

# Security Devices Could Allow Sellers to Eavesdrop on Buyers During Showings

The increasing prevalence of smart speakers like the Amazon Echo and security cameras inside and outside of homes, has introduced the possibility that sellers could be watching buyers and their agents and listening to what they say during showings.

**REAL ESTATE TODAY**



By **JIM SMITH**, Realtor®

The Colorado Real Estate Commission considers the privacy implications serious enough that this year's annual update class for real estate brokers includes a section on legal jeopardy and practical advice.

Imagine, for example, that a buyer is overheard by a seller telling his/her broker, "I must have this home. I'll pay whatever I have to!" The seller would immediately have an unfair negotiating advantage over the buyer.

The next time you are being shown a home, consider the very real possibility that the seller is parked nearby, watching and listening on his smartphone as you walk through the home, monitoring everything you and your agent say.

Although Colorado is a "one-party consent state," meaning that only one party to a conversation needs to know it is being recorded, the implications of such technology are serious.

Given that people have rapidly embraced the use of internet-connected video and audio devices, enabling homeowners to monitor the goings-on in their homes, buyers and their agents would be well advised to minimize talk about the property and their level of interest during showings. Don't count on being able to spot the devices.

Also, to avoid possible breach-of-privacy litigation, sellers should consider disabling such devices when putting their homes on the market or, at a minimum, placing a notice on the front door advising visitors of the presence of monitoring devices that might be active.

Rita and I have a Ring video doorbell on our house, and we love it. It rings on Rita's cell phone, enabling her to see and speak with the visitor. Chances are, the person at the front door would think we are home, even if we are not, which is advantageous from a security standpoint. This feature accounts for the rapid adoption of Ring and other brands of internet-connected video doorbells and security cameras. Not everyone is a fan of these devices, as some believe that if your doorbell faces the street

you could be violating the privacy of someone walking or driving beyond your front property line. (That was a point made during the annual update class which our agents took last month.)

In the update class our agents were advised both to warn buyers that sellers could be watching and listening, and to ask sellers during listing appointments whether they have video and audio recording devices in their home and, if so, to advise them of the implications of their use.

What are the legal arguments? A buyer's lawyer would argue that a buyer, alone in an unoccupied house with his broker, has a "reasonable

expectation of privacy." A seller, on the other hand, can claim a legitimate interest in monitoring – and even recording – the activities and conversations of strangers in his home, as the possibility exists that someone could be casing the home for a subsequent burglary.

It's likely that these arguments will play out in front of judges in the not-too-distant future, at which point we'll have case law to guide us. Until then, both buyers and sellers should understand that the issue of privacy is real and that the use of eavesdropping equipment could put sellers in legal jeopardy.

## Environmental Film Festival Is Next Weekend

Every February, Golden Real Estate is proud to co-sponsor this nationally-recognized festival featuring short and feature-length films about the environment and the all-important issue of climate change.



Recently I attended a preview of this festival — a celebration of the inspirational, educational, and motivational power of film to engage people in the protection of their environment — and came away looking forward to seeing as many of the films as I can during this year's festival.

Award at the Portland EcoFilm Festival in 2018, will be screened, as will newer films, including ones made by youth filmmakers.

Another film, **Hearts of Glass**, documents an ambitious experiment to provide year-round produce to a mountain town, while employing community members with disabilities.

Audiences will be entertained and will leave inspired, surprised, motivated and transformed through events that will involve audience members and filmmakers in thought-provoking dialogues and forums about the films.

Featuring over 50 films, including several world and Colorado premieres, this important event will be held **Feb. 21-23** at the American Mountaineering Center in downtown Golden.

Both local and international, short and feature length films will be shown. Films that explore the undeniable and inescapable interconnection of our planet's ecology, societies and economies. Award winning pictures, such as **Elephant Path**, winner of the Best Feature Film

In addition, there are children's films, festival celebrations, and an Eco-Expo (where Golden Real Estate will have a booth) highlighting local efforts to address environmental issues. The festival's web site, [www.CEFF.net](http://www.CEFF.net), provides a schedule, a description of the various films and ticket-purchase info.

## Just Listed: 3-BR, 2½-Bath Home on Quiet Jeffco Cul-de-Sac

Welcome to the "Cottages on Fairmount Lane" in unincorporated Jefferson County. The satellite picture below shows the entire 22-home subdivision north of 50th Avenue, east of Indiana Street, with the red dot showing the location of **5055 Gladiola Way**, just listed for



**\$575,000.** You won't find a quieter location or a better home. The seller is the original owner of this quality home built by Remington in 2013. See the magazine-quality photos and narrated video tour at [www.FairmountHome.info](http://www.FairmountHome.info), then call your agent or 303-525-1851 to set a private showing. **Open this Saturday, 1-4.**



### Feb. 21st Sustainability Session Focuses on Home Heating Methods

The second session of Golden Real Estate's sustainability series is next **Thursday, Feb. 21st, 5-6 pm**, in our South Golden Road office. Some seats are still available. Reserve yours by emailing [Jim@GoldenRealEstate.com](mailto:Jim@GoldenRealEstate.com).

At this session you'll learn about the alternative energy-saving systems for heating and cooling homes and offices including our favorite method, heat pump mini-splits.



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