

# Mutual Aid for Building Departments: Region 7

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.

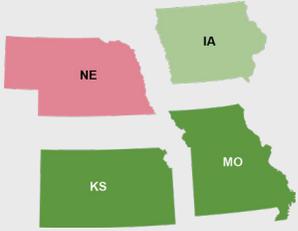


**Figure 1.**  
**FEMA Region 7**  
**EMAC Types**



## 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 7**  
**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.



## IOWA

<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 adopts a statewide opt-in IMAC program. <sup>2</sup>	
<b>IMAC Private:</b>	State waives certain legal requirements (mostly pertaining to tax, licensure, and registration) for out-of-state businesses and employees performing disaster-related services in-state during a disaster response period. <sup>3</sup>	
<b>Private/Volunteer In-State Benefits &amp; Protections:</b>	Except in cases of recklessness or willful and wanton misconduct, in-state licensed <b>architects</b> and <b>professional engineers</b> who, during a governor-proclaimed disaster emergency or a presidentially-declared major disaster, in good faith and at the request or with the approval of an appropriate public authority (see cited statute) believed by the professional to be acting in an official capacity, voluntarily and without compensation other than expense reimbursement provide architectural, engineering, structural, electrical, mechanical, or other design professional services related to the disaster are not liable for civil damages for their acts or omissions resulting from the services provided. <sup>4</sup>	



## KANSAS

<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 defines “Emergency Management” as all functions, other than those for which military forces or other federal agencies are primarily responsible, to prevent, minimize and repair injury and damage resulting from disasters. <sup>7</sup> State defines “Emergency Responder” broadly as any public or private sector person with appropriate qualifications (see cited statute) who is requested or authorized (or both) to respond to an IMAC-participating local jurisdiction in response to a locally-declared emergency. <sup>8</sup> State empowers the governor and political subdivisions to accept equipment and services from private entities for disaster response and emergency management purposes. <sup>9</sup>	

<sup>1</sup> Iowa Code § 29C.21 (2022).

<sup>2</sup> *Id.* at § 29C.22.

<sup>3</sup> *Id.* at § 29C.24.

<sup>4</sup> *Id.* at § 29C.20C.

<sup>5</sup> Kansas Statutes Annotated § 48-9a01 (2022).

<sup>6</sup> *Id.* at §§ 48-948 to 48-958.

<sup>7</sup> *Id.* at § 48-904.

<sup>8</sup> *Id.* at § 48-949.

<sup>9</sup> *Id.* at § 48-916.

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## KANSAS (cont'd)

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

State deems all activities performed under the Intrastate Mutual Aid Act to be governmental functions, and deems all persons responding under the operational control of the requesting jurisdiction to be employees of that jurisdiction for liability purposes.<sup>10</sup> Except in cases of willful misconduct, gross negligence, or bad faith, such persons are not liable for harm to persons or property resulting from their emergency management activities when complying or attempting to comply with the Kansas Mutual Aid System.<sup>11</sup> Volunteers providing emergency management services during a state-declared state of emergency and complying with or reasonably attempting to comply with applicable laws (see cited statute) are not liable for harm to persons or property resulting from their service except in cases willful misconduct, gross negligence, or bad faith.<sup>12</sup>

Except in cases of gross negligence or willful misconduct, in-state licensed **architects** and **professional engineers** who voluntarily and without expecting or receiving compensation provide structural inspection services at the scene of a declared natural disaster emergency at the request of a public official acting in an official capacity are immune from **negligence liability** for harm resulting from their good faith but negligent inspection of a structure used for human habitation or a structure owned by a public entity if performed within 90 days of the disaster.<sup>13</sup>

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<sup>10</sup> *Id.* at § 48-957.

<sup>11</sup> *Id.* at § 48-957. The Kansas Mutual Aid System is laid out in §§ 48-948 to 48-958.

<sup>12</sup> *Id.* at § 48-915.

<sup>13</sup> *Id.* at § 60-4201.

