Move-Out Photos in California: What AB 2801 Requires (2026)



For landlords and property managers in Oakland, Berkeley, Emeryville, and the East Bay

Key Facts: AB 2801 Photo Documentation at a Glance

Requirement	What It Means
Move-out photos	Required immediately after tenant vacates — before any cleaning or repairs begin. Effective April 1, 2025.
Move-in photos	Required for all tenancies beginning July 1, 2025 or later, documented at or immediately before move-in.

Requirement	What It Means
Post-repair/cleaning photos	Required before AND after any work done that results in a deduction.
Delivery deadline	Photos must accompany the itemized statement of deductions within 21 calendar days of move-out.
Consequence of non-compliance	Bad-faith failure to provide photos can expose the landlord to loss of the right to claim against the security deposit.
Video sufficient?	No. California law specifically requires photographs — video alone does not satisfy the requirement.

Prefer video? Watch the video version, with chapter links and a full transcript.

title="Move-Out Photos Are Now the Law in California — What AB 2801 Requires (2026)"]

Video Transcript

A tenant hands in their keys on a Friday afternoon. The property owner calls the cleaning crew and says — get a head start this weekend.

By Monday morning, the floors are mopped, a scuffed wall is patched, and the unit is ready to show.

Then the tenant disputes twelve hundred dollars in deductions. And the landlord has receipts, has invoices — but no photos of the unit before anyone touched it.

Under California law, that documentation gap is now a legal problem.

We manage rentals in Oakland, Berkeley, Emeryville, and the East Bay — and what I just described is exactly the scenario that Assembly Bill 2801 was written to address.

AB 2801 amended California Civil Code Section 1950.5 — the security deposit statute — to make photo documentation a legal requirement, not just a best practice.

It took effect in two phases: April 1st, 2025 for move-out and post-repair photos, and July 1st, 2025 for move-in photos on new tenancies.

If you’re a California landlord, this is for you.

AB 2801 creates three distinct photo requirements.

Phase one: move-out photos. This is the most critical. The moment a tenant hands in keys, you need to photograph the unit — every room — before any cleaning or repairs begin. This applies to all tenancies, regardless of when they started.

The window is narrow. The moment a cleaner mops a floor or a contractor patches a wall, your baseline is gone. Courts want to see the condition of the unit as the tenant left it.

Phase two: move-in photos. For any tenancy that began on or after July 1st, 2025, you must photograph the unit at or before move-in. These photos establish the baseline that makes move-out deductions defensible. Without them, you can’t prove that damage wasn’t pre-existing.

Important note: this is not retroactive. Tenancies that started before July 2025 don’t require move-in photos — but the move-out requirement still applies.

Phase three: post-repair and post-cleaning photos. Any time you make a deduction, you need before-and-after photos of the specific work. An invoice alone isn’t enough. A photo of the damage, a photo of the completed repair — that’s what justifies the deduction amount.

Here’s the part many landlords miss: taking the photos isn’t enough. You have to deliver them.

All photos must be sent to the tenant alongside the itemized statement, within 21 calendar days of move-out.

You can send them by mail, by email, or by a shareable link — a Google Drive folder or Dropbox works fine. What doesn’t work: video. The statute specifically requires photographs. Video alone does not satisfy the requirement.

And keep proof of delivery — a sent email, a tracking number, a link-share confirmation. If it’s disputed, you want a record.

At All East Bay Properties, we updated our move-out protocol before the April 2025 effective date.

When keys come in, they’re logged with a timestamp. A property manager completes a room-by-room photo walkthrough within 24 hours, before any vendor sets foot in the unit. Photos go straight into AppFolio with the date and address embedded. Vendors aren’t called until the walkthrough is confirmed complete.

We’ve had prospective clients come to us after losing deposit disputes they should have won — not because the damage wasn’t real, but because no one photographed it before the cleaning crew arrived.

The fix is simple. The habit is the hard part.

If you want the full breakdown — the exact legal requirements, an AB 2801 compliance checklist, and how Oakland’s RAP mediation process works — the link is in the description.

And if you own rental property in the East Bay and want to know how we handle documentation across your portfolio, reach out. We’re at alleastbayproperties.com.

