



President's Column Central Hill Country Board of REALTORS®



by Sarah Wanek, 2024 President



WHAT SELLERS SHOULD KNOW ABOUT THE RISKS OF RECORDING BUYERS

If you have smart-home technology that can record video or audio, make sure you don't run afoul of the law when your home is being viewed by potential buyers. Illegally recording is a felony offense in Texas, and anyone who has been recorded in violation of the law can bring a civil suit to recover \$10,000 for each occurrence, actual damages in excess of \$10,000, punitive damages, attorney's fees, and court costs. If you are putting your house on the market, here's how to avoid trouble with your technology.

THE "ONE-PARTY RULE" WON'T PROTECT YOU

If you think you can get away with eavesdropping on a buyer showing, think again. Although Texas law allows you to record audio of your own conversation without the consent of the person you are speaking to, this "one-party rule" does not apply when you are not present and participating in the conversation. You cannot record audio of a conversation merely because the conversation happens inside your home.

BE CAREFUL WITH VIDEO

Many homes have security cameras that record video. Silent video from security cameras is generally allowed as long as it isn't in a private area of a home. For example, silent video from a common part of your home—such as the exterior, foyer, or garage—is likely OK. Silent video from a bathroom is not allowed. It's never a good idea to record video and audio together during a showing.

VISITORS' PRIVACY IS PROTECTED BY LAW

Just because someone is in your home does not mean you can record whatever you want. Texas privacy laws exist to protect individuals, and courts have found in favor of visitors when a homeowner goes too far with surveillance.

~courtesy Texas REALTORS®~

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