

Senate Bill 507

Sponsored by Senator BOQUIST (at the request of Ken Lewetag) (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Imposes building code requirement that new constructions or rehabilitations of multifamily housing include television antenna system. Makes violation subject to civil penalty, not to exceed \$5,000.

Modifies landlord-tenant law to require that landlords of multifamily housing provide dwelling units with television antenna system access. Phases in requirement. Makes lack of required television antenna system access unhabitable condition.

Grants tax credit to multifamily housing operator that installs television antenna system at least 12 months prior to date installation is required under landlord-tenant law.

A BILL FOR AN ACT

1
2 Relating to television antennas; creating new provisions; and amending ORS 90.320.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. Section 2 of this 2011 Act is added to and made a part of ORS chapter 455.**

5 **SECTION 2. (1) As used in this section:**

6 (a) **"Dwelling unit" means:**

7 (A) **A space used for residential purposes and having complete independent living, sleep-**
8 **ing, eating, sanitation and cooking facilities; or**

9 (B) **A rental space in a manufactured dwelling park as defined in ORS 90.100.**

10 (b)(A) **"Multifamily housing" means:**

11 (i) **Except as provided in subparagraph (B) of this paragraph, a structure that contains**
12 **two or more rental dwelling units; or**

13 (ii) **A manufactured dwelling park as defined in ORS 90.100.**

14 (B) **"Multifamily housing" does not mean:**

15 (i) **A one or two family dwelling built to the Low-Rise Residential Dwelling Code; or**

16 (ii) **A structure intended for occupancy of a type described in ORS 90.110 or 90.113.**

17 (c) **"Rehabilitation" means:**

18 (A) **A renovation of a building that changes, strengthens or adds to the load-bearing el-**
19 **ements of the building;**

20 (B) **A renovation or reconstruction of a building that results in the replacement,**
21 **strengthening or upgrading of, or extensive repair to, the electrical equipment or fixtures**
22 **of the building;**

23 (C) **A reconstruction or alteration of a manufactured dwelling park that involves the in-**
24 **stallation, replacement or removal of the electrical system or communication cables for the**
25 **park on the supply side of the utility termination; or**

26 (D) **A renovation, reconstruction, alteration, repair or expansion of a building or manu-**
27 **factured dwelling park that results in a new certificate of occupancy being required prior to**
28 **tenant use.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (2) New construction of multifamily housing, and any rehabilitation of multifamily hous-
 2 ing, must include:

3 (a) A television antenna system capable of receiving over-the-air television signals and
 4 delivering the signals to each rental dwelling unit of the multifamily housing;

5 (b) A means for each rental dwelling unit of the multifamily housing that allows the
 6 tenant of the dwelling unit to choose whether to receive television signals through a tele-
 7 vision antenna system described in paragraph (a) of this subsection or through a subscription
 8 television service provider; and

9 (c) A means for each rental dwelling unit that receives a television signal through a
 10 television antenna system described in paragraph (a) of this subsection to avoid receiving any
 11 over-the-air television signal for which recipients must pay a fee.

12 (3) Subsection (2) of this section does not apply to multifamily housing located at a site
 13 that:

14 (a) Is not within 30 miles or less of a full-service broadcast television station, or tele-
 15 vision station translator, that operates with five or more watts of output;

16 (b) Does not receive at least one television signal that exceeds the signal strength levels
 17 described under 47 C.F.R. 73.622(e);

18 (c) Does not receive at least one television signal available to recipients without payment
 19 of a fee; or

20 (d) Qualifies for any exemption from subsection (2) of this section established by the
 21 Department of Consumer and Business Services by rule.

22 (4) A covenant, housing association bylaw or local ordinance may not prohibit, restrict,
 23 penalize or otherwise inhibit the installation or presence of a television antenna system for
 24 multifamily housing or of equipment for accessing the television antenna system.

25 **SECTION 3.** Section 2 of this 2011 Act applies to multifamily housing construction and
 26 rehabilitation for which plan approval is initially issued by a municipality on or after the ef-
 27 fective date of this 2011 Act.

28 **SECTION 4.** Section 5 of this 2011 Act is added to and made a part of ORS 90.100 to 90.465.

29 **SECTION 5.** (1) As used in this section, “multifamily housing” means:

30 (a) A structure that contains two or more rental dwelling units and is not a one or two
 31 family dwelling; or

32 (b) A manufactured dwelling park.

33 (2) A landlord for multifamily housing that is subject to section 2 of this 2011 Act must
 34 provide each rental dwelling unit with the ability to receive television signals through a
 35 television antenna system provided by the landlord or from a subscription television service
 36 provider. The landlord must provide each rental dwelling unit that receives a television signal
 37 through the television antenna system with a means of avoiding the receipt of any over-
 38 the-air television signal for which recipients must pay a fee.

