

Mutual Aid for Building Departments: Region 5

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 5
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.


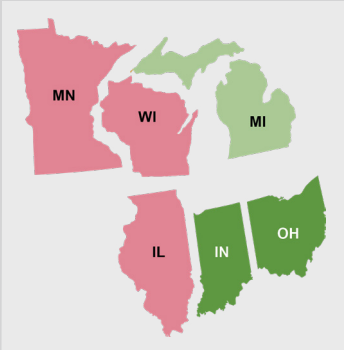



	<p>Statewide opt-out program: the state creates a mutual aid program and automatically integrates all of its political subdivisions into it, leaving the burden on jurisdictions to opt out if they so choose. Some states even forego an opt-out provision.</p>	
	<p>Statewide opt-in program: the state creates a mutual aid program but leaves the burden on individual jurisdictions to opt in to the program.</p>	
	<p>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. 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>No known significant IMAC program.</p>	

Figure 2.
FEMA Region 5
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.



ILLINOIS

EMAC Public & Private:

State has a standard compact.¹ State law provides for incorporation of volunteer health practitioners into its EMAC system.² Illinois allows licensed professionals serving in mobile support units from other states during the time the disaster continues to render emergency relief services in Illinois pursuant to their home state governor's order and the request of the Illinois governor without being licensed in Illinois.³



IMAC Public:

State uses individual compacts.⁴



IMAC Private:

State broadly defines "Emergency Services" as essentially all non-military activities to minimize damage resulting from disasters.⁵ State explicitly empowers its governor and political subdivisions to accept services and resources offered by private entities for emergency management purposes.⁶

Private/Volunteer In-State Benefits & Protections:

Volunteers who are working under the direction of an emergency services agency accredited by the Illinois Emergency Management Agency (IEMA), pursuant to a plan approved by that Agency, during circumstances approved by that Agency or a disaster declared by the governor, are deemed employees of the state in certain cases.⁷ Volunteers duly qualified and enrolled (sworn in) as volunteers with IEMA or an IEMA-accredited emergency services agency, who are participating in a disaster or an exercise or training related to an emergency operations plan of the jurisdiction (and the plan was expressly approved by IEMA beforehand), are treated as state employees for workers' compensation purposes.⁸ Except in cases of gross negligence or willful misconduct and cases where an act or omission on part of the emergency response worker or organization caused in whole or in part the disaster, persons and organizations under the direction of the state or a political subdivision thereof are not civilly liable for harm to persons or property resulting from the performance of a contract with the state or subdivision made pursuant to the Illinois Emergency Management Agency Act.⁹ Except in cases of willful misconduct, and cases where an act or omission on part of the emergency response worker or organization caused in whole or in part the disaster, persons and organizations rendering advice or assistance at the request of the state or a political subdivision thereof under the Illinois Emergency Management Act during an actual or impending disaster are not civilly liable for harm to persons or property resulting from such advice or assistance.¹⁰

¹ 45 Illinois Compiled Statutes 151/1 to 151/99 (2022).

² 225 Illinois Compiled Statutes 140/9.

³ 20 Illinois Compiled Statutes 3305/16.

⁴ *Id.* at 3305/13.

⁵ *Id.* at 3305/4.

⁶ *Id.* at 3305/17.

⁷ *Id.* at 3305/10(k), deeming said volunteers employees of the state for cases in the Illinois Court of Claims.

⁸ *Id.* at 3305/10(k).

⁹ *Id.* at 3305/21.

¹⁰ *Id.* at 3305/21.

