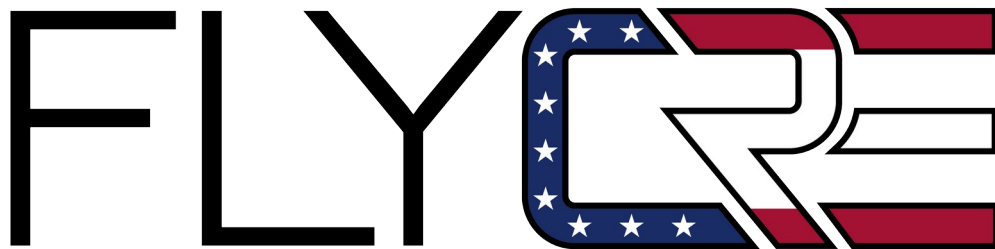


The Record Before the Claim: Dated Aerial Documentation for Real Estate and Insurance



A DIVISION OF BURGE CORPORATION

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Executive Summary

Every property dispute eventually asks the same question: what did it look like before? Before the storm or fire, before closing, before the contractor started, before the nonrenewal notice. A clear, dated answer gives a party something concrete to point to, and many properties have nothing like it on file.

That question is getting sharper in California. Insurers use aerial imagery, including drone, airplane, and satellite images, to gather property information, and it can factor into nonrenewal decisions [1]. In September 2026, the Governor signed SB 1301, which, starting January 1, 2028, will require insurers that decline to renew certain residential policies to provide the nonaerial imagery they relied on, give policyholders a chance to dispute or correct information, and allow at least 90 days to remediate fixable conditions [2]. A separate bill on insurers' use of aerial images, AB 1559, did not become law in 2026 [3][4].

Owners, managers, brokers, and attorneys do not control what imagery an insurer uses. They can control whether they have their own. A dated aerial record, captured on a schedule and stored where it can be compared over time, gives owners and their advisors their own reference when someone questions the property's condition.

This paper covers where condition records matter across the life of a property, how California law is changing around insurers' use of imagery, what makes a digital record hold up, and where the limits of an aerial record are. It closes with a recordkeeping checklist for owners and managers.

Table of Contents

Executive Summary.....	2
1. Introduction.....	4
2. Where Records Matter Across the Life of a Property.....	5
3. Aerial Imagery and Insurance in California.....	7
4. What Makes a Record Hold Up.....	9
5. Aerial Documentation for Real Estate and Insurance.....	10
6. Flight Operations.....	12
7. What Aerial Documentation Does Not Do.....	13
8. Conclusion.....	14
Appendix.....	15
A. Legal and Industry References.....	15
B. California Legislative Tracker (as of October 22, 2026).....	16
C. Property Records Checklist for Owners and Managers.....	17
D. Sources.....	18

1. Introduction

Real estate and insurance run on documentation. Leases, inspection reports, appraisals, policies, and claim files all describe a property at a point in time. What is usually missing is a consistent visual record of the whole property, captured the same way at regular intervals, that shows how it changed between those points.

1.1 Who This Paper Is For

- **Commercial property owners and managers** responsible for buildings, grounds, and parking across one or many sites.
- **Associations and master planned communities** responsible for common areas and shared structures.
- **Insurance brokers and carriers** who work with owners on underwriting, renewals, and claims.
- **Attorneys** handling property, insurance, construction, and real estate matters.
- **Buyers, sellers, and lenders** working through acquisitions and due diligence.

1.2 The Baseline Problem

When something goes wrong, the first records people look for are the ones that show the property before it happened. Too often those records are scattered: a few photos from a broker's listing, an old inspection report, a contractor's progress shots. They were taken for other purposes, from different angles, at different times. The fix is a baseline taken on purpose and repeated on a schedule.

1.3 Scope of This Paper

This paper is about documentation. It is not legal, insurance, or underwriting advice, and it does not describe how to evaluate a building, adjust a claim, or interpret a policy. Those questions belong to attorneys, licensed adjusters, brokers, engineers, and other qualified professionals.

