

Buyer Beware: You May Be on Candid Camera When Looking at a Home

The use of internet-connected cameras such as the Ring doorbell is becoming more and more common. Rita and I have both a Ring doorbell and four other cameras protecting the entrances to our home plus the garage, and the Golden Real Estate office has a total of 10 cameras covering the interior, exterior and our parking lot. Such systems are increasingly affordable and easy to set up, since they require no wiring and can be monitored on any smartphone. Their video (with sound) is motion-activated and uploaded to "the cloud" so that you can go back in time to see past activity. You can also be alerted real-time on your smartphone when motion is detected by any of the cameras.

With the widespread adoption of such internet-connected home cameras, it is becoming more and more possible for sellers to eavesdrop on buyers who tour their home. You can understand the value to a seller of hearing what you say as you look around. Imagine, for example, if you were caught on video saying to your agent, "I love this house! I'll pay whatever I have to for it!" You wouldn't want the seller to hear that, would you?

There are, of course, legal implications to such surveillance. On the one hand, sellers have the right to install such equipment for home security, but buyers and their agents also have a

"reasonable expectation of privacy" while touring your home when you're not there.

REAL ESTATE TODAY



By JIM SMITH, Realtor®

While Colorado law allows you to record your conversations with another person secretly, that is only because you are a party to the conversation. Taping a conversation to which you are not a party is a serious matter for which you could be subject to both civil and criminal liability.

Every year, licensed real estate brokers are required to take a 4-hour real estate update class as one element of their continuing education requirement. This year's class, which all Golden Real Estate agents take in January instead of later in the year, devotes 10 to 15 minutes to this topic of audio and video surveillance by sellers.

In that update class, we were instructed to advise our buyer clients that they might be under surveillance while touring a home and should be careful what they say. We were also instructed to have a conversation with sellers about this topic, advising them of the legal dangers of recording buyers. It was suggested that, if our sellers do have such equipment, we urge them to post a notice next to the doorbell or prominently inside the house to the effect that "audio and video surveillance is in use" in the house. We should also

put that information in the MLS listing, to protect ourselves as listing agents.

It is understandable for sellers to be concerned about strangers being escorted through their home by brokers who they do not know. When this issue is raised by a seller during a listing presentation, I let them know that no buyer will be touring their home without a licensed broker, and that all licensed brokers undergo a criminal background check and are fingerprinted in order to be licensed. Brokers would be risking their license and their livelihood to allow themselves or their buyers to commit a crime in your home. Moreover, the showing service is diligent about not providing the lockbox combination to anyone who is not a licensed broker. Your broker can also install an electronic lockbox which provides even greater accountability as to when each broker enters and leaves your home.

I have been a practicing real estate broker in Colorado for nearly two decades now, showing hundreds of listings per year to prospective buyers and holding scores of open houses for my listings. I have yet to be made aware of any loss sustained by a seller or any misdeeds by my buyers.

Our low crime rate here in Colorado is reflected in our lowest-in-the-nation premiums for errors and omissions insurance. In Colorado the cost of such insurance is \$200-400 per year, depending on the coverage limits. In some states, like California, I've heard that brokers can pay that much per month for E&O coverage.

Is Your Gas Furnace or Water Heater About to Fail? Consider a Heat Pump

A reader called me last week because her gas furnace had quit working and, knowing my expertise regarding sustainability, she wanted my advice on replacing it.

I told her that this was an opportunity to do something other than buy a new gas furnace. I told her about my Carrier "Hybrid Heat" furnace which uses an air-source heat pump for heating as well as cooling and only burns gas when the outdoor temperature dips well below freezing. With her solar panels, it's possible she won't even pay for the electricity consumed by the heat

pump, and her gas consumption will plummet.

That hybrid system would use her home's existing ductwork, but, since she has a one-story home, I suggested she consider a ductless mini-split heat pump system like the one we have at our office. I gave her the name of the vendor who installed both my home and office systems who could advise her which system was best for her.

I also suggested that she look into replacing her gas water heater with a heat-pump model when it fails. My gas water heater is over 15 years old, so I'm thinking of replacing it before it fails. Home Depot sells a Rheem 50-gallon heat pump water heater (model #XE50T10HD50U1) for \$1,299. Best off all, Xcel Energy gives its customers a \$500 rebate for purchasing it. I have enough solar panels to handle the extra electrical demand and eliminate much of my current gas usage, which is mostly for water heating, since I have that Carrier hybrid furnace. Our only other gas usage is for cooking and grilling.

Celebrating MLK Jr With His Words

We're all familiar with Martin Luther King Jr.'s "I Have a Dream" speech on the steps of the Lincoln Memorial, but this Monday, CBS This Morning (my favorite morning TV habit) featured the audio of Martin Luther King Jr.'s "American Dream" speech given on Feb. 5, 1964, at Drew University, interleaving the recording of his words with two of his children and one grandchild reading his words. It was very inspiring.

You can watch that well-produced segment or read the full 6,700-word speech online. Like all my columns, this one is posted on our blog, www.GoldenREblog.com, where it includes clickable links for both. While there, you can subscribe to the blog so that you never miss these columns, articles and listings.

Plant-Based Meat Has Won Us Over

First, Rita and I tried the "Impossible Whopper" at Burger King, and we liked it — can't tell it from the regular Whopper. Then Rita found the package below at Costco — eight 1/4-lb. patties for \$14.99. She cooked them in a pan and seasoned them as she would regular burgers, topped with pepper-jack cheese and sautéed mushrooms, and served the patties on a bed of romaine lettuce and sliced tomatoes with a balsamic vinaigrette dressing. Delicious! Try it!



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