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ILLINOIS (Cont'd)

Any **professional engineer, architect**, land surveyor, or **structural engineer** who in good faith, without fee, provides professional services in response to a disaster or other catastrophic event shall not be liable for civil damages as a result of his or her acts or omissions in providing the professional services, except for willful and wanton misconduct. This immunity applies to services that are provided without fee during or within 60 days following the end of a disaster or catastrophic event.¹¹



INDIANA

EMAC Public & Private:

State has an enhanced compact.¹² State authorizes mobile support units, which may consist of private personnel, to be deployed through EMAC.¹³



IMAC Public:

State adopts a statewide opt-out IMAC program.¹⁴



IMAC Private:

State allows participating jurisdictions to engage private companies in the provision of mutual aid.¹⁵ State defines “Emergency Management Worker” to include paid and volunteer employees of any organization performing emergency management services in Indiana under the control or request of the state or a political subdivision thereof.¹⁶

Private/Volunteer In-State Benefits & Protections:

Personnel serving in a mobile support unit under the control of an emergency management public authority may be compensated and reimbursed by the state for travel, subsistence, and maintenance expenses, and for losses of or damage to supplies and equipment; they are also given the same immunity as state employees and are considered temporary state employees for workers’ compensation purposes.¹⁷ Personnel provided by a participating jurisdiction are considered agents of that jurisdiction for purposes of tort liability and immunity while rendering aid and while en route to or from a jurisdiction which has requested the aid.¹⁸

In-state registered **architects**, surveyors, and professional **engineers** who, voluntarily and without compensation other than expense reimbursement, provide their professional services related to a declared emergency at the request or with the approval of a Federal or state official having law enforcement, public safety, or building inspection authority in the jurisdiction and believed by the volunteer 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 the performance of such services.¹⁹

¹¹ 745 Illinois Compiled Statutes 49/72.

¹² Indiana Code §§ 10-14-5-1 to 5-16.

¹³ *Id.* at § 10-14-3-19.

¹⁴ *Id.* at § 10-14-3-10.8.

¹⁵ *Id.* at § 10-14-3-10.8.

¹⁶ *Id.* at § 10-14-3-3.

¹⁷ *Id.* at § 10-14-3-19.



¹⁸ *Id.* at § 10-14-3-10.8(g).

¹⁹ *Id.* at § 34-30-27-1.

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MICHIGAN

<p>EMAC Public & Private:</p>	<p>State has an enhanced compact.²⁰ State’s IMAC agreement empowers Michigan, as the requesting party, to call upon its IMAC resources in order to deploy them to another state through EMAC.²¹</p>	
<p>IMAC Public:</p>	<p>State creates an opt-in system through a master mutual aid agreement called the Michigan Emergency Management Assistance Compact (MEMAC).²²</p>	
<p>IMAC Private:</p>	<p>State’s Emergency Management Act²³ defines “Disaster Relief Forces” to include private and volunteer personnel having duties or responsibilities under that Act in accordance with a lawful order or directive authorized by that Act.²⁴</p>	
<p>Private/Volunteer In-State Benefits & Protections:</p>	<p>Disaster Relief Forces serving under the control of the disaster relief authority in the area where they are serving are given the same rights and immunities as state employees and are reimbursed for all actual and necessary travel and subsistence expenses.²⁶ When emergency responders from another state are providing mutual aid pursuant to a written mutual aid agreement authorized by Michigan’s Interstate Mutual Emergency Aid Act,²⁷ under the emergency conditions required by that Act:²⁸ (1) they are provided the same immunity as state employees,²⁹ and (2) all pension, relief, disability, death benefits, worker’s compensation, and other benefits enjoyed by those emergency responders rendering emergency mutual aid shall extend to the services they perform outside their respective jurisdictions as if those services had been rendered in their own jurisdiction.³⁰</p>	

²⁰ Michigan Compiled Laws §§ 3.991 and 3.1001 (2022).

²¹ Michigan’s intrastate mutual aid system, called the Michigan Emergency Management Assistance Compact (MEMAC), is carried out pursuant to *id.* at §§ 30.410(2) and 30.407a(4)(j). MEMAC is implemented through an agreement developed and administered by the Michigan State Police, Emergency Management and Homeland Security Division. See <https://www.michigan.gov/msp/divisions/emhsd/programs-and-publications/home-tabs/programs/left/michigan-emergency-management-assistance-compact-memac>. Article XV allows MEMAC to be invoked to fulfill an EMAC request from out of state, but a responding local government’s participation is voluntary for such a request.

