

Mutual Aid for Building Departments: Region 6

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.

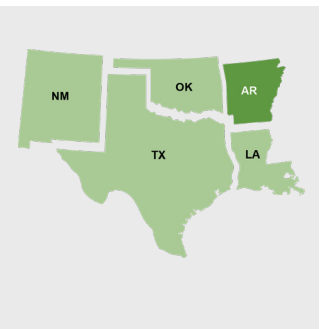


Figure 1.
FEMA Region 6
EMAC Types



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.


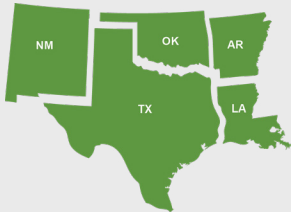



	<p>Statewide opt-out program: the state creates a mutual aid program and automatically integrates all of its political subdivisions into it, leaving the burden on jurisdictions to opt out if they so choose. Some states even forego an opt-out provision.</p>	
	<p>Statewide opt-in program: the state creates 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 6
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.



ARKANSAS

<p>EMAC Public & Private:</p>	<p>State has an enhanced compact.¹ State’s EMAC language includes private entities who contract or volunteer with the party state or local government.²</p>	
<p>IMAC Public:</p>	<p>State adopts a statewide opt-out IMAC program.³</p>	
<p>IMAC Private:</p>	<p>State broadly defines “Emergency Management” as essentially all non-military activities to minimize damage resulting from disasters, explicitly including engineering functions.⁴ State defines “Emergency Responder” to include any paid or volunteer person or entity with special skills that would be beneficial during an emergency who is requested by or authorized to assist a participating jurisdiction with a declared emergency.⁵ State explicitly empowers the governor and political subdivisions to accept services and equipment from private entities for emergency management.⁶</p>	
<p>Private/Volunteer In-State Benefits & Protections:</p>	<p>State declares all emergency management activities to be governmental functions and, except in cases of willful misconduct, gross negligence, or bad faith, immunizes paid and unpaid volunteer emergency responders who are complying with or reasonably attempting to comply with applicable laws and regulations (see footnote) from civil liability for harm to persons or property resulting from such activity.⁷ Emergency Responders performing emergency preparedness services pursuant to a mutual aid agreement enjoy the same immunities they would possess in their home jurisdiction.⁸ Under certain conditions (see cited statute), duly qualified, registered Emergency Responders can receive workers’ compensation coverage.⁹</p> <p>Absent wanton, willful, or intentional misconduct, architects and professional engineers, licensed under a state’s architecture or engineering licensure laws, respectively, who volunteer their architectural or engineering services, respectively, without compensation other than expense reimbursement, and in relation to a declared emergency, during or within 90 days of the emergency at the request or with the approval of an appropriate public official (see footnote) believed by the professional 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 related to any structure, building, project utility, equipment, machine, process, piping, or other system.¹⁰</p>	

¹ Arkansas Code § 12-76-202 (2022).
² *Id.* at § 12-76-202. Arkansas does also explicitly provide for the rendering of disaster relief by out-of-state businesses within the state following a disaster. *Id.* at §§ 12-88-101 to 12-88-109.
³ *Id.* at § 12-75-119.



⁴ *Id.* at § 12-75-103.
⁵ *Id.* at § 12-75-103.
⁶ *Id.* at § 12-75-123.
⁷ *Id.* at § 12-75-128. Subsection (b) specifies the laws and regulations with which emergency responders must comply.

⁸ *Id.* at § 12-75-128.
⁹ *Id.* at § 12-75-129.
¹⁰ *Id.* at §§ 17-15-106 and 17-30-106.

