

Pennsylvania Supreme Court Decision Supports Legislative Finality Created by Statute of Repose

November 5, 2025

By Anthony Potter



In a welcome development for Pennsylvania's construction industry, the Pennsylvania Supreme Court's recent decision in *Gidor v. Mangus* reinforces the integrity of legislatively adopted Statutes of Repose. On October 23, 2025, the Supreme Court held that Section 7512 of the Pennsylvania Home Inspection Law constitutes a one-year statute of repose — eliminating the right to bring a lawsuit against a home inspector. The decision signals continued judicial support for the legislative adoption and intent behind statutes of repose.

This decision arrives at a critical point, as two high-profile cases involving the Construction Statute of Repose — *Aloia v. Diamant* and *Clearfield County v. Transystems* — are pending before the Pennsylvania Supreme Court. Each case threatens to erode the protections afforded by the 12-year Construction Statute of Repose, 42 Pa. C.S. §5536. In *Aloia*, plaintiffs argue that alleged violations of the building code toll the statute of repose. While the County in the *Clearfield County* appeal asserts that the ancient doctrine of *nullum tempus* exempts public entities from the Construction Statute of Repose.

The *Gidor* court's affirmation of the 1-year Statute of Repose is particularly relevant to the construction industry because the court's decision heavily relies on its prior decisions interpreting the Construction Statute of Repose. The court emphasized that, because the statutory clock starts at a definite event independent of injury or discovery and is not subject to equitable tolling, the statute extinguishes any claim. Critically, the repose period upheld in *Gidor* was just one year from the date a home inspection report was delivered.

The court's reasoning underscores the judiciary's willingness to enforce clearly defined legislative statutory repose periods. Moreover, the court's acceptance and approval of a one-year statute of repose in *Gidor* lends judicial credibility to legislative efforts such as Senate Bill 399, which seeks to shorten the Construction Statute of Repose period to six years.

By reaffirming the distinction between statutes of limitation and repose, *Gidor* strengthens the argument advanced in amicus briefs filed by Offit Kurman on behalf of leading A/E/C associations: the repose period must remain a firm and predictable legislative boundary eliminating all claims. If the Supreme Court follows its reasoning in *Gidor*, we anticipate that the Court will preserve the 12-year Construction Statute of Repose's essential function of providing finality, reducing indefinite liability, and protecting the architects, engineers, and contractors from stale claims.

Law Clerk Robyn St. Hilaire provided valuable insight and contributed to this article.