²² See footnote 21 above.

²³ Michigan Compiled Laws §§ 30.401 to 30.421.

²⁴ *Id.* at § 30.402.

²⁵ *Id.* at § 30.411(c).

²⁶ *Id.* at § 3.975, citing the Michigan Interstate Mutual Emergency Aid Act, Michigan Compiled Laws §§ 3.971 to 3.977.

²⁷ *Id.* at §§ 3.971 to 3.977.

²⁸ The emergency response must be activated under a mutual aid agreement that is in accordance with § 3.973 and must be for an emergency or mutual aid emergency that meets the definitions of those terms in § 3.972.



²⁹ *Id.* at § 3.975.

³⁰ *Id.* at § 3.976.

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MINNESOTA

<p>EMAC Public & Private:</p>	<p>State has a standard compact.³¹ State law allows its EMAC system to include volunteer health practitioners.³²</p> 
<p>IMAC Public:</p>	<p>State utilizes individual compacts.³³</p> 
<p>IMAC Private:</p>	<p>State allows private individuals and entities to register with the state or its political subdivisions to assist during disasters and emergencies.³⁴ State may authorize private individuals to be “emergency response personnel.”³⁵ State explicitly empowers its governor and political subdivisions to accept services and resources offered by private entities for emergency management purposes.³⁶</p>
<p>Private/Volunteer In-State Benefits & Protections:</p>	<p>Emergency response personnel, while activated by the state, are considered state employees and have the same rights, privileges, and immunities as such.³⁷ Except in cases of willful and wanton or reckless acts, private organizations and their agents who volunteer without compensation or the expectation of compensation to assist state or local government during an emergency, and who are previously registered with the state or local government, and who act under the direction and control of the state or local government, are not liable for civil damages or administrative sanctions as a result of good-faith acts or omissions in rendering emergency care, advice, or assistance.³⁸ Individuals who volunteer to assist state or local government during an emergency, and who are previously registered with the state or local government, and who operate under the direction and control of the state or local government, are considered an employee of the state or local government for purposes of workers’ compensation and tort claim defense and indemnification.³⁹</p>

³¹ Minnesota Statutes § 192.89 (2022).

³² *Id.* at § 192.90.

³³ Minnesota’s IMAC system, consisting of individual agreements, is carried out pursuant to *id.* at § 12.27.

Minnesota counties have published a model county agreement:

<https://www.mcit.org/resource/model-mutual-aid-agreement>.

Minnesota cities, likewise, have published a model city agreement:

<https://www.lmc.org/resources/considerations-in-mutual-aid-agreements/>.

³⁴ Minnesota Statutes §§ 12.03 and 12.22.

³⁵ *Id.* at § 12.35.

³⁶ *Id.* at § 12.22.

³⁷ *Id.* at § 12.35.



³⁸ *Id.* at § 12.22.

³⁹ *Id.* at § 12.22.

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OHIO

EMAC Public & Private:	State has a standard compact with no known significant incorporation of private resources into EMAC. ⁴⁰	
IMAC Public:	State adopts statewide opt-out program. ⁴¹	
IMAC Private:	State maintains a registry of volunteers to be deployed to respond to disasters. ⁴² State allows jurisdictions to contract with private companies for the provision of emergency management services within mutual aid response efforts. ⁴³	
Private/Volunteer In-State Benefits & Protections:	<p>Personnel provided by a participating jurisdiction are considered agents of that jurisdiction for tort liability immunity purposes while rendering aid and while en route to or from a jurisdiction which has requested the aid.⁴⁴ Personnel of a responding political jurisdiction who are rendering aid to a requesting political jurisdiction in an adjacent state in accordance with a mutual aid agreement are deemed to be exercising governmental functions and granted the same immunity protections as employees of political subdivisions while rendering the aid or en route to or from the jurisdiction which requested the aid.⁴⁵ Individuals authorized to perform emergency management services during a hazard in accordance with any mutual aid agreement or arrangement are not liable for any harm to persons or property resulting from the performance of the emergency management services except in cases of willful misconduct.⁴⁶</p> <p>Absent wanton, willful, or intentional misconduct, in-state certified architects and registered professional engineers and surveyors, as well as certain contractors and tradespersons, who volunteer their professional services during or 90 days following a declared emergency period, without compensation and without a contract relating to the emergency, are not liable for civil damages for harm to persons or property resulting from their acts, errors, or omissions in the performance of those professional services at the request or with the approval of an appropriate public authority (see footnote) acting in an official capacity, and which relate to any structure, building, piping, or other engineered system.⁴⁷</p>	

