



**GREATER CAPITAL AREA ASSOCIATION OF REALTORS®**  
**TESTIMONY BEFORE THE MONTGOMERY COUNTY COUNCIL**  
**ZTA 16-06, “*Prohibited Signs—Signs in the Public Right-of-Way*”**  
**Position: Oppose**  
**August 2, 2016**

Council President Floreen and members of the County Council, my name is Bill Highsmith and I am testifying on behalf of the Greater Capital Area Association of REALTORS® (“GCAAR”). GCAAR is the voice of Montgomery County and the District of Columbia’s more than 9000 REALTORS®, small housing providers and other real estate professionals. GCAAR is also a voice for homeowners on property rights issues. I serve as GCAAR’s Chief Operating Officer, however, for 25 years I was a licensed real estate broker in Maryland, DC and Virginia. Today, I am voicing GCAAR’s opposition to ZTA 16-06, *Prohibited Signs—Signs in the Public Right-of-Way.*”

From a public policy perspective, the County’s public right-of-way has historically been used for expression of ideas, local business advertising and community engagement. For REALTORS® and the clients they serve, these signs are a particularly important way to communicate information about ‘open houses’ and homes that are ‘for sale.’ While you may believe the internet is the primary way folks learn about opportunities to purchase a home, real estate signs are vitally important to let the broader public know about the real estate market in surrounding neighborhoods.

To illustrate, we’ve heard countless accounts of members who worked with homebuyers who decided to visit an ‘open-house’ after seeing a sign they drove past in the public right-of-way and purchased months later. The rationale is that physically seeing a home ‘for-sale’ can make the possibility of becoming a homeowner that much more of a tangible possibility. It is very often the impetus it takes for people to look into purchasing more seriously, particularly for first-time homebuyers. When signs lead to even a few more Montgomery County residents becoming homebuyers, then they are absolutely worth the County allowing them in a reasonable manner.

Further, the elimination of an entire category of signs is not a balanced way to address what appears to be a very isolated problem. The County should enforce existing limitations instead of implementing a complete ban. If any additional controls are needed to address any of the issues that the County has identified, the Zoning Ordinance could be amended. The concern about not being able to distinguish between a sign that is permitted and one that is illegal is not justified, because the permitting information for a legal sign must be clearly visible on the face of the sign.

While we understand this proposal is not explicitly singling out one particular group, we also remained concerned about the overall freedom of speech implications in entirely banning a method of communicating with the public. The County can allow temporary signs in the right-of-way without regard to their content, subject to time, manner and place restrictions like the one that currently appear in the Zoning Ordinance.

GCAAR is not looking to carve out a real estate exception; however, we do believe the lack enforcement, not the lack of regulations, is the real issue. As an Association, we are more than willing to work with the County on broadening education efforts with our membership to ensure REALTORS® are complying with the rules. As it stands, most real estate professionals should already remove their signs the day of an event.

In conclusion, publicly visible signs are an important method of communication for County residents, REALTORS®, and the broader real estate market. The County does not need to impose a wholesale ban on signs in the public right-of-way to address what appears to be a very singular problem. Increased education and enforcement of current rules, coupled with general compliance efforts will ensure that future signs are placed in a safe and effective manner. We look forward to working on these alternative solutions.