

# Mutual Aid for Building Departments: Region 4

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.

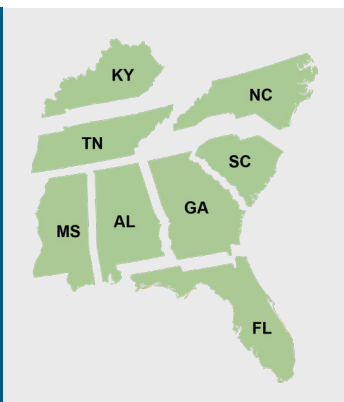

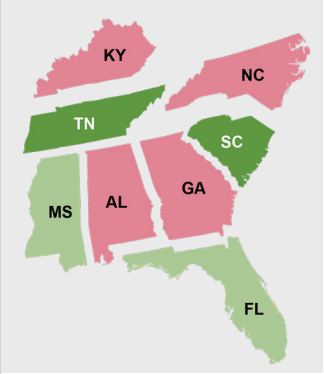





Figure 1. FEMA Region 4 EMAC Types



## 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. The shortcomings of this approach include geographic limitations for 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 4 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.



## ALABAMA

<b>EMAC Public &amp; Private:</b>	State has a standard compact with no known significant incorporation of private resources into EMAC. <sup>1</sup>	
<b>IMAC Public:</b>	State utilizes individual compacts. <sup>2</sup>	

**IMAC Private:** State broadly defines “Emergency Services” as all activities, other than functions for which military forces or other federal agencies are primarily responsible, to minimize damage resulting from disasters, and explicitly includes engineering.<sup>3</sup> State defines “Emergency Management Worker” to include any full- or part-time paid, volunteer, or auxiliary employee of any agency or organization performing emergency management services in the state subject to the order or control of, or pursuant to a request of, the state or a political subdivision thereof. State explicitly empowers the governor and political subdivisions to accept services and resources offered by private entities for emergency management purposes.<sup>4</sup>

**Private/Volunteer In-State Benefits & Protections:** State deems all activities relating to emergency services to be governmental functions.<sup>5</sup> Except in cases of willful misconduct, gross negligence, or bad faith, emergency management workers, including individuals, partnerships, associations, or corporations, complying or reasonably attempting to comply with the pertinent emergency management laws and regulations (see citation in footnote) are not liable for death, injury, or property damage as a result of such activity if serving subject to the control or pursuant to the request of the state or any of its political subdivisions.<sup>6</sup> Emergency workers responding through a mutual aid agreement possess the same immunities they would have if serving in their own jurisdiction.<sup>7</sup> In-state licensed **engineers, architects, surveyors, contractors, subcontractors, and persons working under the supervision of such licensed persons providing emergency response services within 90 days of a declared emergency, without compensation, and under the direction of, or in connection with, a community emergency response team, county emergency management agency, or FEMA, are not liable for civil damages for harm to persons or property resulting from their acts or omissions in volunteering their uncompensated professional services if they acted as a reasonably prudent person would under similar circumstances.<sup>8</sup>**

<sup>1</sup>Alabama Code § 31-9-40 (2022).

<sup>2</sup>The Alabama Emergency Management Agency enters into mutual aid agreements with political subdivisions of the state pursuant to the state Emergency Management Act of 1955 (codified at Alabama Code § 31-9-1 et. seq.).

<sup>3</sup>*Id.* at § 31-9-3.

<sup>4</sup>*Id.* at § 31-9-18.

<sup>5</sup>*Id.* at § 31-9-16.

<sup>6</sup>*Id.* at § 31-9-16.

<sup>7</sup>*Id.* at § 31-9-16.

<sup>8</sup>*Id.* at § 6-5-332(f).

