

Pennsylvania Supreme Court Strengthens Legal Protections for Home Inspectors

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The Pennsylvania Supreme Court recently affirmed that home inspectors in Pennsylvania are protected by a one-year statute of repose under the state's Home Inspection Law. This means that any lawsuit against a home inspector must be filed within one year of the inspection—regardless of when the problem is discovered.

In *Gidor v. Mangus d/b/a Mangus Inspections*, 2024 WL 80950 (Pa. Super. Jan. 8, 2024), the Superior Court found that Section 7512 of the Pennsylvania Home Inspection Law (68 Pa. C.S.A. § 7512) operated as a statute of repose, not a statute of limitations, and thus was not tolled by the discovery rule.

Ms. Gidor's petition for allowance of appeal to the Pennsylvania Supreme Court focused on the designation of Section 7512 as a statute of repose, arguing that the statute is ambiguous and places the burden of commencing an action on a plaintiff as opposed to a defendant, raises constitutional issues, and violates legislative intent. In response, Mangus analogized Section 7512 to the Construction Statute of Repose and raised public policy considerations as to the intent of the General Assembly to limit claims against home inspectors.

The Pennsylvania Supreme Court rejected the argument that the language was ambiguous

and that a statute of repose requires a precipitating event by a defendant. The court unequivocally concluded that Section 7512 is a statute of repose "because it plainly, unambiguously, and without equitable exceptions, requires a plaintiff to commence an action within a specified time period after the occurrence of a definitely established event, regardless of when the claim accrues." *Id.* at *13.

As set forth by the Pennsylvania Supreme Court, "unlike a statute of limitations, a statute of repose 'is not related to the accrual of any cause of action' because the injury need not have occurred, much less been discovered." *Id.* at *8 (citing *Abrams v. Pneumo Abex Corp.*, 981 A.2d 198, 211 (Pa. 2009)). To be sure, the date of accrual and preclusion of the discovery rule is a key distinction between a statute of limitations and statute of repose, and has clear implications for the viability of a litigant's claim.

This decision provides an important tool for defending claims brought against home inspectors more than one year after delivery of the inspection report. Best practices for home inspectors include:

- Treat the date of report delivery as the critical cutoff for potential litigation.

- Deliver reports promptly to start the one-year clock running.
- Use time-stamped delivery methods—such as email or certified mail—to establish proof of delivery.
- Maintain clear records of both the delivery date and the report itself for an extended period, ensuring documentation is available if a claim is later filed.



Dana A. Gittleman and Danielle M. Vugrinovich are shareholders in the Professional Liability Department at Marshall Dennehey, where they defend a variety of claims and lawsuits brought against home inspectors and real estate professionals, insurance agents and brokers, attorneys, financial and investment professionals, and many other professionals across multiple industries. Dana may be reached in our Philadelphia office at DAGittleman@mdwcg.com and Danielle may be reached in our Pittsburgh office at DMVugrinovich@mdwcg.com.