

SIGN, SIGN, EVERYWHERE A SIGN*

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Signs in various forms have been with us almost from the very beginning. Signs have served humans extremely well through the eons. Signs give notice, direct us, inform us, warn us, protect us, enrich us, they make us smile, make us angry, save us money, decorate our habitat, destroy our landscape, and affect much of our lives in one way or another. “Signs of our time” come and go. Humor is possible by simply saying “Here’s Your Sign,” especially when comedian Bill Engvall delivers it.

Real estate signs in particular, some would say, are pervasive throughout the latter half of human history. Many people will probably concede that even with technology advances, signs will be with us for the foreseeable future.

For Sale, For Lease, For Rent, Open House, and directional signs make up the basic sign arsenal for real estate agents. The first three signs just identified may find their way to the front or back yard (if the back yard has exposure to potential buyers – maybe an adjoining golf course for example), or on a fence or a gate. When those are not options – a window panel may suffice.

The standard metal frame signs (typically 24” x 18”) that have stakes that are pushed into the ground are most common. An upgrade from that would involve a large post and beam (made of wood, metal or plastic) with a sign hung from it. The sign itself is commonly two-sided and made of metal, wood, plastic or cardboard.

And then there are those pesky sign “riders” that sit atop or hang below the main sign. Sometimes, if the main sign does not actually say For Sale or For Rent – just has the real estate broker name and phone number, there will be a sign rider place on top of it indicating For Sale or Rent – or either. Other hanging sign riders might be the listing agents’ name and phone number, e.g., ‘Call John P Hale @ 301-310-3345’. Or, just informative

messages: “I’m Beautiful Inside”, “Free Home Warranty”, “Price Reduced”, “Reduced – But Not Desperate”, “Not Haunted”, “Contract Pending”, and the one the sellers’ like most: “SOLD”.

Open House and directional signs are usually the “stick in the ground” or the old-fashioned “A-frame” type – but there are more options. OK, strike up the circus band and bring in the balloons and streamers and the eight foot tall “feather” signs. And bring in lots of them and set them out in multiples – groups of two or three or four or more of the same thing in the same spot.

Yes, there are those agents who apparently used to work at retail mattress stores. You know the kind of store that pops up and lasts about six months and every month they have an annual sale on mattresses that they advertise with dozens and dozens of little roadside signs that are spaced about twenty yards apart. It must be effective. They’ve been doing it since the invention of cardboard. I try to be influenced when I drive by them but if I don’t need a new mattress, all those signs just don’t make me buy one – there must be something wrong with me.

Maybe those failed salespeople decided to get rich in real estate and get their license. After all they already know everything they need to know about advertising. Because they are new to real estate they struggle to find clients to work with and they are invariably told to hold open house at other agents’ listings. And, guess what they do...they put out dozens of Open House signs – sometimes two or three together. Sadly the main effect that has is to really make a lot more people dislike real estate agents even more.

NAR STATISTICS – STUDIES & SURVEYS & WAGS – OH MY!

The National Association of REALTORS® constantly conducts surveys and studies about virtually every aspect of real estate transactions that can be qualified, quantified, measured and talked about. Other groups also create mountains of “statistics”, “facts”, and “WAGs” (wild ass guesses). Of

course, the truth is that all of that information is biased to one degree or another with many flaws in their collection methods – and sometimes the conclusions from the different groups diverge. And, from year to year when all of their results are published, the results do fluctuate. With that said, the overwhelming preponderance of evidence seems to agree that approximately 92% of home buyers begin their home search online and ultimately first identify the home they purchase as a result of that search. About another 6% of home buyers say that they first identified the home they bought because of the yard sign in front of that house. That leaves approximately 2% whose final selection was initially sparked by something else – their agent, word of mouth, open house, newspaper ad, flyer, social media, or something else.

The obvious conclusion is, despite the huge impact the internet has made on home searching and buying, good old fashioned real estate signs are still effective.

