

A Reasonable Statute of Repose for Construction Projects

Key Points

- Vermont is one of only two states without a statute of repose for construction projects.
- A statute of repose establishes a reasonable time limit for claims arising from the original design and construction of a project.
- It does not eliminate accountability. Gross negligence and willful misconduct are exempt from a statute of repose.
- Vermont already recognizes the principle of repose in other areas of law. For example:
 - ✓ Medical malpractice (12 V.S.A. § 521)
 - ✓ Common-interest communities (27A V.S.A. § 4-116)
 - ✓ Sales warranties (9A V.S.A. § 2-725)
- AIA Vermont supports a balanced six-year statute of repose with appropriate exceptions for fraud, express warranties, and other limited circumstances.

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Position

AIA Vermont supports establishing a balanced six-year statute of repose for claims arising from the design and construction of improvements to real property.

A statute of repose establishes a reasonable end point for claims arising from the original design and construction of a completed project. It provides certainty and fairness for property owners, architects, engineers, contractors, and insurers while preserving accountability for defective work.

Why does Vermont need one?

Vermont is one of only two states without a statute of repose for construction projects.

Buildings often remain in use for decades. During that time they are maintained, repaired, renovated, expanded, and exposed to weather and normal aging. As years pass, it becomes increasingly difficult to determine whether a problem resulted from the original design, later construction work, poor maintenance, renovations, or simple wear and tear.

Does this eliminate accountability?

No. A statute of repose does not excuse negligent design or construction, nor does it prevent legitimate claims from being brought during the repose period.

Property owners remain responsible for maintaining their buildings and for conditions that arise during ownership. AIA Vermont also supports appropriate exceptions for fraud, express warranties, and other limited circumstances.

What is AIA Vermont proposing?

AIA Vermont supports legislation that would establish a **six-year statute of repose** for construction projects that:

- Brings Vermont into line with nearly every other state.
- Creates a fair and predictable legal framework for owners, architects, engineers, contractors, and insurers.
- Preserves accountability while establishing a reasonable end point for claims involving completed construction projects.
- Includes appropriate exceptions for fraud, express warranties, and other limited circumstances.

A reasonable statute of repose is a common-sense update to Vermont law that provides certainty while preserving accountability.