

Preparing for Phase One:

New Photo Documentation Requirements for Security Deposit Withholding



Wednesday, March 19, 2025

- **Housekeeping**
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- **Overview of AB 2801**
- **Intent of the Law**
- **Explanation of Phase One**
- **Key Processes**
- **AB 2801 & Existing Laws**
- **Suggested Resources**
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- **Member Q&A**
- **Presentation Summary Slide**



Today's Agenda

Housekeeping

Webinar Guidelines

- **Microphones:** Please keep your microphone **muted** during the presentation.
- **Questions:** Use the **CHAT** button at the bottom of your screen to ask a question, or wait until the **Q&A** to use the “**Raise Hand**” feature and speak.
- **Recording:** This webinar will be **recorded** for playback in our **On-Demand Video Library**.
- **Captioning:** You are welcome to enable **live captioning** if needed.

Disclaimer

This webinar provides **general guidance** on complying with **AB 2801** and is **not legal advice**. I am **not an attorney**, and **BPOA does not provide legal services**. If you need **legal advice** regarding your specific situation, please consult a qualified attorney.

Need an attorney referral?

BPOA maintains a referral list of attorneys familiar with rental housing laws. Contact **BPOA@BPOA.org** for a referral.



- **Tiffany Van Buren** – Deputy Director, Berkeley Property Owners Association (BPOA)
- Background in **Berkeley-specific property management**
- With BPOA since **February 2022**
- Provides guidance, education, and resources to rental housing providers
- Supports members in navigating **Berkeley's rental housing regulations**
- Hosts and moderates BPOA webinars and events
- Committed to keeping members **informed and empowered**

Speaker Introduction



Overview: AB 2801 and CA §1950.5

AB 2801 modifies **California Civil Code 1950.5**, introducing new **photographic documentation requirements** for rental properties.

Rental Housing Providers must take photographs to document the property's condition:

- **Before or at move-in**
- **After move-out**
- **Before and after executing repairs** for specific security deposit deductions

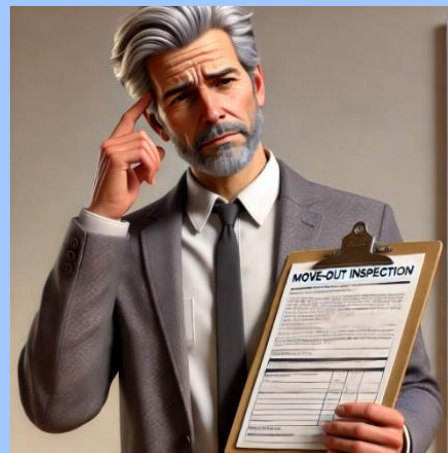
Additional Requirements:

- Photographic images **must be shared with the tenant**
- **Automatic carpet cleaning** can no longer be required as a lease condition
- **As of April 1, 2025**, property owners/managers may **only charge carpet cleaning** if they provide proof that the carpet is soiled beyond **ordinary wear and tear**.

Overview

What is the Law's Intent?

- **Increase transparency** in security deposit deductions.
- **Prevent disputes** over property conditions at move-in and move-out.
- **Ensure fair and documented deductions** by requiring photographic evidence.
- **Eliminate automatic carpet cleaning fees** and prevent rental housing providers from expecting **professional cleaning** from tenants upon move-out.



Overview

Phase One: Explained

P1 vs. P2



The new law takes effect in two phases:

- **Phase One (April 1, 2025):** Applies to *move-outs occurring on or after April 1, 2025*, and introduces a **simplified version** of the photo documentation requirements.
- **Phase Two - Full Implementation (July 1, 2025):** Expands requirements to include **photos documenting the unit's condition at move-in** (on or immediately before the lease start date) for leases beginning on or after July 1, 2025, in addition to the Phase One move-out documentation requirements.

Phase One: Explained

Who is Affected and What Does it Mean?

Who is Affected?

- **All Berkeley rental housing providers** (and all rental housing providers in California)
- **Phase One** applies to **move-outs occurring on or after April 1, 2025**
- No exemptions or exceptions

What Does it Mean?

