



# Issue Brief

The American Institute of Architects • Government Advocacy • Current Issue Position and Analysis

## Key Points:

- *Architects can provide a valuable service in times of disasters and emergencies.*
- *Architects offer expertise in assessing building conditions, designing temporary and transitional housing for survivors and in helping communities plan and rebuild after disasters.*
- *Architects who volunteer their services are frequently subject to significantly higher insurance rates in jurisdictions where no Good Samaritan statute exists.*
- *The Stafford Act does not allow funds to be used for temporary and transitional housing and for rebuilding efforts.*
- *Federal legislation is needed to ensure that architects are protected from liability for negligence when providing volunteer services during a declared emergency or disaster.*

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## PROMOTING HEALTHY AND SAFE COMMUNITIES

### Help Communities Respond to Disasters

#### AIA Position

The American Institute of Architects supports legislation that helps the design and construction industry provide assistance and support to communities on a volunteer basis following a natural or man-made disaster.

#### Actions Sought

The AIA urges Congress to pass legislation that eliminates barriers for architects, engineers, contractors and others who want to help communities recover and rebuild following natural and man-made disasters. In particular, the AIA supports legislation to:

- Allow for Stafford Act disaster funding to be used for the development of long-term community recovery and mitigation plans and the provision of temporary and transitional housing.
- Provide licensed architects with qualified immunity from liability for negligence when providing services on a volunteer basis in response to a declared emergency or disaster.

#### Explanation and Justification

During a disaster, whether man-made or natural, the federal government or state and local governments may not have the resources to respond adequately to the challenges that confront them. Architects and other design and construction professionals are often willing to volunteer their time and services if asked by government agencies.

In a time of declared emergency or disaster, architects provide numerous services to improve the safety and welfare of the public; these include assessing building conditions that could threaten life and property, providing expertise in designing and building temporary and transitional housing for people who have lost their homes, and assisting communities in planning recovery and rebuilding efforts. Architects played vital roles in the response to the September 11<sup>th</sup> emergencies, as well as Hurricane Katrina.

However, various barriers exist that prevent such volunteer actions. The federal Stafford Act does not explicitly allow funds to be used for rebuilding efforts or to provide temporary and transitional housing for displaced people. This limitation became strikingly evident in the aftermath of Hurricane Katrina, whose devastation displaced a million people and destroyed whole communities. In situations like these, the ability of federal, state and local officials and the private sector to rebuild communities and provide long-term housing options is vital to the long-term health and welfare of the population.

This is why the AIA believes that the Stafford Act should be amended to allow for federal funding to be used for the development of long-term community recovery and mitigation plans and the provision of temporary and transitional housing.

Furthermore, during post-disaster situations a licensed architect may be exposed to questions of liability even though he or she is acting in good faith to preserve the safety of a community. While most states have statutes that cover certain volunteers from liability during an emergency situation, it is questionable if these statutes would shield an architect from liability if he or she is called upon to render professional services in a time of crisis. This ambiguity needs to be removed by passing federal Good Samaritan legislation.

In jurisdictions where there is no Good Samaritan statute, architects face significant insurance premiums if they decide to undertake voluntary efforts in their communities in such emergencies. This actually provides a disincentive for architects to volunteer their services in times of crisis. Federal Good Samaritan legislation would address this issue and ensure that our nation is better prepared to respond to emergencies and disasters.

At least 24 states have recognized the importance of giving licensed architects immunity during an emergency or disaster. For the public good it is important that the federal government follow suit and enact a Good Samaritan law for architects that will protect them from liability and thus ensures that their services will be available in future times of need.

During the first session of the 110<sup>th</sup> Congress, a bipartisan group of Congressmen, led by Representatives Jim Matheson (D-UT) and Dave Reichert (R-WA), introduced H.R. 2067, legislation that would provide construction, architectural, and engineering entities with qualified immunity from liability for negligence when providing services or equipment on a volunteer basis in response to a declared emergency or disaster.

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