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LOUISIANA

<p>EMAC Public & Private:</p>	<p>State has a standard compact.¹¹ State law allows its EMAC system to include volunteer health practitioners.¹²</p>	
<p>IMAC Public:</p>	<p>State enacts a statewide IMAC program encompassing all Louisiana parishes, which allows (but does not require) any parish to provide emergency assistance to any other parish upon request.¹³</p>	
<p>IMAC Private:</p>	<p>State establishes a private corps for assisting in disaster recovery¹⁴ and empowers the governor to establish a registry of disaster volunteers to be deployed either by the state or local emergency management authority.¹⁵</p>	
<p>Private/Volunteer In-State Benefits & Protections:</p>	<p>During a declared state of emergency, any natural or juridical person who gratuitously and voluntarily renders any disaster relief, recovery services, or products in coordination with the state or its political subdivisions shall not be liable to the recipient thereof for an injury or death to a person or any damage to property resulting therefrom, except in the event of gross negligence, willful misconduct, or unlicensed persons providing care, assistance, goods, or services for which a license is required.¹⁶</p> <p>In-state registered/licensed architects, professional engineers, and professional land surveyors volunteering their architectural, engineering, or land surveying services, respectively, without compensation during and related to a declared emergency at the request or with the approval of an appropriate public authority (see footnote) 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 services for any structure, building, piping, or other engineered system except in cases of gross negligence or wanton, willful, or intentional misconduct.¹⁷</p>	

¹¹ Louisiana Revised Statutes § 29:733 (2022).

¹² *Id.* at § 29:789.

¹³ *Id.* at § 29:739.

¹⁴ The Louisiana Family Recovery Corps. *Id.* at § 29:726.1.

¹⁵ *Id.* at § 29:735.4.



¹⁶ *Id.* at § 29:735.3.1.

¹⁷ *Id.* at § 37:1736. Subsection B lists four different categories of appropriate public officials, and subsection A defines each of the four categories.

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NEW MEXICO

EMAC Public & Private:	State has a standard compact. ¹⁸ State law allows its EMAC system to include volunteer health practitioners. ¹⁹ State provides for out-of-state business and employee participation in disaster relief in-state. ²⁰	
IMAC Public:	State adopts a statewide opt-out IMAC program. ²¹	
IMAC Private:	State explicitly authorizes itself and its political subdivisions to accept aid from private entities for emergency management. ²²	
Private/Volunteer In-State Benefits & Protections:	Except for employees of a responding jurisdiction, persons responding to a request for aid by a participating jurisdiction and operating under its control are considered employees of the requesting jurisdiction for civil liability purposes. ²³ Persons holding an in-state or out-of-state license, certificate, or other permit that evidences the meeting of qualifications for professional, mechanical, or other skills may be credentialed by the Department of Health or the Homeland Security and Emergency Management Department to render aid involving those skills to meet a declared emergency, and shall be considered a public employee for purposes of the New Mexico Tort Claims Act when approved to perform those duties. ²⁴	

¹⁸ New Mexico Statutes Annotated § 12-10-15 (2022).

¹⁹ *Id.* at §§ 12-12A-9 and 12-12A-10.

²⁰ *Id.* at § 12-10-11.1.

²¹ *Id.* at §§ 12-10B-1 and 12-10B-4. New Mexico also authorizes additional intrastate mutual aid agreements in § 12-10-6.

²² *Id.* at § 12-10-7.

²³ *Id.* at § 12-10B-10. Employees of the responding jurisdiction are entitled to all applicable benefits, including workers' compensation benefits, that are normally available as an employee of that jurisdiction. *Id.* at § 12-10B-9.

²⁴ *Id.* at §§ 12-10-11, 12-10-12, and 12-10-13.

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OKLAHOMA

<p>EMAC Public & Private:</p>	<p>State has a standard compact.²⁵ State law allows its EMAC system to include volunteer health practitioners.²⁶</p>	
<p>IMAC Public:</p>	<p>State adopts a statewide opt-out IMAC program.²⁷</p>	
<p>IMAC Private:</p>	<p>State IMAC legislation defines “Emergency Responder” as any individual with special skills and qualifications that would be beneficial to a responding IMAC jurisdiction during an emergency.²⁸ State provides for licensed out-of-state architects and engineers to provide certain emergency building safety and habitability inspections without an in-state license under certain statutorily defined conditions.²⁹</p>	
<p>Private/Volunteer In-State Benefits & Protections:</p>	<p>State requires its IMAC-participating jurisdictions to provide compensation and death benefits to members of their emergency forces who are injured or killed while rendering aid pursuant to an IMAC request, in the same manner and on the same terms as if the injury or death were sustained within their own jurisdiction.³⁰</p> <p>Absent gross negligence and wanton or willful misconduct, in-state licensed architects and professional engineers who voluntarily, without compensation other than expense reimbursement, provide architectural, structural, electrical, mechanical, or other design professional services related to a declared emergency, at the request or with the approval of a public authority believed by the professional to be acting in an official capacity, are not liable for civil damages for harm to persons or property resulting from their acts or omissions in rendering those professional services related to any structure or building or certain components or systems thereof and rendered during the emergency or within 90 days following the declared emergency period, unless extended by the governor.³¹ Out-of-state licensed architects and professional engineers providing certain statutorily defined emergency building safety and habitability inspection services under certain statutorily defined conditions are also not liable for civil damages for harm to persons or property resulting from their acts or omissions in the performance of such services except in cases of gross negligence or wanton or willful misconduct.³²</p>	

