

COMMUNITY ASSOCIATIONS INSTITUTE

STATE CONSTRUCTION DEFECT STATUTES OF LIMITATION AND REPOSE

STATE	TIME LIMIT	EXTENSION	STATUTE & NOTES
Alabama	13 years	N/A	A claim may be brought up to 2 years after the cause of action accrues, but in any event must be brought within 13 years of substantial completion of improvement. ALA. CODE § 6-5-221.
Alaska	10 years	N/A	A claim for personal injury, death, or property damage must be brought within 10 years of the earlier of substantial completion or the last act alleged to have caused the injury. The statute does not apply inter alia to a claim resulting from intentional or reckless disregard of design plans or building codes, nor does it apply to intentional or gross negligence. ALASKA STAT. § 09.10.055. Note that Alaska has special procedural rules relating to notice, etc. for suits brought against construction professionals for dwelling design, construction and remodeling claims. ALASKA STAT. §§ 09.10.054; 09.45.881 et seq. Right to repair. ALASKA STAT. § 09.45.881-09.45.899.
Arizona	8 years	1 year	An action may be brought up to 8 years after substantial completion of improvement. If injury occurred during, or latent defect was not discovered until, 8th year after substantial completion, the action may be brought within 1 year after injury occurred or latent defect was discovered, but cannot be brought more than 9 years after substantial completion. This statute does not apply to personal injury or wrongful death. ARIZ. REV. STAT. § 12-552. Right to cure state. ARIZ. REV. STAT. ANN. § 12-1361-12-1366.
Arkansas	5 years / 4 years	1 year	An action seeking damages for property damage may be brought up to 5 years after substantial completion of improvement; personal injury and wrongful death actions may be brought up to 4 years. If injury occurred during 3rd year after substantial completion, the action may be brought within 1 year after injury occurred, irrespective of date of death, but no more than 5 years after substantial completion. ARK. CODE ANN. § 16-56-112.
California	10 years / 4 years	0 year / 1 year	For injury to property arising out of latent defects, an action must be brought within 10 years of substantial completion of improvement. CAL. CIV. PROC. CODE § 337.15. For injury to property, personal injury, or wrongful death arising out of patent defects, an action must be brought within 4 years of substantial completion; however, if injury occurs during 4th year, the action may be brought within 1 year after date of injury, but in no event may such an action be brought more than 5 years after substantial completion. CAL. CIV. PROC. CODE § 337.1. Right to cure state. CAL. CIV. CODE § 895-945.5. Alternative Dispute Resolution modifies right to cure.
Colorado	6 years	2 years	An action may be brought 2 years after claim for relief arises. COLO. REV. STAT. § 13-80-102. In no event can the action be brought more than 6 years after substantial completion of improvement. If the cause of action arises during 5th or 6th year after substantial completion, it shall be brought within 2 years after the date the cause of action arises. COLO. REV. STAT. § 13-80-104. Right to cure state. COLO. REV. STAT. § 13-20-802 - 13-20-807.
Connecticut	7 years	1 year	An action may be brought up to 7 years after substantial completion of improvement. If injury occurs during 7th year after substantial completion, action may be brought within 1 year of date of injury, but no more than 8 years after substantial completion. CONN. GEN. STAT. ANN. § 52-584a.
Delaware	6 years	N/A	An action may be brought 6 years from the earliest of various dates set forth in statute (e.g., date of substantial completion). DEL. CODE ANN. Tit. 10, § 8127(b). Right to repair state. DEL. CODE ANN. TIT 25 § 81-321.