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## MISSOURI

<p><b>EMAC Public &amp; Private:</b></p>	<p>State has an enhanced compact.<sup>14</sup> State allows emergency volunteers to be certified by the state emergency management agency and deployed to another state through EMAC.<sup>15</sup></p>	
<p><b>IMAC Public:</b></p>	<p>State adopts a statewide opt-out IMAC program.<sup>16</sup></p>	
<p><b>IMAC Private:</b></p>	<p>State defines “Emergency Management Services” broadly as all activities intended to minimize damage resulting from disasters.<sup>17</sup> State provides for recruitment of emergency management volunteers.<sup>18</sup> When certain eligibility criteria are met, volunteers are eligible to receive usage of a state vehicle and to receive incidental and travel expense reimbursement.<sup>19</sup></p>	
<p><b>Private/Volunteer In-State Benefits &amp; Protections:</b></p>	<p>Volunteers recruited under the emergency management volunteer program receive workers’ compensation insurance during the performance of their official duties and are considered employees of the state for purposes of EMAC protections.<sup>20</sup></p> <p><b>Architects, engineers,</b> and certain qualified building officials and building inspectors who perform their duties under the direction of an in-state licensed architect or engineer, when working under the emergency volunteer program, are not liable for civil damages for harm to persons or property resulting from their services except in cases of willful misconduct or gross negligence.<sup>21</sup></p>	

<sup>14</sup> Missouri Revised Statutes § 44.415 (2022).

<sup>15</sup> *Id.* at § 44.023.

<sup>16</sup> *Id.* at § 44.090.

<sup>17</sup> *Id.* at § 44.010.

<sup>18</sup> *Id.* at § 44.125.

<sup>19</sup> *Id.* at §§ 44.023 (incidental) and 44.125 (travel and state vehicle).

<sup>20</sup> *Id.* at § 44.023.

<sup>21</sup> *Id.* at § 44.023. Building officials and building inspectors must be employed by local governments, qualified by training and experience, certified by the state emergency management agency, and perform their duties under the direction of an in-state licensed architect or engineer.

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## NEBRASKA

### EMAC Public & Private:

State has a standard compact with no known significant incorporation of private resources into EMAC.<sup>22</sup>



### IMAC Public:

State provides for individual compacts.<sup>23</sup>



### IMAC Private:

State defines “Emergency Management Worker” to include employees and volunteers of any organization providing emergency management services in Nebraska under the control or request of the state or a political subdivision thereof.<sup>24</sup> Emergency Management Workers performing emergency management services in the state during a declared emergency, and in accordance with a mutual aid agreement to which the state or a political subdivision thereof is a party, and which involves the practice of a profession for which the Emergency Management Workers hold an out-of-state license, are exempt from Nebraska licensing requirements for that profession during that emergency service.<sup>25</sup> State empowers its governor and political subdivisions to accept equipment and services from private entities for disaster response and emergency management purposes.<sup>26</sup>

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

State deems all activities relating to emergency management to be government functions.<sup>27</sup> Except in cases of bad faith, willful misconduct, or gross negligence, Emergency Management Workers, when complying with or reasonably attempting to comply with any order, rule, or regulation promulgated pursuant to the Emergency Management Act,<sup>28</sup> are not liable for civil damages for harm to persons or property resulting from their emergency services.<sup>29</sup> Private persons serving on state emergency response teams: (1) must be subject to the operational control of the emergency management authority in the area in which they are serving; (2) are entitled to the same rights and immunities as state employees; and (3) may be reimbursed for expenses in accordance with state law.<sup>30</sup> Any Emergency Management Workers performing emergency management services in the state pursuant to any mutual aid arrangement with the State of Nebraska are given the same privileges and immunities they would possess in their home jurisdictions.<sup>31</sup>

<sup>22</sup> Nebraska Revised Statutes § A1-124 (2022).

<sup>23</sup> *Id.* at § 81-829.48.

<sup>24</sup> *Id.* at § 81-829.39.

<sup>25</sup> *Id.* at § 81-829.55.

<sup>26</sup> *Id.* at § 81-829.59.

<sup>27</sup> *Id.* at § 81-829.55.

<sup>28</sup> *Id.* at §§ 81-829.36 to 81-829.75.

<sup>29</sup> *Id.* at § 81-829.55.

<sup>30</sup> *Id.* at § 81-829.53. Expense reimbursement must comply with *id.* at §§ 81-1174 to 81-1177.

<sup>31</sup> *Id.* at § 81-829.55.

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