- Rental Housing Providers must **take and share photographs** documenting the property's condition **after a tenant moves out**
- Applies to **security deposit deductions** — Rental housing providers must provide **photo evidence** (before and after images) for any cleaning or repair costs
- **Carpet cleaning charges** are only allowed if photos prove the carpet is soiled beyond normal wear and tear
- **What about pervasive odors?** Since they can't be photographed, let's talk about that a little more!

Phase One

Identifying Odors Before Move-Out

Use Your Nose During the Preliminary Inspection

- **Walk Through Every Room** – Smells can be strongest in carpets, kitchens, and bathrooms.
- **Check Enclosed Spaces & Low-Airflow Areas** – Odors tend to linger in poorly ventilated areas, such as closets, cabinets, and rooms without active airflow.
- **Sniff for Smoke, Pets, or Cooking Residue** – Lingering odors often mean deeper cleaning is needed.
- **Look for Hidden Sources** – Check under sinks, inside cabinets, and behind appliances for moldy, forgotten food or grease buildup.
- **Document & Verify** – If something smells off, get a second opinion from a contractor or cleaning professional.



Phase One

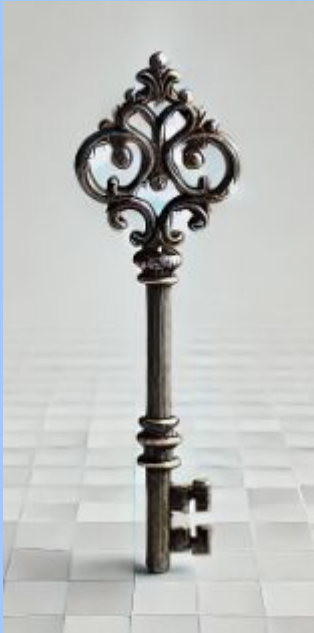
Proving Pervasive Odors in Your Rental Unit

- **Get a Pro's Opinion** – Carpet cleaners, HVAC techs, or contractors can document the smell.
- **Tenant Admits It?** – Save emails or notes from move-out talks & your preliminary inspection report.
- **Others Smell It Too** – Property managers, workers, or new tenants can confirm.
- **Test for Residue** – Use black lights for pet stains or grease buildup tests in kitchens.
- **Keep Cleaning Receipts** – Make sure they mention odor removal and cause (e.g., pets, smoke, grease).



Phase One

Key Processes for Implementing Phase One



Preparing Yourself as an Owner-Operator

- **Familiarize yourself** with best practices for taking move-out photos.
- **Plan your move-out inspection process** to ensure you capture:
 - **Overall unit condition** (walls, floors, appliances, etc.).
 - **Damage beyond normal wear and tear.**
 - **Before and after photos** of any necessary cleaning or repairs.
- **Decide how you will store and share photos** with tenants.

✓ **Action Step:** Practice taking clear, well-lit, and time-stamped photos to refine your process.

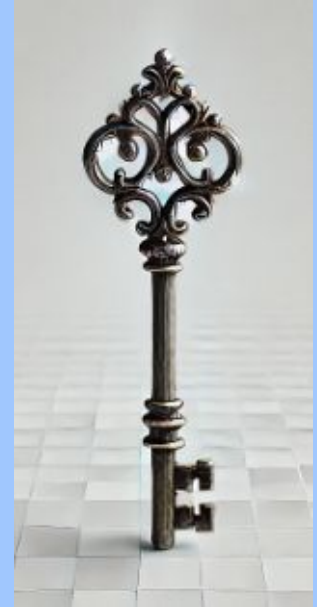
Phase One

Key Processes for Implementing Phase One

Taking & Storing Images

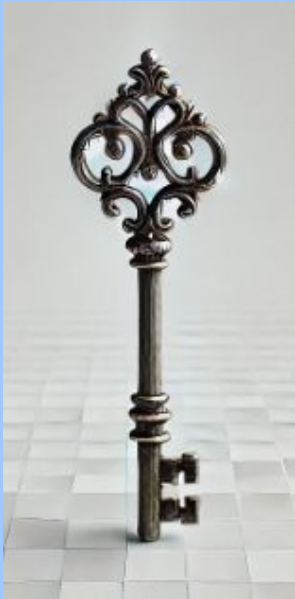
- Photos must be taken within a reasonable time after possession is returned.
- Take **clear and time-stamped** images of:
 - Walls, floors, ceilings, appliances, and fixtures.
 - Any **damage beyond normal wear and tear**.
- Store images in an **organized and secure** system for easy retrieval.