The Window Most Landlords Miss

Here’s a scenario we’ve seen play out more than once in East Bay property management: a tenant hands in keys on a Friday afternoon. The property owner calls their cleaning crew to get a head start on the weekend. By Monday morning, surfaces have been scrubbed, a

scuffed wall has been patched, and the unit is ready to show.

The tenant then disputes a $1,200 deduction for carpet damage and a broken towel bar.

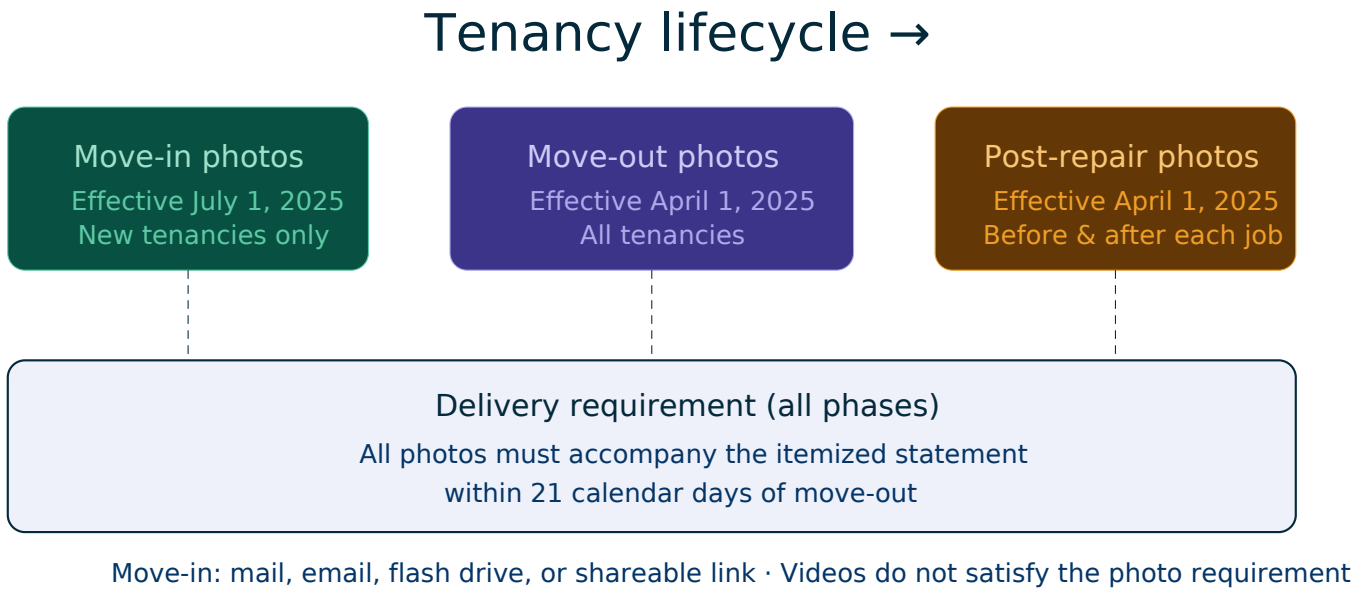
The problem? There are no move-out photos — none taken before the cleaning crew walked in. The landlord has receipts. They have a contractor invoice. What they don't have is documentation of the unit's condition as the tenant left it. Under AB 2801, that's the documentation that matters most.

This is not a knowledge failure. Most landlords know photos are important. It's an operational failure — the kind that happens in the gap between key return and first repair, especially when vendors are on standby and turnover pressure is high.

AB 2801 didn't change the logic of good documentation practice. It made that practice a legal requirement with a concrete penalty for non-compliance.

What AB 2801 Actually Requires

Assembly Bill 2801 (AB 2801) amended California Civil Code §1950.5, the statute that governs residential security deposits, to establish mandatory photo documentation at three distinct points in a tenancy. Understanding the timing of each is critical — the phases have different effective dates and different triggers.



> AB 2801 establishes three distinct photo moments — each with its own effective date and scope. The move-out and post-repair requirements apply to all tenancies regardless of start date.