2. Where Records Matter Across the Life of a Property

2.1 Acquisition and Due Diligence

Commercial due diligence commonly includes a property condition assessment. ASTM E2018-24, the Standard Guide for Property Condition Assessments: Baseline Property Condition Assessment Process, describes a process combining a walk-through survey and research to identify and communicate material physical deficiencies to the user [5][23]. ASTM has also had a work item in development since May 2023 to create baseline guidance and terminology for capturing, evaluating, and delivering drone imagery for commercial real estate assessments, including roofs, facades, parking and paving, and land features [6].

A dated aerial record captured at acquisition does not replace a property condition assessment. It gives buyers, lenders, and the professionals performing the assessment a dated, consistent view of the site on the day ownership changed.

2.2 Ownership and Operations

Over years of ownership, roofs age, parking lots wear, landscaping changes, and contractors come and go. A scheduled record lets owners and managers see how the property changed and when, and gives them a shared reference with vendors when a contract starts or ends.

2.3 Before a Loss

A baseline is only useful if it exists before the loss. Once a storm, fire, or other event happens, no one can go back and capture the property as it was. Owners who want a record of pre-loss condition have to make it in advance.

2.4 After a Loss

California's standard form fire insurance policy, set out in Insurance Code section 2071, describes what the insured must do when a loss occurs. Under that form, the insured must give written notice without unnecessary delay, protect the property from further damage, provide an itemized inventory, submit a sworn proof of loss within 60 days unless the insurer extends the time in writing, and produce records when reasonably required. Suit on the policy must generally be brought within 12 months after inception of the loss, extended to 24 months if the loss is related to a state of emergency as defined in the Government Code [7]. Policy wording varies, but Insurance Code section 2070 requires fire policies to use the standard form or, if they use a different form, to provide fire

coverage substantially equivalent to or more favorable to the insured than the standard form, so confirm deadlines with the policy and counsel [19].

On the insurer's side, California's Fair Claims Settlement Practices Regulations generally require an insurer to accept or deny a claim within 40 calendar days after receiving proof of claim, to send written notice every 30 days if it needs more time, and to conduct a thorough, fair, and objective investigation [8].

Both sides work on deadlines, and both need a clear picture of the property before and after the event.

2.5 Disputes Long After the Work

Some questions come up years later. California generally bars actions against those who developed, designed, or built an improvement for latent deficiencies more than 10 years after substantial completion, with exceptions such as willful misconduct and fraudulent concealment [9]. A series of dated records across those years can show the parties and their experts what was visible on each capture date.

3. Aerial Imagery and Insurance in California

3.1 Insurers Use Aerial Imagery

Aerial imagery from drones, satellites, and airplanes can help insurers gather property details not visible in a traditional home inspection [1]. According to Assemblymember Lisa Calderon, inaccurate, outdated, or misleading images can also lead to erroneous nonrenewals [1].

3.2 SB 1301 (Chapter 693, Statutes of 2026)

SB 1301 was approved by the Governor and chaptered on September 27, 2026 [2][10]. It applies to residential property policies of the kind described in Insurance Code section 675 (generally, residential property of one to four units), not to commercial policies, and its new requirements become operative January 1, 2028 [2][21]. Among them:

- **Documentation:** when an insurer declines to renew, it must explain the grounds and provide all nonaerial imagery relied upon as a basis for the decision, and, within 15 days of a request, any property inspection findings or reports [2].
- **Disputes:** policyholders get a reasonable opportunity to dispute, correct, or amend inaccurate or incomplete information, and, when the dispute concerns the property's condition, may request an onsite physical inspection [2].
- **Remediation:** when a condition can be fixed, the insurer must allow at least 90 days to remediate and issue a written determination within 15 days of receiving the policyholder's evidence [2].
- **Notice:** the nonrenewal notice period generally moves from 75 to at least 90 days before expiration. If a policy does not meet underwriting guidelines because of a condition that can be remediated, the insurer must send a notice describing the condition at least 120 days before expiration, and that notice must state that a nonrenewal notice will follow in 30 days [2].
- **Roof age:** an insurer may not refuse to issue or renew solely because of roof age if the policyholder obtains and pays for an independent inspection confirming at least five years of useful roof life remaining [2].

Starting in 2028, residential policyholders facing nonrenewal will be able to see the stated grounds, any nonaerial imagery, and any inspection findings the insurer relied on, and to respond with their own information. SB 1301 does not require insurers to provide the aerial imagery they used.

