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From: Senator Kathy Bernier

To: Senate Committee on Utilities and Housing

Re: Testimony on Senate Bill 147
Relating to: the use of a surveillance device by an owner of real estate in connection with the sale of the real estate and providing a penalty

Date: August 13, 2019

Thank you Chairman LeMahieu and committee members for allowing me to testify on Senate Bill 147 today. I am grateful for the opportunity to work with Rep. Jagler and the Wisconsin Realtors Association on this important piece of legislation.

With advances in technology, home surveillance systems are becoming more affordable and discrete. As they've become less expensive and less noticeable among the home's decor, more home owners are making the decision to install them. By 2022 it is estimated 50 million homes will have at least one camera on site.

While these cameras are great for providing security, they can also become a nightmare for people who are trying to sell their homes. It's been argued that potential buyers touring the home without the owner present could be having their right to privacy infringed on if they are unaware they are being recorded. This presents legal ramifications to owners and even realtors if a judge were to side with plaintiffs arguing they had their rights violated. Senate Bill 147 would prevent these frivolous lawsuits from happening by making the bathroom or washroom in the house the only place where one has a right to expect privacy. Lawsuits are inevitably going to come and increase in number if we don't provide protections for homeowners in our statutes.

I ask you to please consider the passage of Senate Bill 147. Thank you again for allowing me to provide testimony today.



To: Senate Committee on Utilities and Housing

From: Cori Lamont, Senior Director of Legal and Public Affairs
Tom Larson, Senior Vice President of Legal and Public Affairs

Date: August 13, 2019

RE: SB247 – 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 recommended 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.