



Wear and Tear vs Damages

What is the difference between Normal Wear and Tear vs. Damages?

The legal definition of “normal wear and tear” as stated in the Texas Real Estate Commission Property Code and defined in Sec. 92.001. DEFINITIONS: (4) "Normal wear and tear" means deterioration that results from the intended use of a dwelling, including, for the purposes of Subchapters B and D, breakage or malfunction due to age or deteriorated condition, but the term does not include deterioration that results from negligence, carelessness, accident, or abuse of the premises, equipment, or chattels by the resident, by a member of the resident's household, or by a guest or invitee of the resident.

Damage can therefore be defined as deterioration which occurs due to negligence, carelessness, accident, or abuse of the premises or equipment or chattels by the resident or member of his household, or their invitees or guests.

Notice that normal wear and tear does not include dirt – excessive dirt is considered negligence, carelessness, accident or abuse.

The following incomplete list of examples are intended as a guide to reasonable interpretation of the differences between expected ‘wear and tear’ from normal residential use and irresponsible, intentional, or unintentional actions that cause damage to a landlord’s property. Courts have also ruled that the length of time a resident has occupied a property must also be taken into consideration when accessing damages in relation to deductions to a resident’s security deposit. The longer a resident has resided in a property, the more allowance must be given for ‘wear and tear’ over damage.

Description	Normal Wear & Tear	Damage, Beyond Normal Wear & Tear
Walls	Small nail holes caused by a 6 penny nail or smaller. A 6 penny nail is 2” long and is used for hanging picture frames and other items on walls	Large holes from hanging shelving, pictures, screws, wall anchors, flat screen television brackets or any other wall hanging that causes damage larger than a 6 penny nail
Paint	Fading paint due to sunlight Minor scrape from daily use Cracked paint	Unapproved or unprofessional paint job Water damage on wall from hanging plants or constant rubbing of furniture
Counter tops	Light scratches and stains Minor water marks	Chipped countertops Burnt patches Multiple stains Knife cuts
Wallpaper	Faded, loose slightly torn	Ripped, marked-up with crayon, marker, or pen



PMI NAVIGATE

		Unapproved wallpaper
Windows(including frames and screens)	Lightly scratched panes Worn and loose parts and accessories Faded Warped windows	Broken or cracked panes or frames caused by resident or invitee Ripped or bent screens Broken window parts and accessories
Window/Lamp Shades	Dirty Faded	Torn or stained shades Mildew Missing lamp and window shades
Tile Flooring	Dirt and grout around tiles Light scratches	Broken or chipped tiles Missing tiles
Carpet	Furniture indentation Gently worn with limited Thinning from foot traffic Seams unglued or unravel Moderate dirt	Heavy stains Pet damage (urine) Ripped carpet Burns in carpet
Hardwood Flooring	Fading of flooring due to sunlight exposure Scuffed varnish Dark patches due to lost finish	Deep scratches Missing pieces Chipped flooring Water stains
Doors	Stick due to moisture Sun faded and heat blistered doors	Ripped hinges Broken Excessively scratched Missing handles or locks
Cabinets	Warped doors(won't close) Light scratches	Broken or missing doors Missing hardware or accessories Interior and exterior sticky
Shower	Mold due to limited ventilation	Mold due to poor cleaning habits (lack of regular cleaning)
Bathroom Tiles	Dirt around tiles Loose grouting	Cracked Missing
Bathtubs	Worn or scratched enamel	Chipped and broken enamel
Shower Rod	Rust Worn varnish on plumbing fixture	Missing or bent shower rod plumbing fixtures
Sinks/Drains	Partially clogged sinks Clogged drains due to aging pipes	Clogged sinks or drains caused by blockage like hair, food, etc.), or improper use
Blinds/Curtains	Moderately dirty blinds or curtains	Missing or broken blinds or curtains
Bathroom Mirror	Black spots("de-silver")	Missing, cracked or broken Caked makeup
Refrigerator	Worn gaskets Light dust	Broken refrigerator shelf Dented front panels Missing handle, rack or tray
Garbage Disposal	Smelly	Damaged due to metal, glass, stones or other objects on inside
Toilet	Wobbly toilet Worn toilet seat	Cracked tank Missing tank lever Cracked toilet seat
Curtains/Drapes	Faded	Torn or missing curtains and drapes



PMI NAVIGATE

	Light Dust	
Sliding Door	Door off track Door stick	Damaged or missing sliding door
Microwave	Minor staining or discoloration Light scratches or scuffs	Damage from overheating food or materials that results in burns or melting Broken door latches, shattered windows, or significant dents or cracks Any evidence of misuse
Washer & Dryer	Light scuffs or minor scratches Gradual wear of parts like belts or hoses	Damage caused by overloading the machines, leading to issues like broken belts or damaged drum bearings Dents, scratches, or bent components
Water Softener	Superficial scratches or minor cosmetic imperfections Gradual wear and tear on the internal components, like resin tanks and control valves	Dents, cracks, or structural damage Failing to replace or properly maintain resin beads
Lawn	Dry Lawn	Lawn with pet urine spots, dead areas, excessive weeds
Smoke Detectors	Non-functioning	Missing, detached or missing batteries
Lights	Non functioning light fixture	Missing, burnt out, or incorrect style of light bulb
Keys or remotes	Worn out keys	Broken, lost or unreturned keys or remotes