✓ **Action Step:** Create a **move-out photo checklist** to standardize documentation.



Phase One

Key Processes for Implementing Phase One



Sharing Images with Tenants

- **Landlords must provide move-out photos to tenants.**
- Recommended sharing methods:
 - **Email** (PDF or image files)
 - **Cloud storage link** (Google Photos/Drive, Dropbox, etc.)
 - **USB Flash Drive**
 - **Printed Copies** (only if requested by the tenant)
- Keep records of **what was shared and when** in case of disputes.

✓ **Action Step:** Establish a **simple process** for providing tenants with move-out photos.

Phase One

Key Processes for Implementing Phase One

Security Deposit Deductions Under Phase One

- Any deduction from the security deposit must be supported by photo evidence.
- Before & after photos are required for:
 - Damage beyond normal wear and tear.
 - Cleaning charges (renters are expected to leave premises *reasonably clean*, not professionally clean).
- Carpet cleaning charges are **no longer automatic** — landlords can only charge if they can **prove** damage beyond normal wear.

✓ **Action Step:** Update security deposit handling policies to comply.



Phase One

Final Takeaways for Phase One



April 1, 2025: Move-out photo requirements take effect.

Applies to all move-outs from that date forward — regardless of when the lease began.

Photo documentation is mandatory for any security deposit deductions.

Start preparing now — update procedures, practice documentation, and set up a storage system.

? But what about my existing security deposit processes?

Phase One

Do We Still Need To Do A Move-In/Move-Out Checklist?

✗ The new law does **NOT** eliminate the checklist!

✓ AB 2801 adds a **photo requirement** but does not replace written documentation.

📌 Why You Still Need the Checklist:

- **Legal Best Practice:** Confirms **tenant acknowledgment** of the unit's condition at move-in.
- **Covers What Photos Can't:** Notes **functional issues** (e.g., leaks, missing keys) that photos don't show.
- **Stronger Evidence:** Courts prefer **both** written & photo proof in security deposit disputes.



Phase One

Best Practices for Move-In/Move-Out Documentation

Phase Two Requirements Included



✓ Use Both a Checklist & Photos

For New Leases as of July 1, 2025 and After:

- **Move-in:** Share the photos you've taken and the Move-In Condition checklist; have the tenant sign the checklist.
- **Move-out:** Conduct an inspection, take required **move-out photos**, and **update the checklist**.

📁 Store & Label Everything Properly

- Keep **time-stamped photos & signed checklists** together.

♦ **Bottom Line: The checklist + photos = stronger documentation & protection for landlords.**
Phase One

Complying with AB 2801 & Existing Laws

Even with the new **photo documentation requirement**, **State and Local laws** governing security deposits **remain in effect**.

- **Key Deadlines & Requirements:**

- ✓ **21 Days:** You must return the tenant's security deposit **within 21 days** of them surrendering possession.

- ✓ **Deposit Accounting Statement:** Must include a **written statement of security deposit deductions** (Deposit Disposition).

- ✓ **Interest Payment:** If subject to a local interest requirement, **accrued interest** must be included.

- **What if Repairs Aren't Done Yet?**

- ✓ You may **estimate repair costs** if work is incomplete.

- ✓ Once repairs are finished, **send proof** (invoice/receipt & photos) **within 14 days of completion**.

✓ **Action Step:** Ensure your security deposit process complies with **both AB 2801 and existing laws**.



Phase One

Don't Have A Sharing Plan Yet and Need an Easy Way to Share Move-Out Photos?



If you don't have a sharing plan yet, consider using Google Photos!

- ✓ Free & easy to use
- ✓ Access from any device
- ✓ Quickly share move-out photos with tenants

 **Next Up:** How to Set Up & Use Google Photos

Phase One

Setting Up Gmail for Google Photos

Why use Gmail? → Required for Google Photos

✓ **Quick Tip:** Use the **property address** for an easy-to-remember username!

