

Mutual Aid for Building Departments: Region 9

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 9
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 9 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

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AMERICAN SAMOA

EMAC Public & Private:	Territory is not a participating EMAC jurisdiction. ¹	
IMAC Public:	No known significant IMAC program.	
IMAC Private:	Territory recognizes professional or skilled qualifications of persons credentialed outside American Samoa when they are rendering emergency services in American Samoa. ²	
Private/Volunteer In-State Benefits & Protections:	No known legislation extending legal protections to private, non-medical emergency responders.	



ARIZONA

EMAC Public & Private:	State has an enhanced compact. ³ State law extends EMAC by authorizing the governor to deploy private personnel as well as public personnel via EMAC. ⁴	
IMAC Public:	State authorizes individual compacts between political subdivisions. ⁵	
IMAC Private:	State defines “emergency worker” as any person, paid or volunteer, registered with a local or state emergency management organization and certified by that organization for the purpose of engaging in authorized emergency management activities or performing emergency functions. ⁶ State recognizes out-of-state professional, mechanical, or other skilled qualifications of persons rendering those credentialed services in-state in response to an emergency. ⁷	

¹American Samoa authorizes the governor to enter into such mutual aid emergency management agreements, however. American Samoa Code Annotated § 26.0108 (2021).
² *Id.* at § 26.0108.

³Arizona Revised Statutes § 26-402 (2022).
⁴ *Id.* at § 26-404.
⁵ *Id.* at § 26-309.

⁶ *Id.* at § 26-301.
⁷ *Id.* at § 26-310.

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ARIZONA



Private/Volunteer In-State Benefits & Protections:

Emergency workers engaged in emergency management activities under certain statutorily defined conditions receive the same immunities and disability workers' compensation benefits as state employees performing similar work.⁸ If necessary, under certain statutorily defined conditions the state or its political subdivisions will provide liability coverage, including legal defense, of any emergency worker acting within the course and scope of assigned duties, and engaged in an authorized activity under supervision of the state or its political subdivisions, but not for actions involving willful misconduct, gross negligence, or bad faith.⁹ Emergency workers from another state who are rendering aid in Arizona in accordance with any interstate mutual aid arrangement or compact are not liable on account of any act or omission in good faith while so engaged or on account of the maintenance or use of any equipment or supplies in connection with an emergency.¹⁰

Registrants of the Board of Technical Registration (including board-registered or board-certified **architects** and **professional engineers**) volunteering professional services to emergency services personnel at the scene of a disaster as part of an authorized Board program are immune from personal liability with respect to acts done and actions taken in good faith within the scope of their authority.¹¹

⁸ *Id.* at § 26-314.

⁹ *Id.* at § 26-314.


¹⁰ *Id.* at § 26-314.


¹¹ *Id.* at § 32-110.

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CALIFORNIA

EMAC Public & Private: State has a standard compact with no known significant incorporation of private resources into EMAC.¹² 

IMAC Public: State creates a statewide opt-in system through a Master Mutual Aid Agreement.¹³ 

IMAC Private: Licensed architects and engineers may register as volunteer Disaster Service Workers for the Safety Assessment Program administered by the California Office of Emergency Services to provide safety assessments of damaged facilities during emergencies.¹⁴

Registered Disaster Service Workers can receive workers' compensation coverage for injuries/illnesses sustained while performing disaster service (but see cited regulations for details and specific requirements).¹⁵ Volunteers duly enrolled or registered with the Office of Emergency Services, or any disaster council of any political subdivision, and unregistered persons duly impressed into service during a state of emergency or local emergency, if they are complying or attempting to comply with the relevant laws, regulations or orders (see cited statute), have the same degree of responsibility for their actions and enjoy the same immunities as officers and employees of the state or its local governments would have if performing similar work for their respective entities.¹⁶

Private/Volunteer In-State Benefits & Protections:

Except in cases of gross negligence or willful misconduct, in-state licensed **architects** and **professional engineers** (including statutorily defined branches thereof) who voluntarily, without receiving or expecting compensation, provide structural inspection services at the scene of a declared national, state, or local emergency (caused by a major earthquake, flood, riot, or fire, in the case of architects) at the request of an appropriate public official (see cited statutes) acting in an official capacity are not liable in negligence for any harm to persons or property caused by the architect's or engineer's good faith but negligent inspection of a structure used for human habitation or a structure owned by a public entity for structural integrity or nonstructural elements affecting life and safety within 30 days of the declared emergency.¹⁷

¹² California Government Code § 179.5 (2022).

¹³ See <https://web.archive.org/web/20220225193154/https://www.caloes.ca.gov/PlanningPreparednessSite/Documents/CAMasterMutAidAgreement.pdf>

See also California Government Code §§ 8615 to 8619.5.

