

The Backus Bulletin

"Your Management, Your Way"

What IS Normal Wear and Tear

September 2021

If you enter the words "normal wear and tear in rental housing" into a search function in the computer, you will be amazed to find hundreds of articles or references on this subject. Many of them are tenants who dispute that the property owner charged them with damage when it was ordinary use of the property.

What makes this issue so difficult is that there is no clear-cut definition in any law regarding normal wear and tear. There is a basis for normal wear and tear set up in the URLTA – the Uniform Residential Landlord Tenant Act. However, it is subjective and each judge can deliver a different ruling. Different states have different legislation and rulings when it comes to normal wear and tear vs. damage. However, there are general concepts that are accepted.

As a property owner, you should expect your rental units to sustain a certain amount of wear and tear during the term of a lease. However, there is a fine line between normal wear and tear and actual damage to a dwelling. The following are general definitions between normal wear and tear and damage.

"Normal wear and tear" is a subjective assessment based on the total time a tenant occupied the premises; the condition of the unit on move-in; the use of the premises; and whether the property owner allowed pets. The longer a tenant lives in a rental unit, the more likely it is that normal wear and tear will occur. Items considered normal wear and tear are worn paint; stubborn door lock; worn and threadbare carpeting; thin worn out linoleum; loose worn wallpaper.

"Actual damage" to a property goes beyond normal wear and tear. Items considered damage are large holes in the wall; broken or missing locks; torn, stained, or burned carpeting; linoleum with tears or holes; ripped or marked-up wallpaper. You can normally consider the

cost for removing excessive amounts of garbage, furniture, or personal items that a tenant has left behind as damage.

The concept of normal wear and tear is, as they say, in the eye of the beholder. Property owners can have one concept; tenants can have another. As property managers, we have to seek resolution of the two viewpoints, particularly when it is time to settle the security deposit when a tenant vacates.

The best recourse for handling normal wear and tear is the preventative actions you take before tenants move into the property.

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- Providing a clean well-maintained property is a key to evaluating the situation when the tenant moves out. However, if the property is not in the best condition, this makes it much more difficult to determine what “damage” has occurred when the tenant vacates.
- It is extremely important to have accurate documentation on the property condition before a tenant moves in. Photos enhance this procedure.
- Our rental agreement outlines the security deposit and damages as well. Additionally, we counsel tenants on the condition that we expect in the property when they move out.

By taking these steps with tenants in advance, it helps to avoid future confusion and confrontation. It is also important to remember that tenants have “used” the property and there is going to be some normal wear and tear that property owners cannot avoid. A common sense approach along with preventative measures is necessary in this process.