

Mutual Aid for Building Departments: Region 3

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.



Enhanced EMAC: 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.



Standard EMAC: 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.



Not Participating in EMAC: 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.

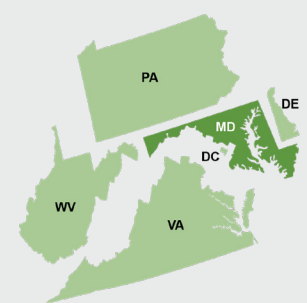


Figure 1: FEMA Region 3 EMAC Types



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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.



Statewide opt-out program: 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.



Statewide opt-in program: the state creates a mutual aid program but leaves the burden on individual jurisdictions to opt in to the 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 approach allows for geographic limitations of each individual agreement and the possibility for variations among individual agreements within a given area.



No known significant IMAC program.

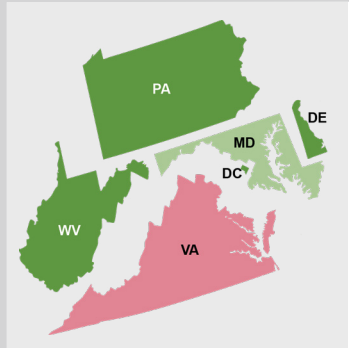


Figure 2: FEMA Region 3 IMAC Types

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.



DELAWARE

EMAC Public & Private:	State has a standard compact with no known significant incorporation of private resources into EMAC. ¹	
IMAC Public:	State adopts a statewide opt-out IMAC program. ²	
IMAC Private:	State authorizes the governor and political subdivisions to accept equipment and services from private entities for emergency management purposes. ³ State defines “Emergency Management” as mitigation, preparedness, response, and recovery functions necessary to save lives and protect property, public health and safety, or avert the threat of a disaster in any part of Delaware, explicitly including engineering, but not including functions for which military forces or other federal agencies are primarily responsible. ⁴	
Private/Volunteer In-State Benefits & Protections:	Persons responding through an agreement with the state or any political subdivision thereof, where the agreement was entered into as a result of the governor’s declaration of emergency, are given the same immunity protections as government responders, which does not cover death, injury, or damage that was intentional on the part of the emergency responder, or caused by the wilful or wanton disregard of the rights of others by the emergency responder. ⁵	



DISTRICT OF COLUMBIA

EMAC Public & Private:	District has a standard compact. ⁶ District empowers the mayor to deploy private volunteer health practitioners through its EMAC system. ⁷	
IMAC Public:	Not Applicable: District does not have political subdivisions with building departments that would participate in an IMAC system.	
IMAC Private:	No known significant private mutual aid policies.	
Private/Volunteer In-State Benefits & Protections:	No known legislation extending legal protections to private, non-medical emergency responders.	

¹ Delaware Code Annotated tit. 20, §§ 3401 to 3403 (2022).

² *Id.* at § 3203.

³ *Id.* at § 3123.

⁴ *Id.* at § 3102.

⁵ *Id.* at § 3129.

⁶ D.C. Code §§ 7-2331 to 7-2332 (2022).

⁷ *Id.* at § 7-2361.08.

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MARYLAND

EMAC Public & Private:

State has an enhanced compact.⁸ Individuals may be preregistered or precertified by a unit of state government as civil defense volunteers for deployment through EMAC.⁹



IMAC Public:

State adopts a statewide opt-in IMAC program.¹⁰



IMAC Private:

State defines “Emergency Management” broadly as planning, implementing, and conducting of risk reduction and consequence management activities across the mission areas of prevention, protection, mitigation, response, and recovery to enhance preparedness, save lives, preserve public health and safety, protect public and private property, and minimize or repair injury and damage that results or may result from emergencies, but not including military activities.¹¹ State authorizes itself and its political subdivisions to accept aid and assistance from private persons for emergency management purposes.¹²

Private/Volunteer In-State Benefits & Protections:

Except in cases of gross negligence, or wanton or willful misconduct, in-state licensed **architects** and professional **engineers** are not liable for civil damages beyond any applicable insurance or self-insurance limits for harm to persons or property resulting from their acts, errors, or omissions in the practice of architecture or engineering, respectively, if practicing voluntarily and without compensation at the scene of a declared disaster, while the declared state of emergency is in effect, and at the request of a public official for emergency management purposes.¹³ Regularly enrolled volunteer members or trainees of the Maryland Department of Emergency Management receive workers’ compensation benefits.¹⁴ Subject to certain statutorily-defined limitations and requirements (see citation in footnote), civil defense volunteers (who must be precertified or preregistered with a unit of state government to provide services at the request of the state during an emergency) receive workers’ compensation benefits.¹⁵

⁸ Maryland Code Annotated, Public Safety §§ 14-701 and 14-702 (2022).

⁹ *Id.* at Labor and Employment § 9-232.1.

¹⁰ *Id.* at §§ 14-801 to 14-803.

¹¹ *Id.* at § 14-401.

¹² *Id.* at § 14-112.

¹³ Maryland Code Annotated, Courts & Judicial Proceedings §§ 5-425 (engineers) and 5-426 (architects).

¹⁴ Maryland Code Annotated, Labor & Employment § 9-232.

¹⁵ *Id.* at § 9-232.1.

