

## Nate Biscotti

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**From:** Stephen M. Frey - AIA, LEED AP <stephen.frey@gmail.com>  
**Sent:** Friday, February 6, 2026 7:46 AM  
**To:** Martin LaLonde  
**Cc:** Nate Biscotti  
**Subject:** [External] Support on adopting a 6-year statute of repose - H589

**Follow Up Flag:** Follow up  
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Dear Representative LaLonde,

On behalf of the design and construction community in Montpelier and **Washington County**, I want to thank you for your leadership in modernizing Vermont's land-use framework through the HOME Act (Act 47) and Act 181. To ensure these reforms result in the housing production Vermonters desperately need, I am writing to urge your support for a critical next step: the adoption of a 6-year statute of repose as proposed in **H.589**.

### The Problem: Vermont's "Infinite" Liability Tail

Vermont is currently a regional and national outlier. While most of our neighbors have clear "hard stops" on construction liability, Vermont's lack of a statute of repose means **architects, engineers, and contractors** face potential litigation decades after a project is finished due to the "discovery rule". This "infinite tail" creates a hidden risk-tax on every new home, inflating insurance premiums and discouraging the development of **Missing Middle** housing here in Vermont.

### Why a 6-Year Window is the Right Move:

- **Regional Parity:** A 6-year statute of repose brings Vermont into direct alignment with **Massachusetts (6 years)** and relative alignment with **Connecticut (7 years)**. By matching our significant economic neighbors, we eliminate a major competitive disadvantage for Vermont-based firms.
- **Lowers Per-Unit Costs:** Reducing "tail risk" allows insurance companies to price risk more accurately. These savings are essential for making multi-family, infill, and affordable housing projects financially viable.
- **Focuses on "Missing Middle":** High liability costs disproportionately hurt small, local firms—including **architects and designers**—attempting to build duplexes and townhomes.

### A Balanced, Common-Sense Framework

H.589 provides a "statute of finality," not a shield against accountability. This proposal maintains essential guardrails that I know your committee values:

| Feature         | Justification   |
|-----------------|---|
| 6-Year Duration | Matches MA standards; provides ample time for latent defects to manifest. |

| Feature                     | Justification  |
|-----------------------------|--|
| <b>Fraud Carve-outs</b>     | Maintains full accountability for fraudulent concealment per 12 V.S.A. § 555.          |
| <b>Consumer Protections</b> | Does not affect standard express warranties or existing contract law.                  |
| <b>Clear Trigger</b>        | Begins at <b>Substantial Completion</b> , providing a definitive date for all parties. |

### Completing the Housing Puzzle

The Legislature has successfully addressed *where* and *what* we build. Now, we must address the economic risk of building it. A 6-year statute of repose is a proven regional model that will lower barriers for local builders and ensure that the momentum of Act 250 reform translates into lasting affordability for Vermonters.

Thank you for your consideration and for your continued service to our district and the state.

With appreciation,

**Stephen M. Frey, AIA**

Architect

Member of AIA Vermont

Montpelier, Vermont

Voice: 802-448-0056

Email: [stephen.frey@gmail.com](mailto:stephen.frey@gmail.com)

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