FSBO SIGNS

For Sale By Owner (FSBO) – this is going to take a whole book. I get it. Real estate agents and their commissions can be a tough pill to swallow – but that really is another article – if not a book.

A small percentage of people who try FSBO are successful (less than 10% by most accounts). The vast majority are not – they eventually list with a REALTOR®.

One of the many shortcomings of the typical FSBO is the priority placed on not spending any more money than absolutely necessary. So, the cheapest signs available are purchased – or homemade signs are used. The cheapest sign is usually pretty small and not readily visible from a distance.

SIGN CALLS

Telephone calls to real estate offices and/or agents to the phone numbers printed on signs used to be a huge factor in connecting with potential buyers. But, with the advent of the Internet and apps and the countless search engines, many people just search the property address and get all their questions answered without having to suffer talking to a salesperson. Whether they are getting accurate information this way is another debate.

Plenty of sign calls are still made though. Please just make sure you have some tangible information about the location of the property you are calling about. Experienced agents can tell you about the frequent calls from somebody in their car calling to inquire about a property they see with a For Sale sign on it – but they have no clue what the address is. Guess what - the agent doesn't either. Most real estate agents / brokers have many homes listed for sale. They don't know which house you happen to be looking at.

`NOT FOR SALE' SIGNS

On rare occasion, local real estate market conditions are such that buyer and/or agents will canvas desirable neighborhoods – actually knocking on doors – to ask if the home owners might be considering the sale of their property – or if they would consider it if they got the right offer. As crazy as that may sound, it happens. And when it does, it can be extremely annoying. So, some people have taken to putting up `Not For Sale' signs to try to ward off some of the predators.

MARYLAND STATE REGULATION OF REAL ESTATE SIGNS

Effective December 1, 2001, a regulation was adopted by the Maryland Real Estate Commission which establishes the duties of real estate brokers and office managers to exercise and provide reasonable and adequate supervision over the activities of real estate licensees affiliated with the broker or with the branch office.

Specifically, the new regulation requires, among other enumerated duties, that: the broker, branch office manager or a designee of the broker or branch office manager review all advertisements to be placed by licensees affiliated with the broker. [Emphasis added].

*“Advertisement” means any oral, written or print and media advertisement, including newspaper and magazine advertisements; correspondence; mailings; brochures; business cards; **for sale or for lease signs; sign riders** [emphasis added]; promotional items; newsletters; telephone directory listings; automobile signage; as well as internet, radio and television advertisement.*

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II. ADVERTISEMENT CHECKLIST

A. Name of Licensee.

Does the advertisement include the full name of the licensee exactly as it appears on their real estate license and not any other name, including a nickname, except as otherwise authorized and approved by the Maryland Real Estate Commission, from time to time?

All advertisements MUST include a first name and a last name. If a licensee wishes to use a nickname as a first name, the licensee may apply to the Maryland Real Estate Commission to trade under a nickname other than the full legal first name upon application to the Maryland Real Estate Commission to trade under a nickname or first name other than the full legal name of the licensee).

B. Name of Company.

Is the name of the company “meaningfully and conspicuously” displayed in the advertisement and does it include the full name of the company as it appears on the license of the licensee and NOT SOLELY THE COMPANY LOGO?

(NOTE: While there is no definitive guideline as to what constitutes “meaningfully and conspicuously,” the general rule is the smaller the name of the company in comparison with the name of the licensee placing the ad, the more likely the Maryland Real Estate Commission will conclude that the company name is not “meaningfully and conspicuously” displayed.

C. Identified Telephone Number of Broker or Office Manager.

Does the advertisement include the identified telephone number of the broker or branch office manager?