(Note: The above periods must be confirmed on a state by state and case by case basis as they are subject to change both by case law and legislation)

COMMUNITY ASSOCIATIONS INSTITUTE

STATE CONSTRUCTION DEFECT STATUTES OF LIMITATION AND REPOSE

STATE	TIME LIMIT	EXTENSION	STATUTE & NOTES
District of Columbia	10 years	N/A	Actions for personal injury, property damage, or wrongful death caused by defective improvements to real property must be brought within 10 years after substantial completion. D.C. CODE ANN. § 12310.
Florida	10 years	N/A	An action must be brought within 4 years of the latest of various listed dates (e.g., actual possession by owner, abandonment of construction, etc.), except in cases of latent defects where 4 year period begins to run from the time defect is discovered or should have been discovered. An action must be commenced within 10 years of latest of various listed dates. FLA. STAT. § 95.11(3)(c). Right to cure state. FLA. STAT. § 558.001 – 558.005.
Georgia	8 years	2 years	An action must be brought within 8 years of substantial completion to recover damages for personal injury, property damage, or wrongful death. If injury occurs in the 7th or 8th year, an action in tort to recover damages for personal injury or wrongful death may be brought within 2 years, but in no event may an action be brought more than 10 years after substantial completion. GA. CODE ANN. § 9-3-51. Right to repair state. GA. CODE ANN. § 8-2-35 – 8-2-41.
Hawaii	10 years	N/A	An action must be brought 2 years after accrual, but, in any event, not more than 10 years after the date of completion of the improvement to real property. HAW. REV. STAT. § 657-8. Right to cure state. Haw. Rev. Stat. § 672E-1 – 672E-13. Mandatory mediation.
Idaho	6 years, plus statute of limitation	N/A	Tort actions, if not previously accrued, shall accrue and applicable limitation statute shall begin to run 6 years after final completion of construction of an improvement. Contract actions shall accrue and the applicable limitations statute shall begin to run at the time of final completion of construction of such improvements. IDAHO CODE § 5-241. The statute of limitations for a Contract action is 5 years. IDAHO CODE § 5-216. Right to cure state. IDAHO CODE ANN. § 6-2501 – 62504)
Illinois	10 years	4 years	An action based in tort, contract, or otherwise may be commenced within 4 years from the time the plaintiff knew or should have known of the act or omission complained of. No action can be brought after 10 years from the time of such act or omission, but if act or omission is discovered prior to the expiration of 10 years the plaintiff shall have 4 years to bring his action. 735 ILL. COMP. STAT. 5/13214.
Indiana	10 years / 12 years	2 years / 2 years	An action to recover damages for property damage, personal injury, or wrongful death may be brought within the earlier of 10 years after substantial completion or 12 years after the completion and submission of plans to the owner if the action is for a design defect. IND. CODE ANN. § 32-30-1-6. Right to cure state. IND. CODE § 32-27-3-1 – 32-27-3-14
Iowa	15 years	N/A	An action arising out of the unsafe or defective condition of improvement based on tort, implied warranty, and for contribution and indemnity, and based on injury to property, personal injury or wrongful death, may be brought up to 15 years from date of act or omission giving rise to action. IOWA CODE ANN. § 614.1(11).
Kansas	10 years	N/A	An action for injury to the rights of another, not arising on contract, and not otherwise enumerated by statute, is subject to a two year statute of limitations (Kansas has no specific provision regarding construction contracts). The action must be commenced within 10 years of the act giving rise to the cause of action. KAN. STAT. ANN. § 60-513. Right to cure state. KAN. STAT. ANN. § 60-4701 – 60-4710.

(Note: the above periods must be confirmed on a state by state and case by case basis as they are subject to change by both case law and litigation.)