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## FLORIDA

<b>EMAC Public &amp; Private:</b>	State has a standard compact with no known significant incorporation of private resources into EMAC. <sup>9</sup>	
<b>IMAC Public:</b>	Florida Division of Emergency Management has developed a statewide mutual aid agreement to enter into with political subdivisions that opt to do so, forming a statewide opt-in system. <sup>10</sup>	
<b>IMAC Private:</b>	State permits emergency management support forces to include persons not employed by the state or its political subdivisions. <sup>11</sup>	
<b>Private/Volunteer In-State Benefits &amp; Protections:</b>	Emergency support personnel not employed by the state or its political subdivisions but operating under the operational control of an emergency management authority receive the same rights and immunities as employees of the state, reimbursement for travel and subsistence expenses, and such compensation as determined by the Division of Emergency Management. <sup>12</sup> Licensed professionals providing their services without compensation during and arising out of a declared emergency are not liable for <b>professional malpractice</b> if acting as an ordinary, reasonably prudent member of the profession would under similar circumstances. <sup>13</sup>	

<sup>9</sup> Florida Statutes §§ 252.921 to 252.9335 (2022).

<sup>10</sup> The Florida Division of Emergency Management has the authority to coordinate assistance between local governments during emergencies and to concentrate available resources where needed pursuant to the Florida State Emergency Management Act (codified at Florida Statutes §§ 252.31 to 252.60).

<sup>11</sup> *Id.* at § 252.41.



<sup>12</sup> *Id.* at § 252.41.

<sup>13</sup> *Id.* at § 768.1345.

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## GEORGIA

<p><b>EMAC Public &amp; Private:</b></p>	<p>State has a standard compact with no known significant incorporation of private resources into EMAC.<sup>14</sup> State authorizes mobile support units, which may consist of persons not employed by the state or any of its political subdivisions, to be deployed inside or outside of Georgia, but the statute does not explicitly integrate this into Georgia’s EMAC.<sup>15</sup></p> 
<p><b>IMAC Public:</b></p>	<p>State utilizes individual compacts.<sup>16</sup></p> 
<p><b>IMAC Private:</b></p>	<p>State broadly defines “Emergency Management” as essentially all non-military activities intended to minimize damage resulting from disasters, and explicitly includes engineering.<sup>17</sup> State explicitly empowers its governor and political subdivisions to accept services and resources offered by private entities for emergency management purposes.<sup>18</sup> State’s subdivisions may appoint or employ paid and unpaid emergency management workers.<sup>19</sup></p>
<p><b>Private/Volunteer In-State Benefits &amp; Protections:</b></p>	<p>Personnel not employed by the state or a political subdivision thereof who are serving in a mobile support unit under the control of an emergency management public authority receive “adequate” compensation, along with identical rights and immunities with state employees, and reimbursement for travel and subsistence expenses.<sup>20</sup> For civil liability immunity purposes, volunteer and auxiliary emergency management workers receive the same protection as state employees, but must also meet the same conditions defined in the statute (see citation in footnote).<sup>21</sup> Persons providing goods or services voluntarily and without compensation or expectation of compensation for emergency management purposes, in coordination with and under the direction of an appropriate state agency, during an emergency declared by the governor are not liable for civil damages for harm resulting from their acts or omissions in rendering such services except in cases of willful or wanton negligence or misconduct.<sup>22</sup></p>

<sup>14</sup> Georgia Code Annotated § 38-3-81 (2022).

<sup>15</sup> *Id.* at § 38-3-26.

<sup>16</sup> Georgia authorizes mutual aid agreements amongst localities per Georgia Code Annotated § 38-3-29. A non-profit group, the Georgia Mutual Aid Group, has been formed for the purpose of systematizing mutual aid across Georgia, though the focus appears to be primarily on fire, EMS, and law enforcement resources (rather than building department resources). See <https://www.gmag.org/>.

<sup>17</sup> *Id.* at § 38-3-3.

<sup>18</sup> *Id.* at § 38-3-31.

<sup>19</sup> *Id.* at § 38-3-27(b)(3).

<sup>20</sup> *Id.* at § 38-3-26.

