

MY WEIRD PROMPTS

Podcast Transcript

EPISODE #348

The Scuff Mark Crisis: Navigating Fair Wear and Tear

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EPISODE SYNOPSIS

In this episode, Herman and Corn dive into the "universal trauma" of renting, sparked by a listener's struggle to hang speakers without losing their security deposit. They compare rental laws across the globe—from Israel to Germany and the UK—dissecting the concept of "fair wear and tear" and why the standard of perfection is a legal myth. Discover how depreciation formulas and third-party mediation could finally balance the scales between landlords and tenants in an era of skyrocketing property prices.

DANIEL'S PROMPT

Daniel

"We've discussed tenancy laws in Israel before, and after my own difficult experiences with landlords, I believe we need a stronger legislative push for better tenant protections. One specific issue is the expectation that a property must be returned in perfect condition. Even minor wear and tear, like scuffs on the wall or drill holes for curtains, can result in landlords demanding expensive repairs. I'd like to discuss the concept of 'fair use' in property. How do different parts of the world handle minor repairs and damage occurring during a tenancy? What can we learn from other countries to make renting a better experience for tenants?"

TRANSCRIPT

Corn

You know Herman, I was just looking at the wall in the hallway earlier today, right by the front door. There is this tiny, almost invisible scuff mark where someone probably bumped a suitcase or a grocery bag. It is maybe two centimeters long. And I had this sudden flash of anxiety. Not because I care about the mark, but because of what that mark represents in the world of renting. It is like this ticking financial time bomb that only goes off when you try to leave.

Herman

Herman Poppleberry here, and Corn, you are hitting on something that is practically a universal trauma for anyone who does not own the roof over their head. That little scuff? In a rational world, that is just evidence that a human being lived in a house. But in the legal and contractual world we often inhabit, especially here in Jerusalem, that scuff can be treated like a major structural defect. Our housemate Daniel actually sent us a prompt about this very thing today. He has been dealing with some pretty frustrating situations with landlords, and he wanted us to dive into the whole concept of fair use and tenant protections.

Corn

It is such a visceral topic. Daniel was talking about the absurdity of being expected to return a property in perfect condition. He mentioned the struggle of even trying to hang a speaker with tape because he was terrified of drilling a hole. It is this feeling of living in a museum rather than a home. You are paying a huge portion of your income every month, yet you are effectively a guest who can be penalized for the crime of existing in a space. So, I want to really take this apart today. Why is the standard often perfection? How do other countries handle this? And is there a way to bridge the gap between a landlord wanting to protect their investment and a tenant needing to, you know, actually live?

Herman

It is a fascinating intersection of property law, economics, and honestly, psychology. Let us start with that perfection standard you mentioned. In many jurisdictions, including much of the rental market here in Israel, there is this clause that says the apartment must be returned freshly painted or in the exact condition it was received. On the surface, it sounds fair. You give me a clean box, I give you back a clean box. But humans are not static objects. We generate friction. We walk on floors, we touch walls, we hang curtains so we do not wake up at six in the morning with the sun in our eyes. The legal term we should be looking at is fair wear and tear. In Hebrew, we call it shlika sivrit, and it is actually written into the 2017 Fair Rental Law, but the definition is still frustratingly thin.

Corn

Right, and that is where the ambiguity lives, does it not? One person's fair wear and tear is another person's negligence. If I live in an apartment for five years, the paint is going to fade. The carpet is going to have furniture indents. The floor will have some micro scratches. If the law does not explicitly define the lifespan of these items, the landlord has all the leverage. They can look at a five-year-old paint job and say, this is ruined, I am taking two thousand shekels out of your deposit to repaint the whole place. Even though, realistically, they would have had to repaint it anyway to attract a new tenant.

Herman

Exactly. And that is actually a great place to start our global comparison. If we look at how different societies handle this, we see very different philosophies on what a rental actually is. Take Germany, for example. We have touched on German rental culture before in an earlier episode. In Germany, the Mietrecht, or tenancy law, is incredibly robust. One of the most striking things for outsiders is that German tenants often bring their own kitchens. They move in with their own cabinets, their own stove, their own sink. Because they own the guts of the living space, the definition of damage changes. But more importantly, German law has very specific rules about what they call cosmetic repairs, or *Schonheitsreparaturen*.