COMMUNITY ASSOCIATIONS INSTITUTE

STATE CONSTRUCTION DEFECT STATUTES OF LIMITATION AND REPOSE

STATE	TIME LIMIT	EXTENSION	STATUTE & NOTES
Kentucky	5 years	N/A	An action for personal injuries brought against a builder of a home (or of other improvements) must be brought within 5 years of the original occupancy of improvements. KY. REV. STAT. ANN. § 413.120(14) . Right to cure state. KY. REV. STAT. ANN. § 411-250 – 411.266 .
Louisiana	5 years / 10 years	1 year / 0 years	An action in contract, tort, or otherwise may be brought within 5 years after the date of registry in mortgage office of acceptance of work by owner or, if acceptance is not recorded within 6 months of occupation/possession, 5 years after improvement is so occupied. LA. REV. STAT. ANN. § 9:2772(A) . If injury occurs during the 5th year after the date set forth under section A, action may be brought within 1 year after date of injury, but no more than 6 years after date set forth in section A. LA. REV. STAT. ANN. § 9:2772(C) . An action against a contractor or an architect on account of defects of construction, renovation or repair of building and other works is subject to a liberative 10 year limitation. LA. CIV. CODE ANN. ART. 3500 . Right to repair. LA. REV. STAT. ANN. § 9:3141 – 9:31350 .
Maine	10 years	N/A	Applies only to “design professionals.” An action for professional negligence against architects/engineers must be brought within 4 years of discovery of negligence, but no more than 10 years from substantial completion of construction contract or, if no contract, 10 years from substantial completion of services provided. ME. REV. STAT. ANN. Tit. 14, § 752-A . See also <i>Montgomery v Rogers</i> , 2000 Me. Super. LEXIS191 (Me. Super. CT. Jan 24, 2000).
Maryland	10 years / 20 years	N/A	An action must be brought within 3 years of injury. If the defendant is an architect, professional engineer, or contractor, the action may not be brought if the injury occurs more than 10 years after the entire improvement became available. In all other cases, action may not be brought more than 20 years after entire improvement became available. MD. CODE ANN., CTS. & JUD. PROC. § 5-108 .
Massachusetts	6 years	N/A	An action must be brought 3 years from accrual, but in no event more than 6 years after earlier of opening of improvement to use or substantial completion of improvement and owner’s taking of possession for occupancy. MA. GEN. LAWS ch. 260, § 2B .
Michigan	10 years	N/A	No action may be brought against a state licensed architect, professional engineer, or contractor more than 6 years after occupancy, use, or acceptance of improvement, or 1 year after defect is discovered or should have been discovered, provided the defect is the proximate cause of injury/damage and is the result of the defendant’s gross negligence. No action may be maintained more than 10 years after the time of occupancy, use, or acceptance of improvement. MICH. COMP. LAWS ANN. § 600.5839 .
Minnesota	10 years	2 years	An action must be brought 2 years from discovery of injury, but in no event more than 10 years after substantial completion of construction. If action accrues during 9th or 10th year after substantial completion, action may be brought up to 2 years after accrual, but no more than 12 years after substantial completion. MIN. STAT. § 541.051 . Right to repair. MINN. STAT. ANN. § 327A.01 – 327A.08 .
Mississippi	6 years	N/A	No action may be brought more than 6 years after owner’s written acceptance, actual occupancy, or use of improvement, whichever occurs first. The statute does not apply to wrongful death. MISS. CODE ANN. § 15-1-41 . Right to repair. MISS. CODE. ANN. § 83-58-1 – 83-58-17 .
Missouri	10 years	N/A	An action may be brought up to 10 years from the completion of improvement. The statute is only applicable to persons whose sole connection with the improvement is performing or furnishing, in whole or in part, the design, planning or construction of the improvement. MO. ANN. STAT. § 516.097 .

(Note: the above periods must be confirmed on a state by state and case by case basis as they are subject to change by both case law and litigation.)