<sup>21</sup> *Id.* at § 38-3-35. However, although Georgia defines emergency management broadly, and empowers jurisdictions to appoint emergency management workers, Georgia does not actually define emergency management worker.

<sup>22</sup> *Id.* at § 51-1-29.2.

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## KENTUCKY

<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>23</sup></p>	
<p><b>IMAC Public:</b></p>	<p>Commonwealth utilizes individual compacts.<sup>24</sup></p>	
<p><b>IMAC Private:</b></p>	<p>No known significant incorporation of private personnel into intrastate emergency management laws.</p>	
<p><b>Private/Volunteer In-State Benefits &amp; Protections:</b></p>	<p>Except in cases of wanton, willful, malicious, or intentional misconduct, volunteer or auxiliary emergency response workers enrolled or registered with a political subdivision of the commonwealth in accordance with applicable statutes (see citation in footnote) and complying or reasonably attempting to comply with applicable legal requirements (see citation in footnote) are not liable for death, injury, or property damage as a result of that activity.<sup>25</sup> Except in cases of gross negligence or wanton, willful, or intentional misconduct, in-state licensed <b>architects</b> and <b>engineers</b> are not liable for civil damages for harm to persons or property resulting from their acts, errors, or omissions in rendering their professional services related to and at the scene of a declared emergency, and within 90 days following the end of the period for the declared emergency, if they act at the request of an appropriate government official (see footnote) whom they believe to be acting in an official capacity and they act as an ordinary, reasonably prudent member of the profession would have acted under the same or similar circumstances.<sup>26</sup></p>	

<sup>23</sup> Kentucky Revised Statutes Annotated § 39A.950 (2022). However, under certain conditions, private personnel from outside Kentucky can be deployed through a mutual aid agreement inside Kentucky with the same immunities available to state and local government responders in Kentucky. See *id.* at 39B.045.

<sup>24</sup> *Id.* at § 39B.040. Kentucky authorizes each local emergency management agency director to enter into mutual aid agreements with special districts and other public and private agencies, and requires the agreements to be consistent with the Kentucky Emergency Operations Plan, the local emergency management plan, and the comprehensive emergency management program of the commonwealth.

<sup>25</sup> *Id.* at § 39A.280. Subsection (6) identifies statutes pertaining to enrollment and registration requirements, and subsection (3) identifies the various legal requirements with which such workers must be complying or reasonably attempting to comply.



<sup>26</sup> *Id.* at § 39A.280. Subsection (8) identifies the types of government officials which would constitute an appropriate government official.

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## MISSISSIPPI

<p><b>EMAC Public &amp; Private:</b></p>	<p>State has a standard compact with no known significant incorporation of private resources into EMAC.<sup>27</sup></p>	
<p><b>IMAC Public:</b></p>	<p>State creates an opt-in system called the Statewide Mutual Aid Compact (SMAC).<sup>28</sup></p>	
<p><b>IMAC Private:</b></p>	<p>State authorizes the Mississippi Emergency Management Agency to create mobile support units which may include persons not employed by the state or a political subdivision thereof.<sup>29</sup> State explicitly empowers its governor and political subdivisions to accept services and resources offered by private entities for emergency management purposes.<sup>30</sup></p>	
<p><b>Private/Volunteer In-State Benefits &amp; Protections:</b></p>	<p>Personnel serving in a mobile support unit under the control of an emergency management public authority receive compensation at a rate commensurate with their duties and responsibilities, and identical rights and immunities with state employees, and reimbursement for travel and subsistence expenses.<sup>31</sup> Except in cases of willful misconduct, private individuals engaged in emergency management activities are not liable for civil damages for harm resulting from those activities while engaged in those activities if they can be legally classified as being “agents or representatives” of the state or a political subdivision thereof (see footnote).<sup>32</sup></p>	

<sup>27</sup> Mississippi Code Annotated § 45-18-3 (2022).