Phase 1: Move-Out Photos (Effective April 1, 2025)

This requirement applies to **all tenancies**, regardless of when they began.

Upon receiving keys or confirming a tenant has vacated, a landlord must photograph the unit **before any cleaning, repairs, or alterations begin**. The photos must document the condition of the unit as the tenant left it.

This is the highest-risk documentation moment, and the one with the narrowest window. Once a cleaner mops a floor or a contractor patches a wall, that baseline is gone.

Photos must cover the condition of all aspects of the rental property — not just obvious damage areas. Courts and small claims judges look for systematic documentation: every room, every surface you might later claim required remediation.

Phase 2: Move-In Photos (Effective July 1, 2025)

This requirement applies to **tenancies beginning on or after July 1, 2025**.

At or immediately before the inception of the tenancy, the landlord must photograph the unit’s condition and retain those photos. The move-in documentation exists for one reason: to establish baseline condition so that any damage claimed at move-out can be distinguished from pre-existing wear.

If you don’t have move-in photos for a tenancy covered by this phase of the law, you lose your ability to prove that any damage found at move-out wasn’t already there when the tenant arrived. That’s not a technicality — it’s the entire evidentiary foundation of a damage deduction.

Important: For tenancies that began before July 1, 2025, move-in photos are not retroactively required. But move-out photos and post-repair photos are required regardless of when the tenancy started.

Phase 3: Post-Repair and Post-Cleaning Photos (Effective April 1, 2025)

Any time a repair or cleaning session results in a security deposit deduction, the landlord must document with photos both **before the work begins** and **after it is completed**. This before-and-after requirement applies to each specific area of work.

These photos are what justify the deduction amount. “We repaired the bathroom wall — here is $450” is not sufficient. “Here is the bathroom wall before repair, here is the invoice, here is the wall after repair” is compliant.

How to Deliver the Photos to the Tenant

Documentation alone isn’t enough — the photos must be shared. Under AB 2801, move-in photos, move-out photos, and post-repair/cleaning photos must all be provided to the tenant along with the itemized statement of deductions, within the standard 21-day deposit return window.

Acceptable delivery methods include:

- Mail (physical copies or flash drive)
- Email
- A link to a viewable website or file-sharing service

The photos do not need to be printed — a shareable link to a cloud folder with time-stamped images is compliant. What matters is that the tenant can actually view them and that delivery is documented.

The same documentation discipline that protects deposit deductions also matters earlier in the tenancy — proper record-keeping is equally important when serving notices or navigating

an eviction.

The Penalty for Getting This Wrong

AB 2801 uses a specific phrase: **bad faith**. The law doesn't automatically void a deduction because photos weren't provided — it creates exposure when the failure to provide photos is deemed intentional or reckless.

A landlord who genuinely forgot to photograph before the cleaning crew arrived is in a different position than one who withholds a deposit with no documentation and no photos provided. But "I didn't know" is not a defense for the latter, and courts in Alameda County small claims have little patience for landlords who come in with receipts but no baseline documentation.

A landlord may invest hundreds of dollars in legitimate repairs only to find those costs unrecoverable because the baseline documentation required to justify the deduction was never taken. The photos aren't just a formality — they're the evidentiary foundation of the entire deduction.

A court may determine that a landlord who acts in bad faith when withholding a deposit — including by failing to provide required documentation — is not entitled to retain all or part of the deposit and may be subject to additional penalties under Civil Code §1950.5(l). That outcome isn't automatic, but in a small claims proceeding where the landlord has no photos and the tenant has a dispute, the factual posture is difficult to defend.