Steps to Create a Gmail Account:

1. Go to **Gmail.com** → Click "**Create account**"
2. Enter your name + property-based username:
 - Example: **123MainSt@gmail.com**
3. Create a **password** & add recovery info (optional but recommended)
4. Agree to terms & sign in!

Challenges to Watch For:

- Username availability (use variations like "**Apt1**" or "**Rental**")
- Remembering the password (write it down!)



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Uploading & Sharing Photos



Steps to Upload Photos in Google Photos:

1. Go to photos.google.com & sign in
2. Click “**Upload**” → Select photos from device
3. (Optional) Enable **auto backup** for easy future uploads

How to Share Photos with Tenants:

1. Click the photo to open it
2. Click “**Share**” (🔗 link icon)
3. Choose **email** (tenant’s email) or **copy link** & send

✅ **Pro Tip:** Test by sending a sample photo to yourself first!

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Create and Share an Album in Google Photos

1. Create an Album:

- Go to photos.google.com
- Click **“Albums”** → **“Create album”**
- Name it **[Property Address - Move-Out Photos]**
- Click **“Add photos”** and select your move-out images

2. Share the Album:

- Open the album
- Click **“Share”** (🔗 link icon)
- Select **“Create link”** → Copy & paste it into an email or text



Phase One

Let's Take a Look at a Sample Google Album

These photos were taken with an iPhone and an app called “Timestamp Camera Basic,” a free application with 30,000 reviews on the Apple App Store and an average 4.8-star rating.

1246 Ashby Ave - 2/15/25 Move-Out

Here's a Sample Final Move-Out Inspection Photo Checklist we can take a look at.

Phase One

How To Take a Wide Angle Photo With an iPhone

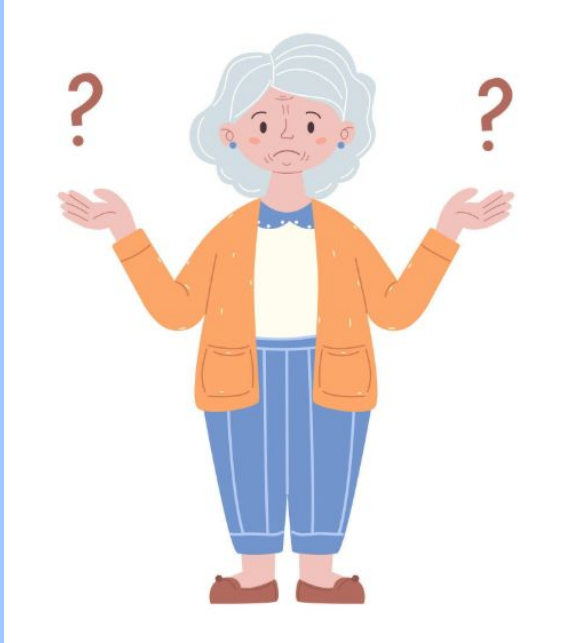
If you're using an iPhone:

- Hold it horizontally.
- Use the 0.5x setting
- This works for video, too
- Must be using the rear camera lenses



Phase One

Member Q&A



CHAT: Type a question into the chat.

ASK: Raise your virtual hand to ask a question -Remember to **UNMUTE** your microphone when I call your name!

Still have questions?

Send us an email! BPOA@BPOA.org, or use the [Contact Us form](#) on the [BPOA website](#).

Phase One

Presentation Summary

- Phase One of AB 2801 requires photographic documentation of rental properties after move-out and before/after repairs beginning April 1, 2025.
- Tenants can only be charged for carpet cleaning with proof that they are soiled beyond normal wear & tear.
- Photos must be shared with tenants.
- Time-stamped photos are recommended.
- Google Photos is a free and easy way to store and share photos.
- Helpful time stamp apps include PhotoStamp Camera, Timestamp Camera, and Marki.
- Continue using Move-In Move-Out Checklists; a combination of written and photographic evidence makes for stronger protections in case of potential litigation.

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