<sup>28</sup> Mississippi’s SMAC, available at [https:// www.msema.org/wp content/uploads/2018/10/ SMAC.pdf](https://www.msema.org/wp-content/uploads/2018/10/SMAC.pdf), aims to standardize mutual aid agreements between political subdivisions and allows them to enter into a mutual aid agreement with the state as well. SMAC is authorized by Mississippi Code Annotated § 33-15-19(a).

<sup>29</sup> *Id.* at § 33-15-15.

<sup>30</sup> *Id.* at § 33-15-27.

<sup>31</sup> *Id.* at § 33-15-15.

<sup>32</sup> *Id.* at § 33-15-21. The question of what constitutes acting as an “agent or representative” of the state in the context of this Mississippi statute arose in a 2009 lawsuit when a federal judge determined that a federal employee providing emergency management services at the request of the Mississippi governor and subject to the control of the governor was acting as an agent or representative of the state, even if viewed as a private citizen rather than a federal employee, and that that person was protected by the immunity of Mississippi Code Annotated § 33-15-21 as a result. See *Ecker v. U.S.*, No. 09-60365 (5th Cir. 2009).

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## NORTH CAROLINA

<p><b>EMAC Public &amp; Private:</b></p>	<p>State has a standard compact with no known significant incorporation of private resources into EMAC.<sup>33</sup></p>	
<p><b>IMAC Public:</b></p>	<p>State utilizes individual compacts.<sup>34</sup></p>	
<p><b>IMAC Private:</b></p>	<p>State defines “Emergency Management” broadly as actions taken by the populace and federal, state, and local governments to minimize adverse effects of any type of emergency.<sup>35</sup> For liability immunity purposes, state defines “Emergency Management Worker” as any paid or volunteer employee of any US jurisdiction or organization performing emergency management services in the state and subject to the control of the state or a subdivision thereof.<sup>36</sup> State explicitly empowers its governor and political subdivisions to accept services and resources offered by private entities for emergency management purposes.<sup>37</sup></p>	
<p><b>Private/Volunteer In-State Benefits &amp; Protections:</b></p>	<p>State deems all activities relating to emergency services to be governmental functions.<sup>38</sup> State grants Emergency Management Workers operating through mutual aid agreements the same immunities they would ordinarily possess in their own jurisdiction.<sup>39</sup> Except in cases of willful misconduct, gross negligence, bad faith, or situations where the emergency management worker or organization’s act or omission caused in whole or in part the emergency or necessitated the emergency management measures, private entities engaged in emergency services during a declared state of emergency or during planning, preparation, training, or exercises with an appropriate governmental authority (see footnote), and complying or reasonably attempting to comply with relevant the legal requirements (see footnote) are immune from civil liability if providing the services under the direction and control of an appropriate governmental authority (see footnote), and if compensated no more than actual expenses, and if acting under the control of the governor, a municipality, or a county of North Carolina.<sup>40</sup> This immunity is waived to the extent said entity is indemnified through liability insurance.<sup>41</sup></p>	

<sup>33</sup> North Carolina General Statutes §§ 166A-40 to 53 (2022).

<sup>34</sup> North Carolina authorizes mutual aid compacts between its political subdivisions and between the state and its political subdivisions in North Carolina General Statutes § 166A-19.72.

<sup>35</sup> *Id.* at § 166A-19.3.

<sup>36</sup> *Id.* at § 166A-19.60.

<sup>37</sup> *Id.* at § 166A-19.71.

<sup>38</sup> *Id.* at § 166A-19.60.

<sup>39</sup> *Id.* at § 166A-19.60

<sup>40</sup> *Id.* at § 166A-19.60. For the appropriate governmental authorities and relevant legal requirements, consult subsections (b)(1), (b)(2), and (b)(3) of the statute.

<sup>41</sup> *Id.* at § 166A-19.60.

