



What is the difference?

Normal wear and tear refers to the gradual deterioration that occurs to a property or item over time as a result of ordinary, reasonable use. It includes the natural aging process and minor deterioration that is expected with regular use, such as light scuff marks on floors, faded paint, or worn carpet in high-traffic areas.

Damage, on the other hand, refers to any significant or excessive deterioration or destruction of property or items beyond what would be considered reasonable or expected from normal use. It typically results from negligence, misuse, accidents, or intentional acts that cause harm or reduce the value or usability of the property or item. Damage often requires repair or replacement to restore the property or item to its original condition. Also note that excessive dirt is considered damage because it results from carelessness or negligence.

Normal wear and tear defined:

The legal definition of “normal wear and tear” as stated in the Colorado Real Estate Commission manual and defined in Section 38-12-102, C.R.S:

“Normal wear and tear means that deterioration which occurs, based upon the use for which the rental unit is intended, without negligence, carelessness, accident, or abuse of the premises or equipment or chattels by the tenant or members of his household, or their invitees or guests.”

What are some examples?

Below are examples provided to aid in distinguishing between the anticipated effects of 'wear and tear' resulting from typical residential usage and the consequences of negligent, deliberate, or inadvertent actions leading to damage to a landlord's property.

<u>Wear & Tear</u>	<u>Damages</u>
1. Small nail holes caused by a nail that is 2 inches long and is used for hanging picture frames and other items on walls	Large holes from hanging shelving, wall anchors, flat screen television brackets or any other wall hanging that causes damage larger than a 6 penny nail
2. Faded paint	Spot painting and patching
3. Faded caulking around the bathtub and tiles	Missing caulking around the bathtub and tiles
4. Hard water deposits.	Buildup of dirt, mold, mildew, or water stains from a preventable water leak
5. Worn out keys	Broken, lost or unreturned keys
6. Loose or stubborn door lock	Broken or missing locks
7. Loose hinges or handles on doors	Damage from a door from forced entry, or damage from using feet to open doors
8. Worn carpet traffic patterns	Torn, burned, stained, missing, ripped, scratched, or snagged carpet, pet damage
9. Faded finish on wood floors	Scratched, gouged, warped or water damaged wood floors
10. Linoleum worn thin	Linoleum with tears, chips or holes
11. Worn countertops due to daily use	Burned, cut, stained, scratched or water damaged countertops
12. Drywall cracks from settling	Holes in walls, doors, screens or windows from misuse, negligence, or carelessness
13. Faded, chipped or cracked paint	Unapproved or poor tenant paint job
14. Loose wallpaper	Ripped or marked-up wallpaper
15. Worn or heat blistered mini-blinds	Broken, bent, cracked or missing slats, wands or hardware. Broken strings.
16. Dirty window and door screens	Torn or missing screens
17. Sticky window	Broken window
18. Loose or inoperable faucet handle	Broken or missing faucet handle
19. Running toilet	Broken toilet seat, tank top or chipped or cracked toilet bowl

20. Musty odor	Urine or pet odor throughout unit
21. Closet bi-fold door off track	Damaged or missing bi-fold door
22. Non-functioning smoke or CO detector	Missing or detached smoke detector or CO detector or missing batteries
23. Non-functioning light fixture	Missing, burnt out, or incorrect style light bulbs
24. Dry lawn	Lawn with pet urine spots, dead areas, excessive weeds
25. Slow draining drains	Drains that are clogged by hair, toys, or other non-flushable objects

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