



## **Peeping, Eavesdropping & Expectations of Privacy in Listed & Rental Properties**

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We are all being watched. From the moment you walk up to a home's front door and encounter a Ring Video Doorbell to being monitored by Nest Cams once inside, our expectations of privacy are gone. As REALTORS®, what do we need to know about the use of audio and video recording devices in our real estate dealings?

To address surveillance devices that owners have placed on properties, the very first thing listing brokers should do is ask their clients to disclose in writing if surveillance devices are present on the property. This can be done in an addendum, on the Seller's Real Property Disclosure, in the additional terms of the agreement, or other appropriate document.

Once the listing broker is aware of the surveillance devices, this information should be disclosed to anyone visiting the property in order to avoid potential legal claims that illegal recordings were made without consent. Disclosure can be achieved by:

- Posting notices on the property alerting all visitors that the property may be recorded during the visit.
- Although no reasonable expectation of privacy exists for potential buyers and their agents while inside someone else's home, if audio recording is conducted, the owner or landlord should consider getting a written consent signed by visitors before the viewing.
- Disclose the presence of surveillance devices in the MLS comments.

Further, buyer's agent should disclose to their clients in writing that recording devices are present on property to protect themselves from any later legal claims from a client that they were unaware of a disclosed recording device.

Additional tips on how to deal with audio/visual surveillance can also be accessed in a prior article written by NVR which [can be accessed here](#).

Finally, the National Association of REALTORS® has put out a survey on Video and Audio Surveillance State Law, which includes information on Nevada, and can be accessed here: <https://www.nar.realtor/legal/video-and-audio-surveillance-state-law-survey>.

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