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## NORTH CAROLINA (Cont'd)

Except in cases involving gross negligence, wanton conduct or intentional wrongdoing, or operation of a motor vehicle, in-state licensed **architects, engineers**, and land surveyors who render their professional architectural or engineering services for emergency management purposes at the scene of a declared disaster, and within 45 days of such declaration, and at the request of a public official acting in an official capacity are not liable for civil damages for harm to persons or property resulting from the acts or omissions in the performance of such services if relating to any structure, building, piping, or other architectural or engineered system, respectively.<sup>42</sup>



## SOUTH CAROLINA

<p><b>EMAC Public &amp; Private:</b></p>	<p>State has a standard compact with no known significant incorporation of private resources into EMAC.<sup>43</sup></p>	
<p><b>IMAC Public:</b></p>	<p>State creates a statewide mutual aid system by authorizing (but not requiring) any municipality or emergency management entity in the state to provide mutual assistance upon request by any other municipality or emergency management entity in the state during a significant event or disaster.<sup>44</sup></p>	
<p><b>IMAC Private:</b></p>	<p>State defines “South Carolina Emergency Management (Civil Defense) Organization” as including enrolled volunteers and persons recruited by agreement or operation of law.<sup>45</sup></p>	
<p><b>Private/Volunteer In-State Benefits &amp; Protections:</b></p>	<p>Volunteers in state service are protected by sovereign immunity to the same extent as employees.<sup>46</sup> Except in cases of gross negligence or recklessness, in-state licensed <b>architects</b> and <b>engineers</b> who volunteer their professional services for disaster relief and receive no compensation are not liable for civil damages for harm resulting from their acts, errors, or omissions in the rendering of those professional services at the scene of a declared emergency, at the request of the governor, within 30 days of the event giving rise to the declared state of emergency, and relating to a structure, building, piping, or other engineered system.<sup>47</sup> This immunity does not cover professionals serving under an emergency waiver of licensing and credentialing requirements pursuant to South Carolina Code § 40-22-75,<sup>48</sup> nor does it cover architects merely registered in the state pursuant to South Carolina Code § 40-3-260.<sup>48</sup></p>	

<sup>42</sup> *Id.* at §§ 83A-13.1 (architects) and 89C-19.1 (engineers and land surveyors)

<sup>43</sup> South Carolina Code § 25-9-420 (2022)

<sup>44</sup> *Id.* at § 6-11-1810.

<sup>45</sup> *Id.* at § 25-1-430.

<sup>46</sup> *Id.* at § 8-25-40(b).

<sup>47</sup> *Id.* at §§ 40-3-325 (architects) and 40-22-295 (engineers).

<sup>48</sup> *Id.* at § 40-3-325.

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**TENNESSEE**

<p><b>EMAC Public &amp; Private:</b></p>	<p>State has a standard compact.<sup>49</sup> State law allows health care providers, including those from hospitals and community mental health centers, to be deployed through EMAC.<sup>50</sup></p>	
<p><b>IMAC Public:</b></p>	<p>State creates a statewide mutual aid system by authorizing (but not requiring) any governmental entity in the state to provide mutual aid assistance upon request by any other governmental entity in the state.<sup>51</sup></p>	
<p><b>IMAC Private:</b></p>	<p>No known explicit incorporation of private resources into IMAC program.</p>	
<p><b>Private/Volunteer In-State Benefits &amp; Protections:</b></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 or expectation of compensation are not liable in negligence for harm to persons or property caused by their good faith but negligent inspection of a structure used for human habitation or owned by a public entity for structural integrity or nonstructural elements affecting life and safety, if the inspection is performed at the scene of and within 90 days of a declared emergency, and by request of a public safety officer or city or county building inspector acting in an official capacity.<sup>52</sup></p>	

<sup>49</sup> Tennessee Code § 58-2-403 (2022).

<sup>50</sup> *Id.* at § 58-2-107(l)(1).

<sup>51</sup> *Id.* at §§ 58-8-101 to 115.

<sup>52</sup> *Id.* at § 62-2-109.

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