



To: Assembly Committee on Science and Technology

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Date: October 23, 2019

RE: AB 264 – Use of Surveillance by Owner When Selling Real Estate

The WRA supports clarifying in Wisconsin law that it is not a violation of privacy for a seller to have audio or video recording equipment in the property during an open house, individual showing or other viewing in connection with the sale.

Background

The conversation relating to the right to privacy in real estate transactions has shifted due to the advent of affordable, wireless security systems and wireless cameras placed in sellers' homes and on their property.

The motivation as to why individuals have cameras in their homes and on their property is numerous. For instance, individuals may have surveillance equipment to protect their property, to deter individuals from coming on to their property, to have a watchful eye on their children who come home from school before an adult can be home, to monitor a caregiver who attends to a family member while the family is away at work, or maybe they are trying to see what neighbor refuses to pick up after their dog.

Due to the increase of surveillance equipment in properties, nationally there has been an upsurge in discussing the rights of sellers, prospective buyers and their agents during individual showings and open houses. Therefore, the WRA is supportive of legislation clarifying it is not an invasion of privacy to have surveillance equipment in properties during open houses, individual showings or other viewing in connection with the sale of real estate.

Objectives of the law changes:

- Clarify the seller's use of audio or surveillance in connection with the sale of property is not an invasion of a prospective buyer's or agent's privacy.
- Apply the law narrowly to open houses, individual showings or other viewing in connection with the sale.
- Avoid requiring a seller to post or disclose that he or she has surveillance equipment in the property. Requiring a seller to post about surveillance equipment would forfeit the seller's safety rights.
- Avoid requiring the agent to ask the seller about or to disclose the existence of any surveillance equipment in the property.
- Broadly define "property" and "owner" to include all types of properties, not just residential.
- Prohibit the use of surveillance equipment in bathrooms.