(NOTE: Effective October 1, 2004, an associate real estate broker or real estate salesperson may not use an individual telephone number or e-mail address in an advertisement unless the identified telephone number of the broker or branch office manager also appears in the advertisement. As a general rule, you would include the branch office number in a multiple office real estate brokerage company and only include the broker’s telephone number in a single office operation. The general office number is permitted so long as the telephone number is for the office location identified on the license of the real estate licensee and the consumer is given the opportunity to reach the broker or branch office manager either through a voicemail option or the receptionist. Similarly, the telephone number may also be a number which rings directly to the licensee’s desk at the office identified on the license, provided the consumer is given the option to reach the broker or branch office manager, either through a voicemail option or receptionist. The telephone number may not be a number that rings on a licensee’s home or cellular phone, even if the number gives the consumer the option to be transferred to the office. As to what constitutes “identified” telephone number, the Maryland Real Estate Commission will accept any identification which makes clear the number is the office number including

the number with (0) to identify the office or (BOM) to identify the branch office manager number.

D. Team or Group Advertisement.

If the advertisement is in the name of a team or group, does the advertisement include the full name of the licensee as the name appears on the licensee as discussed in II.A., above and does the advertisement include only the name or photograph of a licensed individual or a licensee affiliated with the real estate broker in any group or team advertising?

(NOTE: A licensee may not trade solely in the name of a team, group, joint venture, partnership or LLC).

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J. Authority to Advertise.

Does the licensee have the written authority of the owner or listing broker to advertise the Property? [This would be the listing agreement.]

HOA / CONDO RESTRICTIONS

Home owner associations (HOA) and Condominiums sometimes have restrictions on, or do not allow the display of any signs – much less real estate for sale or rental signs. This restriction may be specific to location: front and or rear yard / fences or windows, or common areas. Or, there just may be restrictions on the size and type or number of signs. The reasons for such restrictions vary. Some claim that it is just unattractive and adversely affects property value and quality of life. Others have stated that their real concern is when too many (however many that is?) for sale or lease signs are up at the same time, it may send out a negative vibe about the neighborhood. Whatever the reason, there have been countless heated battles between neighbors, HOA and Condo Boards and Committees and Property Management companies over the issue of real estate signs.

The underlying truth though may be as simple as the fact that many times these restrictions or prohibitions against real estate for sale and or lease signs were originally written into the covenants, bylaws and rules by the developer / builder. Understandably, if a new housing development is still in the process of building new homes, they don't want the sales competition of resale homes in the same development. And, if there happen to be lots of resale homes during this period, the concern might be that the impression to potential new construction buyers is that something is wrong with the houses or community.

When developers finish a subdivision and turn over the ownership of common areas and responsibility for the administration of the rule book, they are rarely motivated to pull out the sign restrictions and other such requirements – even though the original reason for them has expired.

In some locations, government authorities have stepped in with regulations that negate these Association rules and restrictions. Some Associations do not allow For Sale Signs of any description, or location. Other HOAs and Condos may just have restrictions about size and placement. If you live in a planned community, you may want to read your HOA regulations before placing a sign in your yard.

POSITIVE ID HELP

Even in this day of Google Maps, GPS, Waze, and countless other navigation and property location tools, there are a few properties that can be difficult to give directions to and then pinpoint with certainty that you have the right house. A well placed For Sale Sign can be a big help – not to speak of the usefulness of a good “bread crumb trail” of directional signs.

GAG ME WITH A SIGN

Why do we have to suffer all those For Sale signs that are dominated by the agent's name, their team name, their huge photo or caricature – or worse yet a photo with their pet. Does that cute little Spaniel convey with the sale of the house? Or, is it at all important or relative? Sadly, this type of thing seems to work. People with Cocker Spaniels will find a common bond with that agent and use them on their real estate transaction. Excellent criteria for the selection of a real estate agent?

The question really is, “Is the purpose of the sign to benefit the seller – or the agent?”

BIG BROTHER IS WATCHING ALL OF US

States, counties, and many municipalities have regulations and codes – including sign codes. A few examples from this writer's area follow:

Baltimore County, MD

Baltimore County's sign code may be viewed at:

<https://ecode360.com/12149793>

Language specific to real estate signs is excerpted here:

§ 450.7 Special requirements for particular classes.

