

NIESAR & VESTAL LLP

Law Alert

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California Residential Landlords Must Photograph Rental Units Under New Law

Effective April 1, 2025, California Assembly Bill 2801 (AB 2801) mandates that residential landlords document the condition of rental units through photographs at specific stages of the tenancy. This legislation aims to enhance transparency and fairness in the handling of security deposits by providing clear evidence of a unit's condition.

Landlords must now take photographs at the following stages:

- **Pre-Tenancy/Move-In Photographs (Effective July 1, 2025)**

For tenancies that begin on or after July 1, 2025, the landlord shall take photographs of the unit immediately before, or at the inception of, the tenancy.

- **Pre-Repair/Move-out Photographs (Effective April 1, 2025)**

For all tenancies, regardless of start date, the landlord must take photographs within a reasonable time after the possession of the unit is returned to the landlord, but prior to any repairs or cleanings for which the landlord will make a deduction from or claim against the security deposit.

- **Post-Repair Photographs (Effective April 1, 2025)**

For all tenancies, regardless of start date, the landlord must take photographs within a reasonable time after repairs or cleanings are completed.

Additionally, when deductions are made for repairs or cleaning, landlords are now required to include these photographs in the itemized disposition, along with the required bills, invoices, or receipts. Photographs may be shared via mail, email, flash drive, or a link to a viewable website.

The new law necessitates updates to internal procedures, staff training, and documentation practices. Maintaining organized records of these photographs, including dates and descriptions, is crucial for compliance and for addressing any potential disputes regarding security deposit deductions. Failure to provide these photographs in bad faith may result in loss of the landlord's right to claim any amount from the security deposit.

The law imposes stricter limits on security deposit deductions, limiting such deductions to reasonable amounts and repairs that are "reasonable and necessary" to restore the premises to their condition before the tenancy, except for ordinary wear and tear. AB 2801 also prohibits

landlords from deducting the cost of professional services such as professional carpet cleaning, unless reasonably necessary.

If you have questions arising out of this alert or your new obligations, please feel free to contact Alan Seher (aseher@nvlawllp.com) or Carolina Aricu (caricu@nvlawllp.com).

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