¹⁴ See California's Disaster Service Worker Volunteer Program, codified at California Code of Regulations tit. 19, §§ 2570 to 2573.3. See also California Code of Regulations tit. 19, §§ 2570 to 2573.3. See also <https://web.archive.org/web/20220628015827/https://www.caloes.ca.gov/cal-oes-divisions/recovery/disaster-mitigation-technical-support/technical-assistance/safety-assessment-program>.



¹⁵ California Code of Regulations tit. 19, §§ 2573.1 to 2573.3.

¹⁶ California Government Code § 8657.

¹⁷ California Business & Professions Code §§ 5536.27 (architects) and 6706 (engineers).


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COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

EMAC Public & Private:	Commonwealth has a standard compact with no known significant incorporation of private resources into EMAC. ¹⁸	
IMAC Public:	No known significant IMAC program. Commonwealth tasks its Office of Homeland Security and Emergency Management with developing a Memorandum of Understanding or Memorandum of Agreement with other CNMI government units or private organizations for emergency management purposes. ¹⁹	
IMAC Private:	No known significant private mutual aid policies.	
Private/Volunteer In-State Benefits & Protections:	No known legislation extending legal protections to private, non-medical emergency responders.	



GUAM

EMAC Public & Private:	Territory has a standard compact with no known significant incorporation of private resources into EMAC. ²⁰	
IMAC Public:	Not Applicable: Territory does not have political subdivisions with building departments that would participate in an IMAC system.	
IMAC Private:	No known significant private mutual aid policies.	
Private/Volunteer In-State Benefits & Protections:	No known legislation extending legal protections to private, non-medical emergency responders.	

¹⁸ 1 Northern Mariana Islands Code § 20148 (2021).

¹⁹ *Id.* at § 20143.

²⁰ Guam Public Law 29-29 (2007).

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HAWAII

EMAC Public & Private:	State has a standard compact with no known significant incorporation of private resources into EMAC. ²¹	
IMAC Public:	No known significant IMAC program.	
IMAC Private:	No known significant private mutual aid policies.	
Private/Volunteer In-State Benefits & Protections:	Volunteers engaged in emergency management services for the state or a county, whose services have been accepted by any authorized person, are deemed employees of the state or county, ²² are entitled to all benefits provided by Hawaii's Workers' Compensation Law ²³ in case of injury or death arising out of and in the performance of duty in accordance with Hawaii emergency management laws, ²⁴ and are immune from civil liability for harm to persons or property as a result of any act or omission in the course of performing those duties except in cases of gross negligence, willful misconduct, or recklessness. ²⁵	

²¹ Hawaii Revised Statutes § 128F-2 (2022).

²² *Id.* at § 127A-8.

²³ *Id.* at §§ 386-1 to 386-214.

²⁴ *Id.* at §§ 127A-1 to 127A-32.

²⁵ *Id.* at § 127A-9.

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NEVADA

<p>EMAC Public & Private:</p>	<p>State has a standard compact.²⁶ State law authorizes its governor to deploy incident management assistance teams, which may consist of private personnel, to serve outside the state, but the statute does not explicitly integrate this into its EMAC.²⁷</p>	
<p>IMAC Public:</p>	<p>State adopts a statewide opt-out program called the Nevada Intrastate Mutual Aid System (NIMAS).²⁸</p>	
<p>IMAC Private:</p>	<p>State authorizes its governor to create and deploy incident management assistance teams, which may include private personnel.²⁹</p>	
<p>Private/Volunteer In-State Benefits & Protections:</p>	<p>All activities relating to emergency management are deemed to be governmental functions.³⁰ Personnel serving on an incident management assistance team under the operational control of the authority in charge of emergency management activities in the area in which they are serving are compensated \$10 per day, are reimbursed for travel and subsistence expenses, and are given the same rights and immunities as state employees.³¹ Properly trained and licensed or certified emergency responders³² of a NIMAS-participating jurisdiction that is responding to a NIMAS request from another NIMAS-participating jurisdiction are considered to be agents of the NIMAS-requesting jurisdiction for purposes of tort liability and immunity, and are not liable for any act or omission while providing or attempting to provide such assistance in good faith, which does not include willful misconduct, gross negligence, or recklessness.³³</p>	

²⁶ Nevada Revised Statutes § 415.010 (2022).

²⁷ *Id.* at § 414.080.

²⁸ *Id.* at §§ 414A.010 to 414A.180.

²⁹ *Id.* at §§ 414.0359 and 414.080.

³⁰ *Id.* at § 414.110.

³¹ *Id.* at § 414.080.

³² “Emergency responder” means an employee or an unpaid volunteer of a NIMAS-participating jurisdiction who has received such public safety training and licensing or certification as deemed appropriate by the jurisdiction for which the emergency responder is employed or volunteers.

Id. at §§ 414A-035 and 414A-070.

³³ *Id.* at § 414A.180.

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