E. Other temporary signs. In addition to the limitations of Section 450.4, the following requirements apply:

1. Real estate signs.

a. A real estate sign regarding the availability of a premises for purchase or rental may be displayed not more than seven days after the transfer of title or the leasing of the premises to which the sign pertains. The sign may

state "sold" or "under contract" following signing of a contract for sale of the premises or may state "leased" following leasing of the premises.

b. A real estate sign regarding the availability of a premises at auction may be displayed not more than 21 days before an auction and shall be removed immediately following the conclusion of the auction.

Carroll County, MD

<https://ecode360.com/10166496>

Article XVII: Signs

§ 164-120 Signs not requiring permits.

The following signs are permitted without a permit in any zone, provided that the following conditions are adhered to:

D. Temporary real estate signs, not exceeding eight square feet and located on and advertising the subject property for sale or lease.

Frederick County, MD

The portion of the sign code for Frederick County, Maryland which applies to real estate signs can be found at:

[http://library.amlegal.com/nxt/gateway.dll/Maryland/frederickco_md/frederickcountymarylandcodeofordinances?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:frederickco_md](http://library.amlegal.com/nxt/gateway.dll/Maryland/frederickco_md/frederickcountymarylandcodeofordinances?f=templates$fn=default.htm$3.0$vid=amlegal:frederickco_md)

It is reprinted here as an example of a typical local jurisdiction regulation. Other county or city codes will be different but have similarities to this one.

Subparagraph (I) below is the most applicable to this discussion.

§ 1-19-6.310. GENERAL REGULATIONS.

The following regulations will apply to all permitted sign uses.

(A) No sign, other than an official traffic sign, will be located within the right-of-way lines of any street, except as provided in subsection (G) and subsection (I). A sign attached to a passenger shelter at a bus stop or transit center information kiosk is exempt from this chapter.

(B) No free-standing sign will exceed 25 feet in height, except as provided elsewhere in this section.

(C) No permit is required for the erection, alteration or maintenance of any signs permitted in § 1-19-6.320, paragraphs (1) through (6), of this Code or for political signs as set forth in subsection (H) below.

(D) A permit is required for the erection or alteration of signs permitted in § 1-19-6.320, paragraphs (7) through (10) and as required in subsection (I) of this section.

(E) Each sign will be removed when the circumstances leading to its erection no longer apply.

(F) No sign will by reason of its intensity, color, location or movement interfere with traffic lights, signals, or other controls or obscure the view of a street or in any other manner impair public safety.

(G) Subdivision and community identification signs are permitted in the right-of-way of monumented public streets, where median strips are used to channel traffic, providing that the sign is approved by the Zoning Administrator and he issues a revocable permit conditioned upon removal of the sign at no cost to the county at such time as the county may require. In addition, the following conditions shall be met.

(1) The sign shall be kept in good repair and in safe, neat, clean, and attractive condition by the community residents or the community association.

(2) The sign must be placed 10 feet from the nose of the monument or the end of the median strip and within the monument island.

(3) The sign must be designed so as not to obstruct full sight distance.

(H) Political campaign signs identifying candidates seeking public political office or political issues and other data pertinent thereto shall be permitted as set forth: Each sign shall be located within the owner's property boundaries and shall not be located within the public right-of-way.

(I) Temporary real estate directional sign placement will be permitted in the county per the following guidelines.

(1) A temporary real estate directional sign may not exceed 3 square feet in size.

(2) A temporary real estate directional sign may not exceed 3 feet in height, measured from the ground to the top of the sign.

(3) A temporary real estate directional sign shall be supported on metal or wooden stakes, supplied by the installer, and shall not be attached to trees, utility poles, traffic-control signs, traffic signal poles, walls of buildings, barns, sheds, fences, or other physical elements.