COMMUNITY ASSOCIATIONS INSTITUTE

STATE CONSTRUCTION DEFECT STATUTES OF LIMITATION AND REPOSE

STATE	TIME LIMIT	EXTENSION	STATUTE & NOTES
			Right to repair. MO. REV. STAT. § 436.350 – 436.365.
Montana	10 years	1 year	An action may be brought up to 10 years from the completion of improvement. If injury occurs during the 10th year after completion of improvement, the action may be brought within 1 year of injury. MONT. CODE ANN. § 27-2-208.
Nebraska	4 years/10 years	2 years	An action based on breach of warranty or deficiency in the design, planning, or construction of improvement must be brought within 4 years of alleged act or omission contributing to such breach of warranty or deficiency. If such cause of action is not, and could not be, discovered within 4 years (or within 1 year before the end of the 4 year period), then the action may be commenced within 2 years of discovery or from the date of discovery of facts which should reasonably lead to discovery, but in any event no more than 10 years from the act giving rise to the action. NEB. REV. STAT. § 25223.
Nevada	10 years / 8 years / 6 years	2 years / 2 years / 2 years	An action for property damage, personal injury, or wrongful death shall be commenced against the owner, occupier, or person performing or furnishing the design, planning, etc. of the construction within 10 years following substantial completion. If the injury occurs in the 10th year after substantial completion, the action may be commenced within 2 years, but in any event no more than 12 years after substantial completion. NEV. REV. STAT. § 11.203. An action based on latent deficiency must be commenced within 8 years of substantial completion; if injury occurs during 8th year, the action may be commenced within 2 years, but in any event no more than 10 years after substantial completion. NEV. REV. STAT. § 11.204. An action based on patent deficiency must be commenced within 6 years of substantial completion; if injury occurs during 6th year, the action may be commenced within 2 years, but in any event no more than 8 years after substantial completion. NEV. REV. STAT. § 11.205. Right to cure state. NEV. REV. STAT. § 40.600 – 49.695 and mandatory mediation.
New Hampshire	8 years	N/A	An action to recover damages for property damage, personal injury, wrongful death or economic loss shall be brought within 8 years from the date of substantial completion of improvement. N.H. REV. STAT. ANN. § 508:4-b. Right to cure state. N. H. REV. STAT. ANN. § 359-G:1 – 359-G:8.
New Jersey	10 years	N/A	No action to recover damages for deficiency in improvement, or for personal injury, wrongful death, etc. shall be brought more than 10 years after performance or furnishing of such services and construction. N.J. STAT. ANN. § 2A:14-1.1.
New Mexico	10 years	N/A	An action to recover damages for property damage, personal injury, or wrongful death arising out of the deficiency may be brought up to 10 years from the date of substantial completion. N.M. STAT. ANN. § 37-1-27.
New York	N/A	N/A	There is no statute of repose in New York for construction claims. A cause of action based on a theory of simple negligence and brought by a third party (i.e., not the owner of a building) against a design professional or construction contractor is governed by a 3 year statute of limitations, and the cause of action does not accrue until the injury occurs. See <i>Cubito v. Kriesburg</i> , 419 N.Y.S.2d 578 (N.Y. App. Div. 1979), <i>aff'd</i> 415 N.E.2d 979 (N.Y. 1980), citing N.Y. C.P.L.R. § 214. There is an additional notice requirement for claims against design professionals (including construction managers that have a design component in their contract) arising out of injuries that occur more than 10 years after the completion of construction. See N.Y. C.P.L.R. § 214-d. Although there is an expedited procedure for claims brought more than 10 years after the completion of the design professional's or contractor's work, contractors/design professionals remain answerable to negligence claims commenced indefinitely after

(Note: the above periods must be confirmed on a state by state and case by case basis as they are subject to change by both case law and litigation.)

