



ORCA TALES

"We can tell you more about them than their mother"

Suggested Approaches to Security Deposits Deductions

Unfortunately, the legal terms "reasonably necessary" and "ordinary wear and tear" are vague and mean different things to different people. The following suggestions are offered as practical guides for dealing with security deposit issues; while these suggestions are consistent with the law, they are not necessarily the law in your area.

#1- Costs of Cleaning:

A landlord may properly deduct from the departing tenant's security deposit to pay for cleaning that is necessary to satisfy the "average" or "reasonable" incoming tenant. A reasonable standard, which may not work in every case, is whether the departing tenant left the rental unit as clean as it was when he or she moved in.

A landlord cannot automatically charge each tenant for cleaning carpets, drapes, walls, or windows in order to prepare the rental unit for the next tenancy. Instead, the landlord must look at how well the departing tenant cleaned the rental unit, and may charge cleaning costs only if the rental unit (or a portion of it) was left in a clearly substandard condition. Reasonable cleaning costs would include the cost of such things as eliminating flea infestations left by the tenant's animals, cleaning the oven, removing decals from walls, removing mildew in bathrooms, and defrosting the refrigerator.

The landlord is allowed to deduct only the *reasonable* cost of cleaning the rental unit from the tenant's security deposit. One practical measure of the cost of cleaning is the going hourly rate for cleaning costs in the area where the rental unit is located.

#2 - Carpets and drapes - "useful life" rule:

Ordinary wear and tear to carpets or drapes cannot be charged against a tenant's security deposit. Ordinary wear and tear includes simple wearing down of carpet and drapes because of normal use or aging, and includes moderate dirt or spotting. In contrast, large rips or indelible stains justify a deduction from the tenant's security deposit for repairing or replacing the carpet or drapes.

One common method of calculating the deduction for replacement prorates the total cost of replacement so that the tenant pays only for the remaining useful life of the item that the tenant has damaged or destroyed. For example, suppose a tenant has damaged beyond repair an eight-year-old carpet that had a life expectancy of ten years, and that a replacement carpet of similar quality would cost \$1,000. The landlord could properly charge only \$200 for the two years' worth of life (use) that would have remained if the tenant had not damaged the carpet.

#3 - Repainting walls:

One approach for determining the amount that the landlord can deduct from the tenant's security deposit for repainting, *when repainting is necessary*, is based on the length of the tenant's stay in the rental unit. This approach assumes that interior paint has a two-year life. (Some landlords assume that interior paint has a life of three years or more.)

Length of Stay	Deduction
Less than 6 months	full cost
6 months to 1 year	two-thirds of cost
1 year to 2 years	one-third of cost
2 or more years	no deduction

Using this approach, if the tenant lived in the rental unit for two years or more, the tenant could not be charged for any repainting cost, no matter how dirty the walls were.

By: *The Rental Housing Mediation Task Force*

****Will Be Continued in Next Month's Newsletter!****



Council for Affordable and Rural Housing & USDA/Rural Development 17th Annual Conference

April 25-28, 2005
 Double Tree Hotel Spokane City Center
 Spokane, WA.

Rebekah Near of ORCA Information with Karen Crosta is leading a workshop on Applicant Screenings on Wednesday, April 27th!

Registration Materials will be posted on-line at www.wa-carh.org on February 25, 2005! Or call Joe Diehl at 425-454-6836

How to Hire the Best

Poor employee selection can be avoided by following certain guidelines.

Employee Selection:

About a couple of months ago you hired Mary as a new employee. On her first day she was an hour late for work. The second day she called in sick. The third day she didn't show up at all. And, after putting up with her for the past week, you wish she would stay home more often.

What went wrong:

Several things actually went wrong. In fact, when you interviewed her for the position you probably made some or all of the five most common mistakes in employee selection: Poor interview preparation, Inadequate questioning techniques, Asking leading questions, Hiring based on first impressions and Not checking references.

Poor Interview Preparation:

Don't interview even one applicant until you determine the job specifications first. Have the current staff develop their own job descriptions. Make a list of the "must haves" and the "nice to haves". You can't have it all, but you must have an idea of what characteristics and traits are essential for the position. Know the depth of experience you need. Know the personality traits essential for each position. Different jobs require different personality types.

Inadequate Questioning Techniques:

Asking "nice to know" questions instead of specific questions relevant to the job is a mistake many managers make. There are five interview techniques.

Open ended questions - Ask these to get more than just a yes or no answer. For example, "How have your past job experiences prepared you directly or indirectly, for this position?"

Closed ended questions - Closed ended questions are useful for getting specific answers. For example: "Do you mind working overtime?"

Leading questions - Leading questions imply what the answer should be. For example, "I'm sure you wouldn't mind working late would you?"

Sensitive questions - These allow you to explore delicate issues in a non-threatening way. For example, "Could you please tell me why you left your job with the XYZ Company to seek employment elsewhere?"

Hypothetical questions - These questions help you explore the applicant's problem-solving and decision-making skills. Gear your hypothetical questions to the job you are filling.

Asking Leading Questions:

Leading interviewees to a response can be a major problem. For example, "This position involves a great deal of stress. How well do you handle stress?" The applicants immediately know that in order to answer this question right they should say they deal with stress positively.

Another mistake that can be easily corrected involves telling the applicant about the job and its requirements before you start the interview.

Wait until all the questions are answered before tipping off the candidates.

Hiring based on first impressions:

One of the biggest mistakes interviews make is basing hiring decisions on stereotyping and first impressions. Some people are naturally vivacious and charming. You like them immediately. The trouble is they may not be good workers. Other job candidates remind us of ourselves and since we tend to like people like ourselves our judgments can sometimes get blurred. And still other candidates are poised and self-confident. They present themselves well while others are nervous and ill at ease. The nervous people are not necessarily bad choices, it may just be the situation. The key is you must be objective and never prejudge.

Not Checking References:

I'm still amazed how many people don't check references. Make sure you check the references the person gives you and then ask for others.

By: Arnold Sanow (www.arnoldsanow.com)

BUY

The Unofficial Guide to Managing Rental Property

By: Melissa Prandi, M.P.M.

Email: prandiprop@aol.com

Visit her at: www.prandiprop.com

2005 WAA Educational Conference

April 15 & 16, 2005

Best Western Cotton Tree Inn
Mount Vernon WA 98273

Classes for Realtors' clock hours
call the NROA office at 360-755-1682

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Thanks for paying on time! Last month 3 people received cute, cuddly, stuffed ORCA's! They were the first to mail in their payments!

Thanks again!



ORCA WISDOM

The problem with the gene pool is that there is no lifeguard.