



Construction Defect Warranty State Statutes

Updated November 2025

Every state plus DC has statutory language governing construction defect warranty claims. However, not all states have comprehensive statutory language which communities can turn to in order to determine appropriate next steps in a construction defect claim. Associations and homeowners should continue to seek legal counsel as appropriate when faced with a construction defect issue.

Key Data Points:

- 13 States (CO, IL, ME, MD, MI, MO, NE, NH, OH, OR, RI, UT, WA) plus DC have statutory language specifically covering condominium warranties. Washington State's statute only covers condominiums constructed after July 27, 2025.
- 22 States (IA, ID, IN, KS, KY, LA, MN, MT, NC, ND, NM, NV, OK, PA, SC, SD, TN, TX, VT) have statutory language that explicitly covers all dwelling units.
- 4 States (GA, MS, NJ, VA) have statutory language that explicitly only covers single-family units. Virginia's language also covers townhome units.
- New York's statute is the only one which explicitly applies to units based on height (5 stories or less).
- Maryland has separate statutes covering units in HOAs and condominium associations.
- 3 States (CA, TX, VA) explicitly require a disclosure form or statement as part of real estate transactions.



State	Statutes	New Buyer Protections	Statutory Warranty for New Home Purchase	Covers	Can association sue declarant for breach?	Right of action against general or subcontractors?	Can associations sue subcontractors?
AL	§ 6-5-228	None stated	None stated	None stated	None stated	General	None stated
AK	09.45.881 et seq	None stated	None stated	None stated	None stated	General	No
AR	§ 16-56-112 et seq	None stated	None stated	None stated	None stated	General	No
AZ	12-552	None stated	8 years implied warranty	None stated	Yes	General	No
CA	Section 1102 and 337.15	Disclosure form	10 years implied warranty	None stated	Yes	General	None stated
CO	2025a SL183	None stated	Contractors can opt in to a 1 year warranty	Condos	Yes	General	No
CT	Chapter 827	None stated	1 year implied warranty	All dwellings	No	General	No
DC	§ 42-1903.16	Warranty security must be paid by declarant or escrow	New construction only, 2 year warranty	Condos	Yes	None stated	No



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		agent prior to purchase					
DE	§ 8127	None stated	None stated	None stated	None stated	Both	Yes
FL	Chapter 553 Section 837	None stated	New construction only, minimum 1 year	None stated	None stated	None stated	None stated
GA	Chapter 553-7	Must have a written warranty	Must have a written warranty	Single Family	None stated	Both	Yes
HI	§ 657-1	None stated	None stated	None stated	Yes	General	No
IA	Chapter 686	None stated	None stated	All dwellings	No	General	No
ID	Section 6-2503	None stated	None stated	All dwellings	No	Both	Yes



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IL	Sienna Court Condominium Ass'n v. Champion Aluminum Corp., 2018 IL 122022	None stated	None stated	Condos	None stated	General	No
IN	§ 32-27-2-8 et seq	Builders may offer 10 year warranties for model homes	2 years	All dwellings	No	General	No
KS	60-4701 et seq	None stated	None stated	All dwellings	No	General	No
KY	CHAPTER 123	None stated	None stated	All dwellings	Yes	General	No
LA	RS 9:3141	Warranties may transfer to new owners	New construction only, up to 5 years	All dwellings	No	General	No



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MA	PETER L. ALBRECHT vs. ALFRED G. CLIFFORD	Implied warranty of habitability for 3 years	None stated	None stated	None stated	None stated	None stated
ME	Title 33, §1604-113	Implied warranty of habitability	None stated	Condos	Yes	None stated	No
MD	Section 11-131	None stated	Up to 3 years implied warranty	Condos	Yes	None stated	None stated
MD	Section 11B-110	None stated	Up to 2 years implied warranty	HOAs	Yes	None stated	None stated
MI	Section 559.276	None stated	3 years after transition	Condos	Yes	General	No
MN	Ch. 327A	None stated	New construction only, 10 years	All dwellings	None stated	None stated	None stated
MO	Section 448.4-114	None stated	Implied warranty of up to 6 years	Condos	Yes	None stated	No
MS	§ 83-58-5	None stated	New construction only, 6 years	Single family	None stated	None stated	None stated
MT	28-2-2202	None stated	New construction only, 1 year	All dwellings	None stated	None stated	None stated



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NC	G.S. 1-50	None stated	New construction only, 6 years	All dwellings	None stated	None stated	None stated
ND	Chapter 43-07	None stated	None stated	All dwellings	None stated	Both	Yes
NE	25-223	None stated	Up to 4 years implied warranty	Condos	None stated	None stated	None stated
NH	§ 356-B:41 and LARRY C. LEMPKE a. v. BRIAN DAGENAIS	Case law establishes implied warranty	New construction only, 1 year	Condos	Yes	General	No
NJ	N.J.A.C. 5:25-5.5	None stated	New construction only, 6 years	Single family	None stated	Both	Yes
NM	Section 37-1-27	None stated	None stated	All dwellings	None stated	Both	Yes
NV	40.640 et seq	Claims can be brought within 90 days	None stated	All dwellings	None stated	Both	Yes



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NY	General Business Law Section 777-A	None stated	New construction only, 1 year	5 stories or less	Yes	None stated	None stated
OK	§15-765.6	None stated	None stated	All dwellings	None stated	General	No
OH	Section 5311.25	None stated	New construction only, 2 years for unit and 1 year for common elements	Condos	Yes	None stated	None stated
OR	100.185	Warranties required for new construction that has been inhabited for less than 3 years	None stated	Condos	Yes	None stated	None stated
PA	68 § 3411	Warranty covers common elements	New construction only, 2 years	All dwellings	Yes	None stated	None stated



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RI	§ 34-36.1-4.14	Implied warranty of habitability	None stated	Condos	Yes	None stated	None stated
SC	Section 15-3-640	Implied warranty of habitability for 8 years	None stated	All dwellings	None stated	None stated	None stated
SD	15-2A	Implied warranty of habitability for 10 years	None stated	All dwellings	None stated	None stated	None stated
TN	§ 66-36-103	Can file claims within 15 days of discovery	None stated	All dwellings	Yes	Both	Yes
TX	PROPERTY CODE CHAPTER 27	Disclosure statements required for condo projects	None stated	All dwellings	Yes	Both	Yes
UT	Section 78B-4-513	None stated	None stated	Condos	Yes	None stated	None stated



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VA	§ 55.1-357 and 55-1-700 et seq	Vendor held liable, disclosure form	New construction only, 5 years	Single family or townhome	None stated	None stated	None stated
VT	27A § 3-124	None stated	None stated	All dwellings	Yes	None stated	None stated
WA	RCW 64.90.670, 64.55.005, 64.55.005, 64.90.675, and 64.55.010	None stated	Up to 10 years, depending on coverage	Condos created after July 27, 2025	Yes	General	No
WI	895.07	None stated	None stated	All dwellings	None stated	General	No
WV	§36B-4-114	Implied warranty of good condition	None stated	All dwellings	Yes	None stated	None stated
WY	§ 1-3-111	Implied warranty of 10 years	None stated	All dwellings	None stated	Both	Yes

