

# Mutual Aid for Building Departments: Region 2

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>

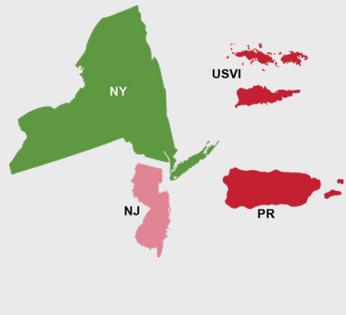


**Figure 1. FEMA Region 2 EMAC Types**



## 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.

	<p><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.</p>	
	<p><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.</p>	
	<p><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.</p>	
	<p><b>No known significant IMAC program.</b></p>	

**Figure 2. FEMA Region 2 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.



## NEW JERSEY

### EMAC Public & Private:

State has a standard compact with no known significant incorporation of private resources into EMAC.<sup>1</sup>



### IMAC Public:

State authorizes political subdivisions to use individual compacts.<sup>2</sup>



### IMAC Private:

No known significant private mutual aid policies.

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

Except in cases of fraud, malice, or intentional misconduct, in-state licensed **architects** and **engineers** are not personally liable for civil damages for harm to persons or property 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.<sup>3</sup>

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).<sup>4</sup>

<sup>1</sup> New Jersey Statutes Annotated § 38A:20-5 (2021).

<sup>2</sup> New Jersey Statutes Annotated Appendix § A:9-60.

<sup>3</sup> *Id.* at §§ 59:3-15 and 3-16.

<sup>4</sup> *Id.* at § 3-15.

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## NEW YORK

<b>EMAC Public &amp; Private:</b>	State has a standard compact with no known significant incorporation of private resources into EMAC. <sup>5</sup>	
<b>IMAC Public:</b>	State adopts a statewide opt-out IMAC program. <sup>6</sup>	
<b>IMAC Private:</b>	State authorizes the Office of Emergency Management to accept private resources offered for emergency management purposes. <sup>7</sup> State defines “Emergency Services Organization” to include private and volunteer organizations functioning for the purpose of relieving human suffering, injury, or loss of life or damage to property as a result of an emergency and defines “Disaster Emergency Response Personnel” to include volunteers affiliated with public officials or agencies and having duties under a comprehensive emergency management plan. <sup>8</sup>	
<b>Private/Volunteer In-State Benefits &amp; Protections:</b>	No known legislation extending legal protections to private, non-medical emergency responders.	

<sup>5</sup> New York Executive Law § 29-G (2022).

<sup>6</sup> *Id.* at § 29-H.

<sup>7</sup> *Id.* at § 29-J.

<sup>8</sup> *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

<b>EMAC Public &amp; Private:</b>	Territory has a standard compact with no known significant incorporation of private resources into EMAC. <sup>9</sup>	
<b>IMAC Public:</b>	No known significant IMAC program.	
<b>IMAC Private:</b>	No known significant private mutual aid policies.	
<b>Private/Volunteer In-State Benefits &amp; Protections:</b>	Except in cases of gross negligence or intentional misconduct, in-state licensed <b>architects, engineers</b> , land surveyors, and construction personnel under their control, are not liable for civil damages for harm to persons or property 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 certain statutorily-identified public officials (see statute cited in footnote), and without any legal or contractual relationship (presumably meaning with the public officials mentioned above, although the statute fails to explicitly state this). <sup>10</sup>	



## U.S. VIRGIN ISLANDS

<b>EMAC Public &amp; Private:</b>	Territory has a standard compact. <sup>11</sup> USVI law allows its EMAC system to include volunteer health practitioners. <sup>12</sup>	
<b>IMAC Public:</b>	No known significant IMAC program.	
<b>IMAC Private:</b>	No known significant private mutual aid policies.	
<b>Private/Volunteer In-State Benefits &amp; Protections:</b>	No known legislation extending legal protections to private, non-medical emergency responders.	

<sup>9</sup> Puerto Rico Laws Annotated tit. 1, §§ 621 to 633 (2020).

<sup>10</sup> *Id.* at tit. 17, §§ 1531 to 1533.

<sup>11</sup> Virgin Islands Code Annotated tit. 23, §§ 1051 to 1064 (2021).

<sup>12</sup> *Id.* at § 1099.

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