23</sup> *Id.* at § 21-P:40.

<sup>24</sup> *Id.* at § 21-P:43.

<sup>25</sup> *Id.* at § 21-P:37

<sup>26</sup> *Id.* at § 21-P:41.

<sup>27</sup> *Id.* at § 21-P:41.



<sup>28</sup> *Id.* at § 21-P:41.

<sup>29</sup> *Id.* at § 508:12-d.

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**RHODE ISLAND**

<b>EMAC Public &amp; Private:</b>	State has a standard compact with no known significant incorporation of private resources into EMAC. <sup>30</sup>	
<b>IMAC Public:</b>	No known significant IMAC program.	
<b>IMAC Private:</b>	State authorizes the governor to create mobile support units which may include private personnel. <sup>31</sup> Mobile support unit personnel must be subject to the control of the authority in charge of disaster activities where they are serving and are reimbursed for all actual and necessary travel and subsistence expenses as if they were temporary state employees. <sup>32</sup> While on duty, whether inside or outside Rhode Island, the mobile support unit personnel, if they are not employees of the state or a political subdivision thereof, are entitled to a rate of pay equal to that of state court jurors, and receive the same rights and immunities as state employees. <sup>33</sup>	
<b>Private/Volunteer In-State Benefits &amp; Protections:</b>	<p>Mobile support unit personnel under the control of the authority in charge of disaster activities are granted the same immunity rights as state employees.<sup>34</sup> Disaster response workers can include any private person, firm, or corporation providing disaster relief under the control or request of a government unit; such workers, when complying or reasonably attempting to comply with the applicable state and local laws, regulations, or ordinances (see statute cited in footnote) are not liable for harm to persons or property resulting from that service except in cases of willful misconduct, gross negligence, or bad faith.<sup>35</sup></p> <p>Absent gross negligence, or willful misconduct, in-state licensed <b>architects</b> and <b>engineers</b> who volunteer their professional services without compensation are not liable for civil damages for harm to persons or property resulting from their acts or omissions in rendering those professional services during and at the scene of a governor-declared disaster emergency and relating to the structural integrity of any building, structure, or system involved in the emergency, or to any nonstructural element thereof which affects public safety.<sup>36</sup> In addition, all registered <b>architects</b> with a National Council of Architectural Registration Boards certification are allowed to practice for a period of 90 days following the date of the declared disaster.<sup>37</sup></p>	

<sup>30</sup> Rhode Island General Laws § 30-15.9-1 to 15.9-14 (2022). However, Rhode Island does at least waive professional licensing requirements for authorized disaster response workers. *Id.* at § 30-15-15(b).

<sup>31</sup> *Id.* at § 30-15-8.

<sup>36</sup> *Id.* at § 5-1-16 and 5-8-25.

<sup>32</sup> *Id.* at § 30-15-8.

<sup>37</sup> *Id.* at § 5-1-16.

<sup>33</sup> *Id.* at § 30-15-8.

<sup>34</sup> *Id.* at § 30-15-8.

<sup>35</sup> *Id.* at § 30-15-15.

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## VERMONT

### EMAC Public & Private:

State has a standard compact with no known significant incorporation of private resources into EMAC.<sup>38</sup> State authorizes mobile support units, which may consist of private personnel, to be deployed to other states, though the statute does not explicitly integrate this into state’s EMAC system.<sup>39</sup>



### IMAC Public:

No known significant IMAC program.



### IMAC Private:

State authorizes the governor and political subdivisions to accept private equipment and services offered for emergency management services,<sup>40</sup> and empowers the governor to request mobile support unit assistance from other states.<sup>41</sup> State authorizes the Public Safety Commissioner to create mobile support units, which may include private personnel, and to deploy them to other states, provided that the other state contains legal protections and provisions substantially similar to those Vermont law provides.<sup>42</sup> State broadly defines “emergency functions” to include essentially all functions related to civil protection, explicitly including engineering.<sup>43</sup> State likewise broadly defines “emergency management” to include all non-military functions to prevent, plan for, mitigate, and support response and recovery efforts from all hazards.<sup>44</sup>

### Private/Volunteer In-State Benefits & Protections:

Personnel serving in a Vermont mobile support unit in Vermont may be compensated or reimbursed by the state.<sup>45</sup> A state which deploys its mobile support units to Vermont pursuant to a request from the Vermont governor will be compensated by Vermont for compensation paid and actual and necessary travel, subsistence, and maintenance expenses of the mobile support unit personnel while providing the aid, and for all payments for death, disability, or injury of the unit’s personnel incurred in the course of providing the aid, and for all losses of or damage to supplies and equipment of the other state resulting from the provision of that aid, provided that the laws of the other state or a reciprocal mutual aid agreement contain provisions substantially similar to those found in this section of Vermont law, or that the federal government has authorized or agreed to make reimbursements for the mutual aid on a basis that is substantially similar to the requirements of this section of Vermont law.<sup>46</sup>

<sup>38</sup> 20 Vermont Statutes Annotated §§ 101 to 112 (2022).

<sup>39</sup> *Id.* at § 7.

<sup>40</sup> *Id.* at § 17.

<sup>41</sup> *Id.* at § 7.

<sup>42</sup> *Id.* at § 7.

<sup>43</sup> *Id.* at § 2.

<sup>44</sup> *Id.* at § 2.

<sup>45</sup> *Id.* at § 7.

<sup>46</sup> *Id.* at § 7.

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## VERMONT (Cont'd)

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### **Private/Volunteer In-State Benefits & Protections:**

Personnel who are not employees of the state or a political subdivision of the state and who serve in a mobile support unit are given the same immunity as state employees.<sup>47</sup> Private entities providing emergency management services are not liable for civil damages for harm resulting from that service, except in cases of willful misconduct or gross negligence.<sup>48</sup> Volunteers providing services under the control, direction, and request of a state agency, without compensation, are entitled to defense by the state in any civil suit arising out of the performance of their official duties as if they were state employees.<sup>49</sup>

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<sup>47</sup> *Id.* at § 7.

<sup>48</sup> *Id.* at § 20.

<sup>49</sup> *Id.* at tit. 3, § 1101(4).

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