3.3 AB 1559 (Not Enacted)

As last amended on April 13, 2026, AB 1559 would have required admitted insurers to notify residential policyholders that aerial images may be taken of their property, provide the images on request, and generally stop basing decisions to terminate coverage on aerial images taken more than 180 days earlier unless the condition was verified by a more recent inspection. Policyholders could also have requested an in-person inspection after such a decision [3][22]. Its last recorded action was on June 10, 2026, when it passed the Senate Insurance Committee and was re-referred to another Senate committee [4]. August 31, 2026 was the last day for each house to pass bills [11], and AB 1559 had not passed the Senate, so it did not become law this session.

3.4 What This Means for Owners

Owners do not decide what imagery an insurer obtains or how an insurer weighs it. What owners can do is keep their own dated record of their property, captured on a known schedule. When a question about condition comes up, at renewal, after remediation, or after a loss, that record is something the owner, broker, or attorney can review. A record shows what it shows: it may have to be produced under the policy or in litigation, and any party may use it. We do not promise any underwriting or claim outcome, and no record can.

4. What Makes a Record Hold Up

A record only helps if people trust it. Attorneys and adjusters commonly ask about the same things: a known capture date and location, an original file that can be shown to be unaltered, and a clear account of how the record was made.

- **Capture time and position:** standard image metadata includes fields for the date and time an image was created and GPS latitude, longitude, and altitude [12].
- **Integrity checks:** NIST describes SHA-256 as a hash algorithm whose digests are used to detect whether data has changed since the digest was generated [13].
- **Federal courts:** since December 1, 2017, Federal Rules of Evidence 902(13) and 902(14) have allowed certain machine generated records and data copied from electronic devices to be authenticated by a written certification from a qualified person, with reasonable written notice to the other side, instead of live testimony [24]. The Advisory Committee notes that copied data is ordinarily authenticated by hash value [20]. These rules address authenticity only, and the evidence can still be challenged on other grounds [14][20].
- **California courts:** Evidence Code section 1553 presumes that a printed copy of images stored on a digital medium accurately represents the stored images. If a party offers evidence that the printout is inaccurate or unreliable, the party offering it must prove its accuracy by a preponderance of the evidence. The presumption concerns whether the printout matches the stored images. Whether the image itself is authentic and accurate is a separate question [15].

None of this makes an image admissible on its own, and nothing here is legal advice. It shows why a disciplined capture process matters as much as the images themselves. Whether a particular file can be authenticated depends on how it was captured, stored, and handled, including after delivery. FlyCRE does not provide hash certifications or Rule 902 certifications. Our companion paper, *The Future of Roofing Documentation*, covers these points in more detail.

5. Aerial Documentation for Real Estate and Insurance

5.1 What Is Captured

Every FlyCRE flight captures four data layers, delivered in this order:

- **Orthomosaic:** a single overhead map of the property built from many overlapping images, showing roofs, parking, landscaping, and site features in one view.
- **Thermal:** a record of surface temperature differences at the time of capture.
- **Asset Visibility:** close views of rooftop equipment, drains, facades, fencing, signage, and other site features captured from a safe standoff distance.
- **Multispectral:** additional spectral bands recorded on every flight so every property has the same set of layers.

Each layer records how the property looked at one time under one set of conditions. Thermal imagery in particular records temperature differences, not their cause. What any layer means for a claim, a repair, or a transaction is for qualified professionals to decide.

5.2 Timing

A useful record has three parts: a baseline, scheduled recaptures, and a capture after any major event. A baseline is captured at acquisition, at policy inception, or after major work. Scheduled captures follow at regular intervals. After an event, a new capture can be made once it is safe and lawful to fly, so the pre-event and post-event records can be compared. The longer the gap between captures, the less a record says about condition on any particular day.

5.3 Consistency

Saved flight plans let us fly each property the same way each cycle. Every image carries a GPS position and capture time, and every capture is stored so it can be compared with earlier and later flights.

5.4 Measurements

Orthomosaic maps allow approximate measurements, such as roof areas or parking lot dimensions. They are for tracking and reference. They are not survey grade, are not certified by a licensed land surveyor, and should not be used to establish property lines or legal boundaries.