39 (3) Subsection (2) of this section does not apply to multifamily housing located at a site
 40 that:

41 (a) Is not within 30 miles or less of a full-service broadcast television station, or tele-
 42 vision station translator, that operates with five or more watts of output;

43 (b) Does not receive at least one television signal that exceeds the signal strength levels
 44 described under 47 C.F.R. 73.622(e);

45 (c) Does not receive at least one television signal available to recipients without payment

1 **of a fee; or**

2 **(d) Qualifies for exemption from section 2 of this 2011 Act as provided by the Department**
 3 **of Consumer and Business Services rules.**

4 **SECTION 6.** Section 5 of this 2011 Act is amended to read:

5 **Sec. 5.** (1) As used in this section, “multifamily housing” means:

6 (a) A structure that contains two or more rental dwelling units and is not a one or two family
 7 dwelling; or

8 (b) A manufactured dwelling park.

9 (2) A landlord for multifamily housing that is subject to section 2 of this 2011 Act **or has 15**
 10 **or more rental dwelling units** must provide each rental dwelling unit with the ability to receive
 11 television signals through a television antenna system provided by the landlord or from a sub-
 12 scription television service provider. The landlord must provide each rental dwelling unit that re-
 13 ceives a television signal through the television antenna system with a means of avoiding the receipt
 14 of any over-the-air television signal for which recipients must pay a fee.

15 (3) Subsection (2) of this section does not apply to multifamily housing located at a site that:

16 (a) Is not within 30 miles or less of a full-service broadcast television station, or television sta-
 17 tion translator, that operates with five or more watts of output;

18 (b) Does not receive at least one television signal that exceeds the signal strength levels de-
 19 scribed under 47 C.F.R. 73.622(e);

20 (c) Does not receive at least one television signal available to recipients without payment of a
 21 fee; or

22 (d) Qualifies for exemption from section 2 of this 2011 Act as provided by the Department of
 23 Consumer and Business Services rules.

24 **SECTION 7. The amendments to section 5 of this 2011 Act by section 6 of this 2011 Act**
 25 **become operative January 2, 2016.**

26 **SECTION 8.** Section 5 of this 2011 Act, as amended by section 6 of this 2011 Act, is amended
 27 to read:

28 **Sec. 5.** (1) As used in this section, “multifamily housing” means:

29 (a) A structure that contains two or more rental dwelling units and is not a one or two family
 30 dwelling; or

31 (b) A manufactured dwelling park.

32 (2) A landlord for multifamily housing [*that is subject to section 2 of this 2011 Act or has 15 or*
 33 *more rental dwelling units*] must provide each rental dwelling unit with the ability to receive tele-
 34 vision signals through a television antenna system provided by the landlord or from a subscription
 35 television service provider. The landlord must provide each rental dwelling unit that receives a
 36 television signal through the television antenna system with a means of avoiding the receipt of any
 37 over-the-air television signal for which recipients must pay a fee.

38 (3) Subsection (2) of this section does not apply to multifamily housing located at a site that:

39 (a) Is not within 30 miles or less of a full-service broadcast television station, or television sta-
 40 tion translator, that operates with five or more watts of output;

41 (b) Does not receive at least one television signal that exceeds the signal strength levels de-
 42 scribed under 47 C.F.R. 73.622(e);

43 (c) Does not receive at least one television signal available to recipients without payment of a
 44 fee; or

45 (d) Qualifies for exemption from section 2 of this 2011 Act as provided by the Department of

1 Consumer and Business Services rules.

2 **SECTION 9. The amendments to section 5 of this 2011 Act by section 8 of this 2011 Act**
3 **become operative January 2, 2021.**

4 **SECTION 10.** ORS 90.320 is amended to read:

5 90.320. (1) A landlord shall at all times during the tenancy maintain the dwelling unit in a
6 habitable condition. For purposes of this section, a dwelling unit shall be considered uninhabitable if
7 it substantially lacks:

8 (a) Effective waterproofing and weather protection of roof and exterior walls, including windows
9 and doors;

10 (b) Plumbing facilities that conform to applicable law in effect at the time of installation, and
11 maintained in good working order;

12 (c) A water supply approved under applicable law that is:

13 (A) Under the control of the tenant or landlord and is capable of producing hot and cold running
14 water;

15 (B) Furnished to appropriate fixtures;

16 (C) Connected to a sewage disposal system approved under applicable law; and

17 (D) Maintained so as to provide safe drinking water and to be in good working order to the
18 extent that the system can be controlled by the landlord;

