

Mutual Aid for Building Departments: Region 8

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.

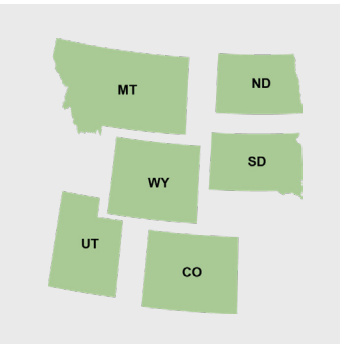


Figure 1.
FEMA Region 8
EMAC Types

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.


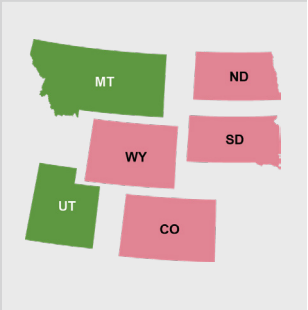



	<p>Statewide opt-out program: the state creates a mutual aid program and automatically integrates all of its political subdivisions into it, leaving the burden on jurisdictions to opt out if they so choose. Some states even forego an opt-out provision.</p>	
	<p>Statewide opt-in program: the state creates 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 8
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.

COLORADO

EMAC Public & Private:

State has a standard compact.¹ State law allows its EMAC system to include volunteer health practitioners.²



IMAC Public:

State utilizes individual compacts.³



IMAC Private:

State empowers its Office of Emergency Management to contract with private entities for emergency management purposes.⁴ State directs its Office of Emergency Management to maintain a database including private sector agencies and organizations which have resources useful during disasters and which elect to be included in the database.⁵ State allows any natural person to register as an unpaid Civil Defense Worker⁶ with the Office of Emergency Management or local organization for civil defense for the purpose of carrying out disaster preparedness pursuant to the Colorado Disaster Emergency Act.⁷ Under certain other statutorily defined conditions (see cited statutes), Civil Defense Workers: (1) can be covered by the Workers' Compensation Act of Colorado, along with their dependents, and can receive health and funeral benefits under that Act; and (2) can receive compensation for injuries proximately caused by the Civil Defense Worker's service as a Civil Defense Worker, with or without negligence, where the injury is not caused by the Civil Defense Worker's intoxication or intentional self-infliction.⁸ Local governments and state agencies may nominate a volunteer organization with which they enter into a qualifying memorandum of understanding⁹ to be included on the qualified volunteer organization list.¹⁰ When certain statutorily-defined conditions are met,¹¹ volunteers associated with a qualified volunteer organization may be deemed "qualified volunteers" and may be eligible to receive the benefits and protections provided to Civil Defense Workers (see footnote).¹²

¹ Colorado Revised Statutes § 24-60-2902 (2022).

² *Id.* at § 25-1.5-609.

³ *Id.* at § 24-33.5-713.

⁴ *Id.* at § 24-33.5-705.

⁵ *Id.* at § 24-33.5-705.3.

⁶ *Id.* at § 24-33.5-802.

⁷ The Colorado Disaster Emergency Act is codified at §§ 24-33.5-701 to 33.5-717.

⁸ *Id.* at §§ 24-33.5-806 to 24-33.5-808.

⁹ A qualifying memorandum of understanding is one entered into pursuant to *id.* at § 24-33.5-822.

¹⁰ *Id.* at § 24-33.5-823.

¹¹ For the specified conditions and eligibility criteria, see *id.* at § 24-33.5-824.

¹² *Id.* at § 24-33.5-824. For the benefits and protections provided to Civil Defense Workers, see *id.* at §§ 24-33.5-801 to 24-33.5-828.

See DISCLAIMER at the bottom of the final page in this fact sheet.



COLORADO

Private/Volunteer In-State Benefits & Protections:

In-state licensed **architects, professional engineers**, and land surveyors, as well as certain building code officials, who voluntarily and without compensation provide certain statutorily-defined professional services relating to the structural integrity (or nonstructural element affecting life safety) of a building, structure, or other architectural or engineering system at the scene of an emergency and during a state of emergency are not liable for civil damages for harm to persons or property resulting from their acts or omissions in performing such services except in cases of gross negligence or willful misconduct.¹³



MONTANA

EMAC Public & Private:

State has a standard compact with no known significant incorporation of private resources into EMAC.¹⁴



IMAC Public:

State adopts a statewide opt-out IMAC program.¹⁵



IMAC Private:

State defines “volunteer professional” to include licensed professionals of any state.¹⁶ Whenever a state of emergency or disaster is in effect, volunteer professionals may have their out-of-state licenses recognized in Montana, but must register with the appropriate Montana licensing agency first.¹⁷

Private/Volunteer In-State Benefits & Protections:

Volunteer in-state and out-of-state licensed professionals¹⁸ providing emergency management services are not liable for civil damages for harm to persons or property resulting from their acts or omissions specifically arising out of activities undertaken in response to an incident, disaster, or emergency, and undertaken while complying with or reasonably attempting to comply with certain other emergency management laws defined in the statute, except in cases of willful misconduct, gross negligence, or bad faith.¹⁹ Any persons responding to an IMAC request and under the control of the requesting jurisdiction and complying with or attempting to comply with the system are considered employees of that jurisdiction for liability purposes, except in cases of willful misconduct, gross negligence, or bad faith.²⁰

¹³ *Id.* at § 13-21-108.3. This statute does not abrogate any provision of the Colorado Governmental Immunity Act (*id.* at §§ 24-10-101 to 24-10-120).

¹⁴ Montana Code Annotated § 10-3-1001 (2022).

¹⁵ *Id.* at §§ 10-3-901 to 3-912.

¹⁶ *Id.* at § 10-3-103.

¹⁷ *Id.* at § 10-3-118.