5.5 Data Ownership and Privacy

All data from every flight is loaded into our encrypted platform and released only to the client who ordered it, unless we are legally required to produce it. We do not publish client data or use it as a sample. Flight plans are limited to the areas we are hired to document. We do not target private residences or property outside that scope, though neighboring property can appear at the edges of a capture.

6. Flight Operations

Every FlyCRE flight is flown by FAA certified remote pilots under 14 CFR Part 107, including its line of sight, altitude, and operations over people rules [16]. In controlled airspace, we obtain FAA authorization before takeoff, through LAANC where it is available [16][17].

After a disaster, temporary flight restrictions may be in place, and an unauthorized drone near firefighting operations can ground firefighting aircraft [18]. Post-event captures are scheduled only when it is safe and lawful to fly.

7. What Aerial Documentation Does Not Do

FlyCRE documents sites from the air. Here is what we do not do:

- **No inspections:** our records do not replace a property condition assessment, a roof inspection, or an inspection by an engineer, adjuster, or building official.
- **No damage determinations:** we do not determine whether damage exists, what caused it, or when it occurred. Those are questions for qualified professionals.
- **No claim handling:** we do not adjust claims, value losses, or represent anyone in a claim.
- **No legal or insurance advice:** we do not interpret policies, advise on coverage, or predict underwriting or claim outcomes.
- **No surveying:** measurements are approximate and not survey grade.

Within those limits, a dated aerial record gives owners and the professionals they work with a clear view of the property over time.

8. Conclusion

The question of what a property looked like before is as old as insurance. What has changed is that insurers now look at aerial imagery, California is setting rules for what they must share, and a handful of photos is a thin record when a property's condition is questioned.

Owners cannot go back and capture the past. They can start a record now, on a schedule, with every image dated and located and every capture stored for comparison. A record does not decide anything. It just means there is something to look at when the question comes.

Documented Today, Defensible Tomorrow.

Appendix

A. Legal and Industry References

- **Insurance Code section 2071:** California's standard form fire insurance policy, including requirements when a loss occurs and the time to bring suit [7].
- **California Code of Regulations, Title 10, section 2695.7:** standards for prompt, fair, and equitable claim settlements [8].
- **Code of Civil Procedure section 337.15:** time limit for actions based on latent construction deficiencies [9].
- **SB 1301 (Chapter 693, Statutes of 2026):** residential nonrenewal, documentation, dispute, remediation, and roof age provisions [2].
- **Federal Rules of Evidence 902(13) and 902(14):** self-authentication of machine generated records and copied electronic data [14].
- **Evidence Code section 1553:** presumption of accuracy for printed images from digital media [15].
- **ASTM E2018-24:** standard guide for the baseline property condition assessment process [5].
- **Insurance Code section 2070:** fire policies must use the standard form or provide coverage substantially equivalent to or more favorable than it [19].
- **14 CFR Part 107:** operating rules for small unmanned aircraft [16].

B. California Legislative Tracker (as of October 22, 2026)

Bill	Subject	Status
SB 1301 (Allen)	Residential nonrenewals: explanations, nonaerial imagery and reports, disputes, remediation, notice periods, roof age	Chaptered September 27, 2026 (Chapter 693); operative January 1, 2028 [2][10]
AB 1559 (Calderon)	Insurer notice and policyholder access for aerial images; 180-day limit on aerial images used to terminate coverage	Not enacted; last action June 10, 2026, re-referred to a second Senate committee [3] [4]

Legislation changes. Confirm current status with the California Legislature before relying on this table.

C. Property Records Checklist for Owners and Managers

This checklist applies whether or not you use aerial documentation. It is a starting point, not legal or insurance advice.

- Capture a baseline record of each property at acquisition, at policy inception, or after major work.
- Set a recurring capture schedule and keep it consistent.
- Store original files with capture dates and who captured them.
- Keep policies, endorsements, renewal notices, and insurer correspondence with your property records.
- Keep inspection reports, repair invoices, and before and after records for every major project.
- After a loss, follow your policy's notice and proof of loss requirements, and talk with your broker or attorney before sharing records.
- If you receive a nonrenewal or coverage reduction notice, read it for any documentation, dispute, or remediation rights that apply (SB 1301's rights apply to certain residential policies beginning January 1, 2028).
- Decide in advance who in your organization can release property records, and to whom.

D. Sources

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