19 (d) Adequate heating facilities that conform to applicable law at the time of installation and
20 maintained in good working order;

21 (e) Electrical lighting with wiring and electrical equipment that conform to applicable law at the
22 time of installation and maintained in good working order;

23 (f) Buildings, grounds and appurtenances at the time of the commencement of the rental agree-
24 ment in every part safe for normal and reasonably foreseeable uses, clean, sanitary and free from
25 all accumulations of debris, filth, rubbish, garbage, rodents and vermin, and all areas under control
26 of the landlord kept in every part safe for normal and reasonably foreseeable uses, clean, sanitary
27 and free from all accumulations of debris, filth, rubbish, garbage, rodents and vermin;

28 (g) Except as otherwise provided by local ordinance or by written agreement between the land-
29 lord and the tenant, an adequate number of appropriate receptacles for garbage and rubbish in clean
30 condition and good repair at the time of the commencement of the rental agreement, and the land-
31 lord shall provide and maintain appropriate serviceable receptacles thereafter and arrange for their
32 removal;

33 (h) Floors, walls, ceilings, stairways and railings maintained in good repair;

34 (i) Ventilating, air conditioning and other facilities and appliances, including elevators, main-
35 tained in good repair if supplied or required to be supplied by the landlord;

36 (j) Safety from fire hazards, including a working smoke alarm or smoke detector, with working
37 batteries if solely battery-operated, provided only at the beginning of any new tenancy when the
38 tenant first takes possession of the premises, as provided in ORS 479.270, but not to include the
39 tenant's testing of the smoke alarm or smoke detector as provided in ORS 90.325 (1);

40 (k) A carbon monoxide alarm, and the dwelling unit or the structure in which the dwelling unit
41 is a part contains a carbon monoxide source as defined in ORS 105.836; [or]

42 (L) Working locks for all dwelling entrance doors, and, unless contrary to applicable law,
43 latches for all windows, by which access may be had to that portion of the premises that the tenant
44 is entitled under the rental agreement to occupy to the exclusion of others and keys for those locks
45 that require keys[.]; **or**

1 **(m) If required under section 5 of this 2011 Act, a means for the tenant to choose**
2 **whether to receive television signals through a television antenna system provided by the**
3 **landlord and maintained in good working order or through a subscription television service**
4 **provider.**

5 (2) The landlord and tenant may agree in writing that the tenant is to perform specified repairs,
6 maintenance tasks and minor remodeling only if:

7 (a) The agreement of the parties is entered into in good faith and not for the purpose of evading
8 the obligations of the landlord;

9 (b) The agreement does not diminish the obligations of the landlord to other tenants in the
10 premises; and

11 (c) The terms and conditions of the agreement are clearly and fairly disclosed and adequate
12 consideration for the agreement is specifically stated.

13 (3) Any provisions of this section that reasonably apply only to a structure that is used as a
14 home, residence or sleeping place shall not apply to a manufactured dwelling, recreational vehicle
15 or floating home where the tenant owns the manufactured dwelling, recreational vehicle or floating
16 home, rents the space and, in the case of a dwelling or home, the space is not in a facility. Manu-
17 factured dwelling or floating home tenancies in which the tenant owns the dwelling or home and
18 rents space in a facility shall be governed by ORS 90.730, not by this section.

19 **SECTION 11. Section 12 of this 2011 Act is added to and made a part of ORS chapter 315.**

20 **SECTION 12. (1) A credit against the taxes otherwise due under ORS chapter 316 or, if**
21 **the taxpayer is a corporation, under ORS chapter 317 or 318 is allowed to a taxpayer if the**
22 **taxpayer:**

23 **(a) Operates multifamily housing as defined in section 5 of this 2011 Act; and**

24 **(b) Installs a television antenna system having the characteristics described in section 5**
25 **of this 2011 Act at least 12 months prior to the date by which the installation is required**
26 **under section 5 of this 2011 Act.**

27 (2) The amount of the tax credit provided under subsection (1) of this section shall be the
28 lesser of:

29 **(a) \$25 for each rental dwelling unit in the multifamily housing that is capable of receiv-**
30 **ing a television signal from the installation, regardless of whether the tenant chooses to use**
31 **the system; or**

32 **(b) 10 percent of the cost of making the installation for the multifamily housing.**

33 (3) The credit provided by this section is not in lieu of any depreciation or amortization
34 deduction for the television antenna system to which the taxpayer otherwise may be entitled
35 under ORS chapter 315, 316 or 317 for the tax year.

36 **SECTION 13. Section 12 of this 2011 Act applies to tax years beginning on or after Jan-**
37 **uary 1, 2012, and ending on or before December 31, 2020.**

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