COMMUNITY ASSOCIATIONS INSTITUTE

STATE CONSTRUCTION DEFECT STATUTES OF LIMITATION AND REPOSE

STATE	TIME LIMIT	EXTENSION	STATUTE & NOTES
			project completion. Note, however, that an owner's cause of action accrues against a builder upon completion of construction. <i>City Sch. Dist. v. Hugh Stubbins & Assocs., Inc.</i> , 650 N.E.2d 399 (N.Y. 1995).
North Carolina	6 years	N/A	No action to recover damages arising out of defective condition of improvement to property shall be brought more than 6 years from the later of the last act or omission giving rise to cause of action or substantial completion of improvement. N.C. GEN. STAT. § 1-50.
North Dakota	10 years	2 years	No action to recover damages for any deficiency, property damage, personal injury or wrongful death may be brought more than 10 years after substantial completion of improvement. If injury occurs in 10th year after substantial completion recover damages for such injury may be brought within 2 years, but in no event may such action be brought more than 12 years after substantial completion. N.D. CENT. CODE § 2801-44. Right to repair. N. D. CENT. CODE. § 43-07-26.
Ohio	10 years	2 years	No action to recover damages for bodily injury, injury to property, or wrongful death that arising out of deficiency in improvement shall accrue against a person who performed services for the improvement or who furnished the designs, plans, etc. later than 10 years from substantial completion. If the defective condition is discovered during the 10 year period but less than 2 years prior to the expiration of that period an action may be brought within 2 years from the date of discovery. OHIO REV. CODE ANN. § 2305.131. Right to cure state. OHIO REV. CODE ANN. § 1312.01 – 1312.08.
Oklahoma	10 years	N/A	An action to recover damages for deficiency, property damage, personal injury or wrongful death may be brought up to 10 years after substantial completion. OKLA. STAT. tit. 12, § 109. The statute does not protect manufacturers of "prefabricated" products produced in mass quantities. See <i>Ball v. Harnischfeger Corp.</i> , 877 P.2d 45 (Okla. 1994). Right to repair. OKLA. STAT. ANN. TIT. 15, § 765.5 – 765.6.
Oregon	10 years / 6 years	N/A	An action against a person by a plaintiff who is not a public body arising from the performance of construction alteration or repair of any improvement on small commercial structures, residential structures or larger commercial structures owned/maintained by a homeowners association or unit owners shall be commenced no later than 10 years after substantial completion or abandonment. For all other large commercial structures, 6 years. Any action by a public body for any of the above, 10 years. An action against an architect, landscape architect, or engineer shall be commenced within 2 years from date of injury, but no later than 10 years after substantial completion or abandonment of construction. OR. REV. STAT. § 12.135. Right to repair. OR. REV. STAT. § 701.560 – 701.595.
Pennsylvania	12 years	2 years	An action arising out of deficiencies in an improvement must be brought within 12 years of completion. If injury occurred between the 10th and 12th years after completion of improvement, the action may be commenced within the time otherwise limited by statute, but not later than 14 years after completion of construction. 42 PA. CONS. STAT. § 5536.
Rhode Island	10 years	N/A	An action in tort against an architect or professional engineer who planned, designed, or supervised improvements or any contractor who constructed improvements or suppliers who furnished materials for the construction of improvements to recover for property damage, personal injury or wrongful death may be brought more than 10 years after substantial completion. R.I. GEN. LAWS § 9-1-29.
South Carolina	8 years	N/A	No action to recover damages based on the defective condition of an improvement may be brought more than 8 years from substantial completion. S.C. Code Ann. § 15-3-640.

(Note: the above periods must be confirmed on a state by state and case by case basis as they are subject to change by both case law and litigation.)