(4) A temporary real estate directional sign may be placed only between the hours of 7:00 a.m. Saturday and 8:00 pm. Sunday. Hours may be extended to include legal holidays which are observed on Monday or Friday.

(5) In the case of existing real estate, a maximum of 3 temporary real estate directional signs per open house are permitted, without obtaining a permit, but subject to the provisions of this section.

(6) A maximum of 4 off-site community temporary real estate directional signs (not individual builders) are permitted upon the developer's obtaining a sign permit from the county which sets forth the locations of the signs and that placement will be in compliance with this section.

(7) Individual builders will be permitted to place up to 4 temporary real estate directional signs within communities in which the building activity is occurring.

(8) County staff is hereby authorized to remove any temporary real estate directional sign found to be in violation of the provisions of this section.

(9) A temporary real estate directional sign may be placed in the county right-of-way, provided that it does not obstruct sight lines or pose any safety hazard to the public.

(J) On-site signs determined by the Zoning Administrator to be directional signs used for the purpose of on-site way-finding are not included in calculating the maximum size sign permitted.

(Ord. 77-1-78, § 40-46(B), 1-24-1977; Ord. 84-31-328, 11-27-1984; Ord. 90-21-619, 5-15-1990; Ord. 92-26-061, 10-20-1992; Ord. 06-16-412, 5-16-2006; Ord. 08-26-502, 10-14-2008; Ord. 12-08-603, 4-17-2012; Ord. 13-25-653, 10-31-2013; Ord. 14-23-678, 11-13-2014)

Washington County, MD

HAGERSTOWN, MD

Just to provide one example of a city having its own regulation about real estate signs – in addition to the county requirements.

§ 204-4 Residential restriction.

It shall be unlawful for any person to erect and thereafter maintain within any residential zoning district of the City any billboard or sign, with the following exceptions:

- A. Real estate signs. Real estate signs erected temporarily for the purpose of advertising the sale or rental of only the premises or a portion of the premises upon which they are located provided that if any such sign is erected, it shall be removed as soon as it has served*

its purpose, that is, immediately upon the sale or the rental of such premises or portion thereof, and provided, further, that no such sign shall exceed eight square feet in area. This exception is not intended to permit the erection of signs advertising the rental of rooms for temporary lodging to tourists or other transients, the erection and maintenance of which signs are hereby expressly prohibited.

TIMELY REMOVAL OF SIGNS

Some of the sign codes have specific requirements about when real estate signs may be displayed and when they must be removed. Others are more vague. Generally speaking, when the event is over (whether that is an open house or a closing / settlement / sale) all signs should be removed as promptly as possible.

*Lyric from the song titled, *Signs* as recorded by The Five Man Electrical Band in 1971 and included on the 1990 compilation album "Made In Canada - Volume Three 1965-1974" (BMG KCD1-7158)

DISCLAIMER

John P. Hale is a licensed real estate agent in Maryland and Pennsylvania. He is affiliated with Long & Foster Real Estate, Inc. in Westminster, Maryland. John has been licensed since 2000 and also practiced in Tucson, Arizona for many years. Mr. Hale holds the following designations and certifications awarded by the National Association of REALTORS® (NAR) and other authorized institutions: ABR-Accredited Buyers Representative, AHWD-At Home With Diversity, CNE-Certified Negotiation Expert, CRMS-Certified Risk Management Specialist, CRS-Certified Residential Specialist, CTA-Certified Tourism Ambassador, e-PRO-Online Real Estate Practice, GRI-Graduate of Realtor Institute, MRE-Master of Real Estate, MREP-Mortgage Real Estate Professional, and MRP-Military Relocation Professional.

Please note that this article was written by John to provide objective information and to also reflect his opinion of good practice at the time of its' writing for the general benefit of those considering sale or purchase of real estate. It is not intended as definitive legal advice and you should not act upon it as such without seeking independent legal and financial counsel. Frequent changes in the law and standards of practice may cause this information to become outdated and no longer applicable or incorrect.