What This Looks Like in Practice: AEBP's Move-Out Protocol

AB 2801 caught some landlords off guard because it was bundled into the same legislative cycle as AB 12 and received comparatively less attention. We updated our move-in and move-out protocols for all managed properties before the April 2025 effective date — but

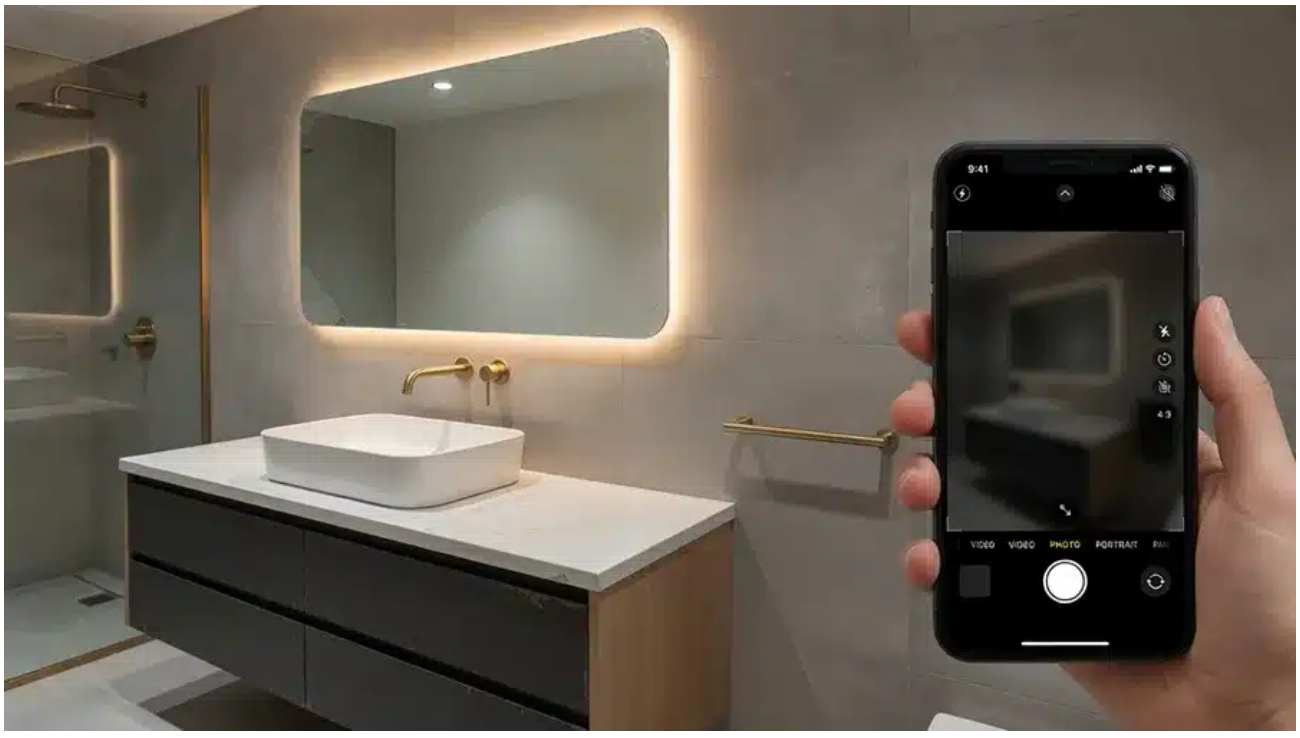
we’ve had prospective clients come to us with legitimate damage claims they couldn’t enforce because no one photographed the unit before the cleaning crew started.

The fix isn’t complicated, but it requires a specific operational trigger: **photos before anyone touches anything**. In our management workflow, that means:

1. Keys are received and logged with a timestamp
2. A property manager conducts a standardized photo walkthrough using a room-by-room documentation checklist within 24 hours — before any vendor access
3. The photo set is uploaded to the property file in AppFolio with the date and unit address embedded
4. Vendors are scheduled only after the walkthrough is complete

For self-managing landlords, the equivalent is simpler: keep your phone in your pocket until after you’ve walked the unit and photographed every room. Then call the cleaning crew.

The window between key return and first repair is short. Under AB 2801, it’s also the most legally consequential window in your entire turnover process.



> AEBP’s protocol: standardized photo walkthrough before any vendor access, every room documented, photos uploaded to AppFolio before the cleaning crew is called.