Corn

I remember reading about that. There used to be these rigid clauses where tenants had to paint every three or five years regardless of the condition, but the German Federal Court of Justice has struck down many of those as unreasonable under the Civil Code, or the BGB, shifting focus to actual condition, right?

Herman

They did! Now, the standard is much more about the actual state of the apartment. But here is the kicker, in Germany, the landlord generally cannot forbid you from making minor changes like drilling holes for shelves or pictures, as long as they do not compromise the structure of the building. The expectation is that you will fill those holes and maybe do a professional-level touch up when you leave, but the right to use the space as a home is protected. It is not a museum.

Corn

That feels like a much more adult way of handling it. It acknowledges that a tenant is a long-term stakeholder. But let us look at the other end of the spectrum. Daniel was mentioning the Singaporean model in his notes to us. Singapore has a very interesting approach that I think might actually appeal to some of the frustrated renters here. They often include a minor repair clause in their contracts.

Herman

Oh, the minor repair clause is a classic Singaporean solution. It is very pragmatic. Essentially, the tenant is responsible for the first bit of any repair, usually something like one hundred and fifty or two hundred Singapore dollars. If the air conditioner breaks or a pipe leaks, the tenant pays the first chunk, and the landlord covers the rest. This prevents the landlord from being harassed over every tiny lightbulb, but it also protects the tenant from being on the hook for major structural failures. However, when it comes to the condition of the walls and floors, Singapore can still be quite strict. The expectation of a professional cleaning and a fresh coat of paint is very common there, often in private tenancy agreements guided by the Council for Estate Agencies' standard templates.

Corn

See, that minor repair clause sounds good for maintenance, but it does not quite solve the scuff on the wall problem. If anything, it might make it worse if the landlord argues that every scuff is a minor repair the tenant has to pay for. I want to go deeper into the concept of depreciation. This is something that I think most tenants do not realize they can use in their defense. If I move into an apartment with a ten-year-old carpet and I spill a little coffee on it, am I responsible for the cost of a brand new carpet?

Herman

In a fair legal system, absolutely not. This is where the United Kingdom actually has some of the best guidelines. The Royal Institution of Chartered Surveyors in the United Kingdom has very clear standards for what they call the apportionment of liability. They use a formula based on the expected lifespan of an item. Let us say a standard rental-grade carpet is expected to last five years. If you move in when the carpet is four years old and you stay for a year, that carpet has reached the end of its natural life. Even if you left a stain, the landlord has suffered zero financial loss because the value of that carpet was already depreciated to zero. They cannot charge you for a new one because they were going to have to replace it anyway. This was further strengthened by recent renters' reform legislation and RICS guidelines which really clamped down on these kinds of deductions.

Corn

That is the missing piece of the conversation in so many places. It is the transition from replacement value to actual value. Here in Israel, and in many parts of the United States too, landlords often try to charge the replacement value. They see a hole in the wall and they want the whole room repainted on your dime. But if that paint was already three years old, you should only be responsible for the remaining life of that paint job, which might be almost nothing.

Herman

And this brings us back to Daniel's point about the legislative push. Without clear, statutory definitions of the lifespan of household items, it becomes a negotiation between a person who holds a large deposit and a person who needs that money back to pay their next landlord. It is a massive power imbalance. In the United Kingdom, they solved part of this by requiring all security deposits to be held by a third-party protection scheme, like the Deposit Protection Service (DPS) or the Tenancy Deposit Scheme. The landlord does not just get to keep the cash in their own bank account. If there is a dispute, an independent adjudicator looks at the evidence. They look at the move-in photos, the move-out photos, and they apply those depreciation rules we just talked about.

Corn

That third-party mediation seems like a total game changer. It removes the landlord as the judge, jury, and executioner of their own claim. I wonder why that has not become a global standard. I mean, we know why, it is because property owners have a lot of political capital. But if we are talking about making renting a viable long-term lifestyle, which it has to be in 2026 given how high property prices are, we have to make it feel less like a predatory relationship.

Herman

One of the reasons renting is so stressful here is the lack of institutional landlords. In places like the United States or Germany, you often rent from a large company that owns hundreds of units. While they can be cold and bureaucratic, they usually have standardized processes. They expect a certain percentage of turnover and wear and tear. It is just a line item on their balance sheet. But in Jerusalem or Tel Aviv, you are often renting from an individual who might be counting on that security deposit to pay for their own vacation or a repair in their own home. It becomes personal. The scuff on the wall is not just wear and tear to them; it is an insult to their property.