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PENNSYLVANIA

EMAC Public & Private:

Commonwealth has a standard compact with no known significant incorporation of private resources into EMAC.¹⁶



IMAC Public:

Pennsylvania adopts a commonwealth-wide opt-out IMAC program.¹⁷



IMAC Private:

Commonwealth allows any individual with special skills and qualifications useful during an emergency to be deployed through IMAC.¹⁸ Commonwealth explicitly empowers its governor and political subdivisions to accept services and resources offered by private entities for emergency management purposes.¹⁹

Private/Volunteer In-State Benefits & Protections:

For liability purposes, all persons responding under the operational control of the requesting IMAC jurisdiction are counted as employees of the requesting subdivision and as performing government functions, and are given the same legal protections as public emergency responders.²⁰ Commonwealth's IMAC program provides workers' compensation protections for volunteers.²¹ Private persons engaged in emergency services activities, while attempting to comply with the relevant emergency management laws and regulations (see cited statute), are not liable for harm to persons or property as a result of that activity, except in cases of willful misconduct, gross negligence, recklessness, or bad faith.²² Private persons who are temporarily deployed by the Commonwealth in accordance with the Pennsylvania Emergency Management Agency's rules and regulations for the deployment of such individuals, who are deployed for the purpose of emergency services activities in response to a mutual aid request by the Pennsylvania Emergency Management Agency, are not liable for harm to persons or property as a result of those activities, except in cases of willful misconduct, gross negligence, recklessness, or bad faith.²³

In-state licensed **architects**, geologists, land surveyors, landscape architects, and professional **engineers** who volunteer their professional services for disaster relief, and are not compensated more than reimbursement for reasonable expenses actually incurred, and who render those professional services at the request or with the approval of a public official acting in an official capacity, are not liable for civil damages for harm resulting from acts or omissions in rendering those services except under certain statutorily defined conditions.²⁴

¹⁶ 35 Pennsylvania Consolidated Statutes § 7601 (2022).

¹⁷ *Id.* at § 7331 et seq.

¹⁸ *Id.* at § 7332.

¹⁹ *Id.* at § 7702.

²⁰ *Id.* at § 7339.

²¹ *Id.* at § 7338.

²² *Id.* at § 7704.

²³ *Id.* at § 7704.

²⁴ 42 Pennsylvania Consolidated Statutes § 8332.4.

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VIRGINIA

EMAC Public & Private:	Commonwealth has a standard compact with no known significant incorporation of private resources into EMAC. ²⁵	
IMAC Public:	Commonwealth authorizes its political subdivisions to use individual compacts. ²⁶	
IMAC Private:	Commonwealth broadly defines “Emergency Services” as essentially all non-military activities intended to minimize damage resulting from disasters, and explicitly includes engineering. ²⁷	
Private/Volunteer In-State Benefits & Protections:	Subject to certain statutorily-defined conditions (see citation in footnote), private employees engaged in emergency services, except in cases of willful misconduct, are not liable for harm to persons or property resulting from such activities. ²⁸ In addition, commonwealth grants civil liability immunity to uncompensated licensed architects and engineers for harm to persons or property resulting from their acts or omissions in rendering their professional services in good faith at the scene of or in connection with a natural or man-made disaster or other life-threatening emergency, except in cases of gross negligence or willful misconduct. ²⁹ Volunteers in state and local service enjoy the protection of the commonwealth’s sovereign immunity to the same extent as paid staff. ³⁰	

²⁵ Virginia Code § 44-146.28:1 (2022). Commonwealth does however make limited legal provisions for disaster relief services from out-of-state businesses and employees in § 44-146.28:2.

²⁶ *Id.* at §§ 44-146.19(D) and 44-146.20.

²⁷ *Id.* at § 44-146.16.

²⁸ *Id.* at § 44-146.23.

²⁹ *Id.* at § 8.01-226.2. The statute does not clarify whether the architects and engineers must be licensed in-state or may be licensed out-of-state.

³⁰ *Id.* at § 2.2-3605.

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WEST VIRGINIA

EMAC Public & Private:	<p>State has a standard compact with no known significant incorporation of private resources into EMAC.³¹ State authorizes its governor to deploy mobile support units, which may consist of private personnel, to serve outside the state, but the statute does not explicitly integrate this with EMAC.³²</p>	
IMAC Public:	<p>State adopts statewide opt-out program.³³</p>	
IMAC Private:	<p>State broadly defines “Emergency Services” as essentially all non-military activities intended to minimize damage resulting from disasters.³⁴</p>	
Private/Volunteer In-State Benefits & Protections:	<p>State deems all activities relating to emergency services to be governmental functions.³⁵ Personnel serving in a mobile support unit must be subject to the operational control of the authority in charge of emergency service activities in the area in which they are serving and are given the same civil liability immunity as state employees, and receive compensation and reimbursement for travel and subsistence expenses.³⁶ Duly qualified emergency workers responding through a mutual aid agreement possess the same immunities they would have if serving in their own jurisdiction.³⁷</p>	

³¹ West Virginia Code Annotated

§ 15-5-22 (2022).

³² *Id.* at § 15-5-7.

³³ *Id.* at § 15-5-28.

³⁴ *Id.* at § 15-5-2.

³⁵ *Id.* at § 15-5-11.

³⁶ *Id.* at § 15-5-7.

³⁷ *Id.* at § 15-5-11.

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