



Contractors can still be liable for failures years after project completion, Construction Dive, ft. Megan Yllanes

Within a day of the collapse of the Champlain Towers South condominium in Surfside, Florida, the lawsuits began. While most of them to date have been aimed at the building's condominium association, the city of Surfside and the engineering firms that conducted inspections on the structure, others target "any person or entity that might bear some responsibility" for the tragedy, according to news reports. Construction attorneys say contractors often make the faulty assumption that they can't be held liable for damages that arise from events that happen on projects they built years ago. It's true that implied and express warranties for construction or material defects on projects are usually limited to one to three years, and that the statute of limitations on construction defects, depending on jurisdiction, is usually limited to no more than 10 years.

But that doesn't mean contractors can't be the target of litigation decades after completing a project if a failure occurs. "In New York, the statute of limitations on a construction defect is six years from the date of substantial completion," said Megan Yllanes, a partner and co-chair of the general liability defense practice group at law firm Kaufman Dolowich & Voluck. "But for personal injury, it's three years from when an injury occurs. So in theory, litigation could be brought many, many years later, including 40 years later."