

## LANDLORD-TENANT NORMAL WEAR AND TEAR GUIDE

**WARNING:** Agents are strongly advised to stop and consult with an attorney before deducting damages from a tenant's security deposit if there is any question as to whether the alleged damage is normal wear and tear or not. This guide is only meant to provide general guidance and examples. It is not the law, and it cannot, and does not, supersede any statute in North Carolina's Tenant Security Deposit Act.

North Carolina General Statutes 42-51 and 42-52 provide the mandatory framework for handling a tenant's security deposit once the tenancy has ended. G.S. 42-51 lays out specific charges and fees that can be deducted, including "damage to the premises." G.S. 42-52 provides that the landlord must provide at least an interim accounting within 30 days, a final accounting within 60 days, or both, in order to have any right to deduct from the deposit any of the damages outlined in G.S. 42-51.

While G.S. 42-51 states that the deposit can be deducted for damages to the leased property, G.S. 42-52 states that "the landlord may not withhold as damages part of the security deposit for conditions that are due to *normal wear and tear* nor may the landlord retain an amount from the security deposit which exceeds his actual damages." This guide is provided to help landlords and tenants understand what "normal wear and tear" may mean when examining damage to the property after the tenancy has ended.

The term "normal wear and tear" is not specifically defined in North Carolina's general statutes. However, it can generally be understood as follows:

**Normal wear and tear includes damage to the property that occurs without the tenant's being negligent, careless, or abusive toward the leased premises nor any of the equipment, furnishings, appliances, or other items therein. This standard of care applies to the tenant and any other member of the tenant's household or other people on the leased premises with the tenant's consent.**

Some examples of this standard of care include, but are not limited to, the following. Note, these are only examples and this list is not complete or exhaustive.

*Normal Wear and Tear:*

*Damage:*

|                                                      |                                                                                                              |
|------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|
| Minor marks on or nicks in wall                      | Holes in wall larger than nail size (picture hanger) or excessive nail holes                                 |
| Faded, cracked or chipped paint                      | Crayon marks, writing on walls, unapproved paint color or excessive dirt requiring primer and paint to cover |
| Plaster cracks from settling                         | Holes in walls from doorknobs or carelessness                                                                |
| Loose wallpaper                                      | Ripped, torn or marked up wallpaper                                                                          |
| Carpeting/curtains slightly worn or faded by the sun | Torn, stained or burned carpeting/curtains                                                                   |
| A rug worn thin by ordinary use                      | Stains and odors in rug caused by pets, spills or leaks                                                      |
| Minor scuffing on wood floor                         | Large gouges or scratches on wood floor                                                                      |



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|                                                                          |                                                                                      |
|--------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| Vinyl flooring worn thin                                                 | Vinyl flooring with tears, holes or burn marks                                       |
| Water-stained flooring by shower due to ordinary use                     | Tiles or grout near shower that cannot be made clean                                 |
| Stains on old porcelain fixtures that have lost their protective coating | Grime-coated bathtub and/or toilet                                                   |
| Bathroom mirror beginning to "desilver" (black spots)                    | Mirrors broken, missing or caked with grime                                          |
| Running or unstable toilet                                               | Broken toilet seat or tank top                                                       |
| Worn gaskets on refrigerator                                             | Broken, chipped or missing refrigerator shelves, trays, bins or bars                 |
| Worn countertop                                                          | Burns or cuts in countertop                                                          |
| Cabinet doors that will not close                                        | Greasy, sticky or broken cabinets and interiors                                      |
| Loose hinges or door handles                                             | Damage to door or door frame from forced entry; missing/broken door handles or locks |
| Closet door off track                                                    | Damaged or missing closet door, doorknobs/handles                                    |
| Slightly dusty blinds                                                    | Missing, broken or bent slats on blinds; torn or missing strings                     |
| Slightly dirty windows or screens                                        | Broken windows or torn or missing screens                                            |
| Slightly dusty light fixtures                                            | Broken/missing fixtures/lightbulbs                                                   |
| Stovetops that have deteriorated or discolored due to age                | Greasy, sticky stovetops                                                             |
| Dry Lawn                                                                 | Lawn with pet urine spots, dead areas, and/or excessive weeds                        |
| Lawn or shrubs needing routine trim or cut                               | Lawn and shrubs overgrown and have not been landscaped at least semi-annually        |
|                                                                          |                                                                                      |
|                                                                          |                                                                                      |

Agent: \_\_\_\_\_

Date: \_\_\_\_\_

Tenant: \_\_\_\_\_

Date: \_\_\_\_\_

Tenant: \_\_\_\_\_

Date: \_\_\_\_\_

Tenant: \_\_\_\_\_

Date: \_\_\_\_\_

Tenant: \_\_\_\_\_

Date: \_\_\_\_\_