COMMUNITY ASSOCIATIONS INSTITUTE

STATE CONSTRUCTION DEFECT STATUTES OF LIMITATION AND REPOSE

STATE	TIME LIMIT	EXTENSION	STATUTE & NOTES
			Right to cure state. S. C. CODE ANN. § 40-59-810 – 40-59-860; 40-11-500 – 40-11-570.
South Dakota	10 years	1 year	No action may be brought to recover damages for injury to property, personal injury, or wrongful death arising out of a deficiency in improvement more than 10 years after substantial completion of improvement. S.D. CODIFIED LAWS § 15-2A-3. If injury occurs during the 10th year after substantial completion, an action may be brought within 1 year after injury, but in any event cannot be brought more than 11 years after substantial completion. S.D. CODIFIED LAWS § 15-2A-5. Right to repair. S. D. CODIFIED LAWS § 21-1-15 – 21-1-16.
Tennessee	4 years	1 year	An action to recover damages for any deficiency in an improvement shall be brought within 4 years of substantial completion. TENN. CODE ANN. § 28-3-202. If injury occurred during 4th year after substantial completion, action shall be brought within 1 year after injury, but in any event the action must be brought within 5 years after substantial completion. TENN. CODE ANN. § 28-3-203. Right to repair. TENN. CODE ANN. § 66-36-101 – 66-36-103.
Texas	10 years	2 years	An action for damages against a person who constructs/repairs an improvement must be brought within 10 years of substantial completion. If the claimant presents a written claim for damages during the 10 year period, the period is extended for 2 years from date of claim. If injury occurs during the 10th year, the claimant may bring suit up to 2 years after the day the cause of action accrues. TEX. CIV. PRAC. & REM. CODE ANN. § 16.009. Right to cure and mandatory mediation. TEX. PROP. CODE ANN. § 27.001 – 27.007.
Utah	9 years	2 years	An action against a “provider” (defined as a person who contributes to, provides, etc. designs, engineering, construction, etc.) based in contract or warranty shall be commenced within 6 years of date of completion. All other actions against a provider shall be commenced within 2 years from the earlier of discovery or date when cause of action should have reasonably been discovered, but in any event no more than 9 years from completion. If the cause of action is discovered or discoverable during the 8th or 9th year, the injured party shall have 2 additional years to commence suit. UTAH CODE ANN. § 78B-2-225.
Vermont	N/A	N/A	Vermont does not have a statute of repose specific to construction. In general, civil actions must be commenced within 6 years after the cause of action accrues. VT. STAT. ANN. Tit. 12, § 511.
Virginia	5 years	N/A	No action to recover for injury to property, personal injury, or wrongful death arising out of the defective condition of improvement to property shall be brought against any person performing/furnishing the design, planning, etc. of such improvement more than 5 years after performance. The statute does not apply to the manufacturer or supplier of any equipment or machinery installed in a structure. VA. CODE ANN. § 8.01-250. Right to repair. VA. CODE ANN. § 55-70.1.
Washington	6 years	N/A	All claims shall accrue within 6 years after the later of substantial completion or termination of services. WASH. REV. CODE ANN. § 4.16.310, see also § 4.16.300. Right to cure state. WASH. REV. CODE § 64.50.010 – 64.50.060.
West Virginia	10 years	N/A	No action to recover damages arising from a deficiency may be brought more than 10 years after the performance or furnishing of construction services. The 6 year period does not begin to run until improvement has been occupied or accepted by owner of real property, whichever occurs first. W. VA. CODE ANN. § 55-2-6a.

(Note: the above periods must be confirmed on a state by state and case by case basis as they are subject to change by both case law and litigation.)

COMMUNITY ASSOCIATIONS INSTITUTE

STATE CONSTRUCTION DEFECT STATUTES OF LIMITATION AND REPOSE

STATE	TIME LIMIT	EXTENSION	STATUTE & NOTES
			Right to cure state. W. VA. CODE § 21-11A-1 – 21-11A-17.
Wisconsin	10 years	3 years	No action may accrue against the owner or occupier of property, or against any person involved in the improvement to real property, to recover damages after 10 years have elapsed from the date of substantial completion. If injury occurs between the 8th and 10th years, the time for commencing the action is extended for 3 years after the date of injury. Wis. STAT. ANN. § 893.89. Right to repair. Wis. STAT. § 101.148, 895.07.
Wyoming	10 years	1 year	An action may be commenced up to 10 years after substantial completion of improvement. If injury occurs in 9th year after substantial completion, the action may be brought within 1 year after injury. WYO. STAT. ANN. § 1-3-111.

(Note: the above periods must be confirmed on a state by state and case by case basis as they are subject to change by both case law and litigation.)