Corn

That is such a keen observation, Herman. It is the amateurization of landlording. When your landlord is just some guy named Avi who lives in the next neighborhood, he does not see depreciation; he sees a bill. This is why Daniel's frustration with the tape and the speakers is so relatable. You are trying to navigate the whims of an individual's personality rather than a set of clear laws. I want to talk about the physical reality of this for a second. Daniel mentioned trying all these different types of tape to hang a speaker, and they all failed. As the tech-minded brother, I have to ask, is there even a solution for the tenant who wants to live a modern life without drilling?

Herman

Honestly, the physics are against you. A speaker has weight and it vibrates. Any adhesive that is strong enough to hold a vibrating speaker for three years is probably strong enough to rip the top layer of drywall or plaster off when you remove it. This is the paradox. The products marketed as damage-free often cause damage because they are being asked to do something they were not designed for, or they are applied to old, flaky paint. The real solution is not better tape; it is a legal environment where drilling a six-millimeter hole to mount a speaker is considered a normal, acceptable use of a wall.

Corn

Right! It is like being told you can rent a car but you are not allowed to turn the steering wheel too far to the left because it might wear out the power steering. It is a fundamental misunderstanding of what a lease is. A lease is a purchase of the right to use a space. If I cannot use the walls, I am not fully using the space.

Herman

Exactly. And if we look at the second-order effects of these strict rules, it actually hurts the economy in ways people do not realize. If tenants are terrified of moving or terrified of making their space functional, they spend less on home improvement, they spend less on local services, and they are less mobile in the job market. There is a huge psychological cost to feeling like you are always packing a bag, as Daniel put it. It creates a sense of precarity that keeps people from putting down roots in their community.

Corn

So let us talk about what a better system would look like. If we were drafting the Poppleberry-Corn Tenancy Act of 2026, what are the pillars? We have mentioned third-party deposit protection. We have mentioned statutory depreciation schedules. What else?

Herman

I would add a right to habitability that includes modern standards. For example, in many places, a landlord does not have to provide an air conditioner or even light fixtures. You move in and there are just wires hanging from the ceiling. A modern tenancy law should define a functional home. But specifically on the wear and tear issue, I would mandate a standardized move-in and move-out inspection report with high-resolution photos, uploaded to a government or third-party portal. No more of this, I think that scratch was there before, or no it wasn't. The evidence should be indisputable and accessible to both parties.

Corn

And what about the drilling holes issue? How do you balance that?

Herman

I think you follow the German or Dutch model. You have the right to make minor, reversible changes. You can drill for curtains, for speakers, for shelves. The tenant's obligation is simply to fill those holes professionally upon exit. If the landlord wants to charge for it, they have to prove that the tenant's repair was substandard. But the act of drilling itself cannot be a breach of contract. We need to move away from the idea that a wall is a sacred, untouchable object. It is a vertical surface for holding things.

Corn

It sounds so simple when you put it that way. But the resistance usually comes from the idea that tenants are irresponsible. Landlords will say, if I let them drill one hole, they will turn the wall into Swiss cheese. But is there any evidence for that? In countries with more relaxed rules, do the apartments fall apart?

Herman

Not at all. In fact, you could argue that when tenants feel a sense of ownership and agency over their space, they take better care of it. If I am allowed to hang my pictures and my speakers, I feel like this is my home. I am more likely to clean the floors, report a small leak before it becomes a big one, and treat the property with respect. When you treat a tenant like a potential vandal, they have no incentive to be a partner in maintaining the property. It becomes an adversarial relationship from day one.

Corn

That is the core of it. The current system in many places, including here, is built on distrust. It is a defensive architecture of law. I am thinking about the practical takeaways for our listeners who are in this position right now, maybe facing a landlord who is being difficult about a security deposit. Beyond the legal stuff, what can they actually do?

Herman

First and foremost, you have to be your own advocate for documentation. When you move in, do not just take a few photos. Take a video of every single wall, every corner, every windowsill. Open the cabinets, look at the hinges. If there is a scuff, put a coin or a ruler next to it for scale and take a photo. Send those photos to your landlord in an email the day you move in. That creates a timestamped record that they cannot dispute later.