AB 2801 Compliance Checklist

Use this before closing out any move-out:

- Photos taken immediately after tenant vacates — before anyone enters to clean or repair
- Photos cover every room, not just damaged areas
- Post-repair/cleaning photos taken for each area where a deduction will be made
- Move-in photos on file for tenancies beginning July 1, 2025 or later
- All photos are date- and time-stamped
- Photos stored in a retrievable format (cloud folder, property management software, or flash drive)
- Photos delivered to tenant alongside the itemized statement within 21 days of move-out
- Proof of photo delivery retained (email send receipt, tracking number, or link confirmation)

Current rule at a glance

Common Questions About AB 2801 Photo Requirements

Do I need to photograph every room, or just damaged areas?

Every room. The point of move-out documentation is to establish the condition of the entire unit, not just the spots you already know are damaged. Courts look for systematic documentation — selective photos of damaged areas without a broader baseline are easier to challenge.

What if my move-out photos are low quality or poorly lit?

The law doesn’t specify resolution or quality standards, but photos that don’t clearly show the condition of the area they’re documenting don’t serve their purpose. Use a phone with a decent camera, shoot in natural light where possible, and take multiple angles of anything that might be disputed. A blurry photo of a stained carpet is far better than no photo — but it may not be enough in a contested small claims case.

Do I need to send photos even if I’m returning the full deposit?

No. The statutory language in Civil Code §1950.5 ties the photo-delivery requirement to deductions — specifically, photos must accompany the itemized statement when deductions are made. If you’re returning the full deposit, there’s no itemized statement required and no photo delivery obligation. That said, retaining your move-out photos is still good practice — disputes can arise even when a landlord intends to return the full amount.

Can I store and deliver photos through Google Drive or Dropbox?

Yes. California law does not require a specific storage platform or delivery format. The statute permits delivery via mail, email, flash drive, or a link where the tenant can view the photos online. A shared Google Drive folder or Dropbox link is fully compliant, provided the tenant can actually access it and you retain a record that the link was sent. AppFolio and similar property management platforms that generate a shareable link to the photo file also satisfy the requirement.

What if the tenant refuses a move-in walkthrough?

AB 2801 doesn’t require tenant participation in the photo documentation — it requires the landlord to take and retain photos. If a tenant declines a joint walkthrough, document the unit yourself and note in writing that the tenant was offered but declined participation. The photos remain valid.

Does this apply to all California rentals, or just those managed by property management companies?

All California residential landlords are covered. There is no small-landlord exemption in AB 2801's photo documentation provisions. The law applies whether you own one unit or one hundred.

Oakland and Berkeley: Local Considerations

AB 2801 is a state law and applies uniformly, but local rules in Oakland and Berkeley create additional exposure for landlords who handle deposits incorrectly.

In **Oakland**, security deposit disputes are commonly pursued through small claims court. The City of Oakland's Rent Adjustment Program (RAP) also offers mediation services for security deposit disputes, which can provide an opportunity to resolve disagreements before litigation. Regardless of the forum, documentation is critical — a landlord who lacks move-out photos, repair documentation, or proof of deductions is at a significant disadvantage when defending a deposit claim.

In **Berkeley**, landlords are required to pay annual interest on security deposits held. Failure to account for that interest, combined with missing documentation, compounds the financial exposure in any dispute. The Berkeley Rent Stabilization Board publishes current interest rates landlords must apply.

The Short Version

AB 2801 establishes three required photo moments: move-in (for new tenancies since July 2025), immediately after move-out before any work begins, and before and after any repair or cleaning that results in a deduction. All photos must be delivered to the tenant with the itemized statement within 21 days of move-out. Bad-faith failure to document can expose a

landlord to losing an otherwise legitimate deduction claim entirely.

The practical rule: photograph the unit before anyone else enters it after a tenant leaves. That single step is what the law is designed to enforce — and what the most common disputes come down to.

Looking for help managing move-out documentation across multiple properties?

Contact AEBP

to learn how we handle compliance for Oakland and Berkeley landlords.

Related Resources

- California Security Deposit Deductions: What Landlords Can (and Cannot) Charge
- California Tenant Move-Out: The Complete Landlord Checklist for 2026
- Normal Wear and Tear vs. Damage: The California Landlord’s Guide

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Source: https://dev.alleastbayproperties.com/move-out-inspection-photos-california/