²⁵ Oklahoma Statutes tit. 63, §§ 684.1 to 684.13 (2022).

²⁶ *Id.* at tit. 63, § 684.33.

²⁷ *Id.* at tit. 63, §§ 695.1 to 695.10.

²⁸ *Id.* at tit. 63, § 695.2.

²⁹ *Id.* at tit. 76, § 5.8.

³⁰ *Id.* at tit. 63, § 695.8.

³¹ *Id.* at tit. 76, § 5.8.


³² *Id.* at tit. 76, § 5.8.

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TEXAS

EMAC Public & Private: State has a standard compact.³³ State law allows its EMAC system to include volunteer health practitioners.³⁴ 

IMAC Public: State law creates the Texas Statewide Mutual Aid System, which allows (but does not require) any political subdivision to provide mutual aid assistance upon request by any other political subdivision.³⁵ 

IMAC Private: State empowers its Division of Emergency Management to employ and pay disaster reservists “with specialized skills in disaster recovery, hazard mitigation, community outreach, and public information to temporarily augment its permanent staff.”³⁶

Private/Volunteer In-State Benefits & Protections: If the assistance of a person who holds a license, certificate, permit, or other document evidencing qualification in a professional, mechanical, or other skill is requested by a state agency or local government entity under the Texas Statewide Mutual Aid System, the person is considered licensed, certified, permitted, or otherwise documented in the political subdivision in which the service is provided as long as the service is required, subject to any limitations imposed by the chief executive officer or the governing body of the requesting state agency or local government entity.³⁷

A local government entity or organized volunteer group may provide mutual aid assistance on request from another local government entity or organized volunteer group.³⁸ The chief or highest ranking officer of the entity from which assistance is requested, with the approval and consent of the presiding officer of the governing body of that entity, may provide that assistance while acting in accordance with the policies, ordinances, and procedures established by the governing body of that entity.³⁹

A person assigned duties by a local government entity responding to a request through the Texas Statewide Mutual Aid System is entitled to the same pay and benefits as though providing the services for that local government entity employing the person.⁴⁰

³³ Texas Health and Safety Code § 778.001 (2022).

³⁴ Texas Occupation Code § 115.009.

³⁵ Texas Government Code §§ 418.111 to 418.1181. The Texas Statewide Mutual Aid System does not affect any existing or future mutual aid agreements amongst political subdivisions. *Id.* at § 418.111.

³⁶ *Id.* at § 418.045.

³⁷ *Id.* at § 418.117.

³⁸ *Id.* at § 418.109.

³⁹ *Id.* at § 418.109.

⁴⁰ *Id.* at § 418.116.

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TEXAS (Cont'd)

**Private/Volunteer
In-State Benefits
& Protections:**
(Cont'd)

Except in cases of gross negligence or wanton or willful misconduct, and subject to certain other statutorily-defined conditions (see cited statute), in-state licensed or registered **architects** and **professional engineers** are not liable for civil damages for harm to persons or property resulting from their acts, errors, or omissions in rendering those professional services related to structures, buildings, roadways, piping, or other systems, if rendering such services voluntarily and without receiving or expecting compensation, during and in response to a declared emergency and at the request or with the approval of a public official acting in an official capacity.⁴¹

⁴¹Texas Civil Practice &
Remedies Code § 150.003.

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