⁴⁰ Ohio Revised Code § 5502.40 (2022).

⁴¹ *Id.* at § 5502.41. See also *id.* at § 5502.29.

⁴² *Id.* at § 5502.281.

⁴³ *Id.* at §§ 5502.29 and 5502.41(G)(1)(b).

⁴⁴ *Id.* at § 5502.41.

⁴⁵ *Id.* at § 5502.29. See *id.* at §§ 2744.02 and 2744.03 for specific immunity protections.

⁴⁶ *Id.* at § 5502.30.

⁴⁷ *Id.* at § 2305.2310. Subsection (D)(12) (a) identifies four categories of appropriate public authorities, and subsections (D)(2), (6), (8), and (9) define those categories.

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WISCONSIN

EMAC Public & Private:	State has a standard compact with no known significant incorporation of private resources into EMAC. ⁴⁸	
IMAC Public:	State utilizes individual compacts. ⁴⁹	

IMAC Private: Volunteers may register with a state or local emergency management agency to provide emergency management services.⁵⁰ Governor may accept services and equipment from any source for emergency management purposes and may authorize other state and local units of government to do the same.⁵¹

Private/Volunteer In-State Benefits & Protections: In certain instances (see footnote), and except for reckless, wanton, or intentional misconduct, persons who provide emergency services or equipment under the direction of an appropriate state or local authority (see footnote) are not liable for civil damages for harm to persons or property resulting from the provision of those services or equipment.⁵² In other certain instances (see footnotes), volunteers who are registered with the state emergency management agency or registered in writing with a local emergency management agency, and are compensated no more than reimbursement for travel, lodging, or meals, are treated as employees of the state or local agency under specified Wisconsin laws (see footnote) for the purposes of any worker’s compensation⁵³ or liability⁵⁴ claim related to the emergency assistance provided during the disaster.

⁴⁸ Wisconsin Statutes § 323.80 (2022). State does however make limited legal provisions for disaster relief services from out-of-state businesses and employees in § 323.12.

⁴⁹ *Id.* at §§ 66.0301 and 323.14.

⁵⁰ *Id.* at § 323.18. See also *id.* at § 323.41.

⁵¹ *Id.* at § 323.12.

⁵² *Id.* at § 323.45. Subsection (1)(a) specifies which officials constitute an appropriate state or local authority. The immunity provided by § 323.45 applies in “certain instances” because it does not apply if § 323.41 (below) applies nor if § 257.03 applies.

⁵³ *Id.* at § 323.40. Subsections (2) and (3)(a) specify that the volunteer is considered an employee of the state or local agency under chapter 102 of the Wisconsin Statutes. The immunity provided by § 323.40 applies in “certain other instances” because it does not apply if § 257.03 (pertaining to indemnification of emergency volunteer health practitioners) applies.

⁵⁴ *Id.* at § 323.41. Subsections (2) and (3)(a) specify the various Wisconsin statutes under which the volunteer is considered an employee of the state or local agency. The immunity provided by § 323.41 applies in “certain other instances” because it does not apply if § 323.45 (above) applies, nor if the person’s act or omission involves reckless, wanton, or intentional misconduct.

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