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PHOTOGRAPHY

FOR CALIFORNIA AGENTS · EFFECTIVE JANUARY 1, 2026

# AB 723 Photo Disclosure Checklist

When a listing photo is digitally altered, and what needs to appear on or next to the image.

California Business and Professions Code § 10140.8 (added by AB 723, Stats. 2025, Ch. 497) applies to a real estate broker or salesperson, or a person acting on their behalf, who uses a digitally altered image in an advertisement or other promotional material for the sale of real property.

## USUALLY NOT A DIGITALLY ALTERED IMAGE

The statute says a digitally altered image does *not* include an image where only these common edits are made, as long as they do not change the representation of the property:

- [ ] Lighting, exposure, or contrast
- [ ] White balance and color correction
- [ ] Sharpening
- [ ] Cropping, resizing, or changing the angle
- [ ] Straightening

## USUALLY IS A DIGITALLY ALTERED IMAGE

An image altered with photo editing software or artificial intelligence to add, remove, or change elements, including:

- [ ] Virtual staging or adding furniture
- [ ] Removing objects such as cords, bins, or utility poles
- [ ] Changing paint, flooring, cabinets, landscaping, or the facade
- [ ] Changing views through windows, neighboring properties, or other elements outside the property
- [ ] Sky replacement or changing the weather or time of day

### Rules of thumb

If the sky, weather, or time of day was replaced, treat the image as digitally altered and keep the original.

Adding fire to a fireplace, or lights that were not on, is a conservative case to treat as an alteration — those are not named in the statute, but they add elements that were not in the scene. When in doubt, disclose and keep the original.

## WHAT YOU MUST DO FOR AN ALTERED IMAGE

- [ ] Include a statement disclosing that the image has been altered
- [ ] Place that statement **on or adjacent to the image**, and make it **reasonably conspicuous**
- [ ] Include a link, URL, or QR code to a publicly accessible page that includes, and clearly identifies, the original unaltered image
- [ ] In that statement, include language that the unaltered images can be accessed at the linked website, URL, or QR code
- [ ] If the piece is on a website you control, include the unaltered image in the posting, or a link to a page that clearly identifies it

Your MLS may add its own placement rules — for example, CRMLS Rule 11.5.2. Confirm those with your broker.

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PAGE 2 · WHERE THE DISCLOSURE GOES

# Placing the disclosure so people can actually see it

The statute is specific about location and language. A buried footnote, a general disclaimer at the bottom of a website, or a label that is easy to miss is not enough. The statement has to sit **on or adjacent to the image**, be **reasonably conspicuous**, and tell the viewer that the unaltered image is at the linked URL or QR code.

### ON THE MLS

Follow your MLS rules as well as the statute. Keep original and altered files clearly named, upload originals as required, and use a consistent label such as "Digitally Altered" or "Virtually Staged."

### ON SOCIAL POSTS AND STORIES

Put the disclosure in the image itself or immediately next to it in the post — not only in a comment or a later slide. Add the URL or QR and the language that the unaltered image is there. The same rule applies to a reel or carousel that uses an altered still.

### ON FLYERS AND PRINT

Print the disclosure next to the altered photo, large enough to read, with a short URL or QR code. Do not rely on a general "photos may be staged" line at the bottom of the page if it is not adjacent to the image.

### ON A WEBSITE YOU CONTROL

Include the unaltered image in the posting, or a link to a publicly accessible page that clearly identifies it, and keep the on-or-adjacent statement on the altered image.

### A SIMPLE WORKFLOW

**Photographers:** Deliver the original and any altered version together, use clear file names, and note which images were altered so the agent can disclose them.

**Agents:** Archive the originals, upload them as your MLS requires, and use the same disclosure language across MLS, social, flyers, and your site.

> **Safest rule**
>
> When in doubt, disclose, keep the original, and put the statement on or next to the image with a working link or QR code.



This checklist is general information, not legal advice. It is a plain-language reading of **California Business and Professions Code § 10140.8**, which took effect January 1, 2026. Always confirm current requirements with your broker and MLS. A longer walkthrough is on the site: **AB 723 Explained for Real Estate Photos**.