¹⁸ *Id.* at § 10-3-103.

¹⁹ *Id.* at § 10-3-111.

²⁰ *Id.* at § 10-3-912.

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NORTH DAKOTA

EMAC Public & Private:

State has a standard compact.²¹ State explicitly provides for incorporation of volunteer health practitioners into its EMAC system.²² During an emergency or disaster, authorized emergency workers providing emergency services in the state involving the practice of a profession for which the emergency workers hold an out-of-state license are exempt from North Dakota licensing requirements for that profession during that emergency service.²³



IMAC Public:

State uses individual compacts.²⁴



IMAC Private:

No known significant private mutual aid policies in North Dakota.

Private/Volunteer In-State Benefits & Protections:

State declares all emergency management functions to be governmental functions.²⁵ Except in cases of willful misconduct, gross negligence, bad faith, or certain other statutorily defined exceptions (see cited statute), disaster or emergency workers are not liable for harm to persons or property resulting from their emergency services if working under the direction of an appropriate governmental response entity and complying with or reasonably attempting to comply with certain statutorily defined requirements (see cited statute).²⁶

Except in cases of wanton, willful, or intentional misconduct, in-state registered **architects** and licensed **professional engineers** who voluntarily and without compensation provide certain statutorily-defined professional services at the scene of a declared disaster-caused emergency, 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 their acts, errors, or omissions in the performance of any engineering services for any structure, building, piping, or other engineered system within 90 days of the emergency unless extended by the governor.²⁷

²¹ North Dakota Century Code § 37-17.1-14.5 (2022).

²² *Id.* at § 37-17.4-08.

²³ *Id.* at § 37-17.1-16.

²⁴ *Id.* at § 37-17.1-26.

²⁵ *Id.* at § 37-17.1-16.



²⁶ *Id.* at § 37-17.1-16.

²⁷ *Id.* at § 32-03-47.

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SOUTH DAKOTA

EMAC Public & Private:	State has a standard compact with no known significant incorporation of private resources into EMAC. ²⁸ State has also codified a State and Province Emergency Management Assistance Memorandum of Understanding. ²⁹	
IMAC Public:	State authorizes its Department of Public Safety to coordinate individual compacts. ³⁰ Governor may also directly order political subdivisions to assist other political subdivisions. ³¹	
IMAC Private:	State defines “Emergency Management Worker” to include any paid or volunteer employee of any organization performing services in the state under the control or request of the state or a political subdivision. ³² State empowers its governor to accept goods and services from private entities for emergency management purposes. ³³	
Private/Volunteer In-State Benefits & Protections:	Private Emergency Management Workers serving under the control of a public emergency management authority receive compensation and identical rights and immunities with state employees whether serving in-state or out-of-state. ³⁴ In-state licensed architects and engineers who, voluntarily and without compensation beyond expense reimbursement, provide professional design services at the request or with the approval of a public official in response to a disaster within 90 days following the end of the declared emergency unless extended by executive order of the governor shall not be liable for civil damages for harm to persons or property resulting from those services except in cases of gross negligence or willful or wanton misconduct. ³⁵	

²⁸ South Dakota Codified Laws § 34-48A-53 (2022).

²⁹ *Id.* at § 34-48A-54.

³⁰ *Id.* at § 34-48A-19.

³¹ *Id.* at § 34-48A-6.

³² *Id.* at § 34-48A-1.

³³ *Id.* at § 34-48A-36.

³⁴ *Id.* at § 34-48A-22.

³⁵ *Id.* at § 36-18A-76.

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UTAH

EMAC Public & Private:

State has a standard compact.³⁶ State law allows volunteer health practitioners to be included in its EMAC.³⁷



IMAC Public:

State adopts a statewide opt-out IMAC program.³⁸



IMAC Private:

Utah Statewide Mutual Aid Act defines “Emergency Responder” to mean any public or private sector person with special skills and qualifications that would benefit an IMAC-participating jurisdiction responding to a locally declared emergency or in an authorized drill or exercise, and who is requested or authorized by such a jurisdiction to assist in such an emergency or drill or exercise, specifically including architects, engineers, and other design professionals.³⁹

Private/Volunteer In-State Benefits & Protections:

During and for 90 days following a declared state of emergency, in-state licensed **architects** and **professional engineers** providing good faith services within the scope of their respective license, voluntarily and without compensation, and at the request of a public official in response to the declared state of emergency are not liable for civil damages for harm to persons or property resulting from their acts, errors, or omissions in the provision of their architectural or engineering services within the scope of their licensure.⁴⁰

WYOMING

EMAC Public & Private:

State has a standard compact with no known significant incorporation of private resources into EMAC.⁴¹



IMAC Public:

State authorizes individual compacts between political subdivisions.⁴²



IMAC Private:

State authorizes its governor and political subdivisions to create emergency support task forces which may consist of and compensate private employees and volunteers.⁴³

Private/Volunteer In-State Benefits & Protections:

Volunteers serving on an emergency task force are given the same rights and immunities as state employees, and in the event of injury, disability, or death, are entitled to compensation at the same rates as provided by the Wyoming Worker’s Compensation Act for like injuries, disabilities, or death.⁴⁴

³⁶ Utah Code § 53-2a-402 (2022).

³⁷ *Id.* at § 26-49-301.

³⁸ *Id.* at §§ 53-2a-301 to 2a-310.

³⁹ *Id.* at § 53-2a-302.

⁴⁰ *Id.* at § 78B-4-514.

⁴¹ Wyoming Statutes §§ 19-13-401 to 13-414 (2022).

⁴² *Id.* at § 19-13-109.

⁴³ *Id.* at § 19-13-107.

⁴⁴ *Id.* at § 19-13-107.

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