Corn

That is huge. It is about creating a paper trail before there is a conflict. I would also add, look up the local laws on depreciation. Even if they are not as clear as the United Kingdom's laws, there is often a general legal principle that a landlord cannot be unjustly enriched. If they are trying to get a brand new paint job out of you for a room that had not been painted in five years, that is unjust enrichment. They are getting a better product than they originally provided. Pointing that out in a firm but polite letter can sometimes be enough to make a landlord back down.

Herman

And for the landlords listening, because I know we have a few who tune in, think about the long-term value of a good tenant. A tenant who stays for three or four years because they feel comfortable and respected is worth infinitely more than the five hundred dollars you might squeeze out of a security deposit for some scuffs on the wall. Turnover is the biggest expense in landlording. Between the vacancy time, the agent fees, and the cost of finding someone new, you are losing thousands. Keeping a tenant happy by allowing them to hang a shelf is just good business.

Corn

It is the classic short-term versus long-term thinking trap. People get so focused on the immediate cost of a repair that they ignore the massive cost of a bad relationship. I am curious about the future, though. We are in early 2026. We are seeing more and more people being lifelong renters. Do you think we are going to see a genuine political movement for this?

Herman

I think we have to. In many major cities, the percentage of the population that rents has crossed a threshold where they are a dominant voting bloc. We saw some of this with the Fair Rental Law in Israel back in 2017, which Daniel mentioned, but that law was criticized for not having enough teeth. It set some ground rules, like who pays the agent fee, but it did not go far enough on the wear and tear issue. I think the next wave of legislation will have to be more specific. We might see things like mandatory mediation before a landlord can touch a security deposit, or standardized lease agreements that cannot be altered with predatory clauses. We might even see AI-driven inspection apps that use computer vision to compare move-in and move-out photos and automatically calculate fair wear and tear based on the length of the lease.

Corn

That would be brilliant, Herman. It turns a personality clash into a data problem. But until that exists, we are left with the human element. And that brings me back to Daniel's speaker. It is such a perfect metaphor for the modern renter's dilemma. You want the high-fidelity experience of life, you want the speakers, you want the art, you want the comfort. But the system is trying to keep you in a low-fidelity, temporary state.

Corn

It is a struggle for dignity, really. The dignity of being able to say, this is where I live, and I have the right to make it mine. I think we have covered a lot of ground here, from the German kitchens to the Singaporean repair clauses. It is clear that there are better ways to do this. The question is whether we have the collective will to demand them.

Herman

I think the more we talk about it, the more people realize they are not alone. That feeling of anxiety over a scuff mark? Millions of people are feeling that right now. And when a feeling becomes that widespread, it eventually turns into a policy. We are seeing it with the right to disconnect in labor laws, and I think we will see it with the right to live in rental laws.

Corn

I hope so. Because I really want Daniel to be able to hang those speakers. It is 2026, for heaven's sake. We should have figured out how to put a hole in a wall without it being a financial catastrophe.

Herman

Amen to that. And hey, if you are listening and you have your own rental horror story, or maybe a success story of a landlord who actually understands fair use, we would love to hear about it. You can get in touch through the contact form at myweirdprompts.com.

Corn

Absolutely. And if you have been enjoying these deep dives, please consider leaving us a review on your podcast app or on Spotify. It really does help other curious people find the show. We have been doing this for over three hundred episodes now, and the community of listeners we have built is honestly my favorite part of the whole project.

Herman

It is true. Every time we think we have run out of weird things to talk about, one of you or Daniel sends us something that opens up a whole new world of research. So thank you for keeping us on our toes.

Corn

We will be back next week with another prompt. I think we might be looking into some of the recent developments in GPU architecture that we touched on in an earlier episode, but from a more environmental perspective.

Herman

Oh, the cooling problem? That is a deep one. I am already pulling some papers on liquid immersion cooling.

Corn

I knew you would be. Alright, until next time, I am Corn.

Herman

And I am Herman Poppleberry.

Corn

Thanks for listening to My Weird Prompts. We will catch you in the next one.

Herman

Take care, everyone. And maybe go take a high-res photo of your walls, just in case.

Corn

Good advice, Herman. Goodbye!