



March/April 2014



2014 Election Review

By **Shawn Miller**, ORHA Lobbyist

Current Legislative Make-Up

GOVERNOR:
John Kitzhaber, Democrat

SENATE:
16-14 Democrat control
Peter Courtney
Senate President
(D-Salem)

Diane Rosenbaum
Majority Leader
(D-Portland)

Ted Ferrioli
Minority Leader
(R-John Day)

HOUSE:
34-26 Democrat control
Tina Kotek
Speaker of the House
(D-Portland)

Val Hoyle
Majority Leader
(D-Eugene)

Mike McLane
Minority Leader
(R-Powell Butte)

2014 Oregon Political Outlook

2014 is a gubernatorial election year and Governor John Kitzhaber is running for an unprecedented fourth term. He is favored to win against Republican candidate, Representative Dennis Richardson based on past statewide election results. However, Rep. Richardson may capitalize on health care reform problems that have plagued the Kitzhaber administration. 2014 is also a non-presidential election year—which tends to benefit Republicans in House and Senate legislative races. Particularly in the House of Representatives, if you look back several elections, Democrats have been able to pick up seats in Presidential election years only to lose seats 2 years later in non-presidential years. The factor that tends to sway the advantage one way or another is independent voters, which range between 26-37 percent of registered voters.

Swing districts that have traditionally shifted towards the Democrats and then back to the Republicans are in Washington and Clackamas Counties. Those battleground counties will continue to be targeted seats in 2014. However, those races alone will not determine the make-up of the legislature with many more important races all across the State.

The Legislature has 17 members retiring this year (16 members in the House and 1 in the Senate), which will dramatically lessen the experience in the House for the 2015 legislative session.

Targeted Senate Races

Senator Alan Bates seat (D-Medford)

- Senator Bates is favored because he is an incumbent but he won the race by only 240 votes in 2010.
- Incumbent will face the same Republican challenger from 2010, David Dodderer.
- Democrats have a 5 percent registration advantage, which is a change from 2010 when it was a 6.3 percent advantage.

Senator Peter Courtney (D-Salem)

- Democrats have a 12 percent registration advantage in the Salem seat.
- Long-time Marion County Commissioner and State Representative, Patti Milne will make the race competitive.

Senator Bruce Starr seat (R-Hillsboro)

- Washington County swing seat with both House seats in the Senate District currently being held by Democrats.
- Very expensive race for Republicans but Starr is well respected. Starr spent \$523,080 in 2010.
- 7.3 percent Democrat registration advantage.

Senator Alan Olsen seat (R-Canby)

- Clackamas County swing seat with Olsen winning in 2010 by only 299 votes.
- Democrats have a 1 percent registration advantage.

Continued on page 4.

Satellites and Your Rental Properties

By **Terry Flora-Turner**, ORHA Education Chair



Love them or hate them, satellites are here to stay. Owners of rental properties have long thought they had the right to prohibit the installation of satellites. However, the FCC was directed by Congress in 1996 to adopt rules regarding the restriction of satellites.

The FCC rules cover both satellites and antennas, and apply to rental properties, condos, townhomes and manufactured homes. The rules state that property owners must not make restrictions that: (1) unreasonably delay or prevent installation, maintenance or use; (2) unreasonably increase the cost of installation, maintenance or use; or (3) preclude reception of an acceptable quality signal.

Rental Owners may place restrictions on the size, placement, and removal of satellites upon vacating the unit. You may limit the size to approximately 30 inches; require that satellites be installed by a professional, and require the dish be installed in an area that the tenant has exclusive control over, like a balcony or patio. You may also require that the dish be removed when the tenant vacates and that all holes be filled.

Satellite use is increasing and you need to know how you can best protect your rental investment. ORHA's new "Satellite Agreement" Form # 24 was designed to assist you and educate your tenants. Form # 24 will help you to legally cover all the bases when your tenant requests permission to install a satellite.

For more information go to the FCC website www.fcc.gov/guides/over-air-reception-devices

As directed by Congress in Section 207 of the Telecommunications Act of 1996, the Federal Communications Commission adopted the Over-the-Air Reception Devices ("OTARD") rule concerning governmental and nongovernmental restrictions on viewers' ability to receive video programming signals from direct broadcast satellites ("DBS"), broadband radio service providers (formerly multichannel multipoint distribution service or MMDS), and television broadcast stations ("TVBS").

The rule (47 C.F.R. Section 1.4000) has been in effect since October 1996, and it prohibits restrictions that impair the installation, maintenance or use of antennas used to receive video programming. The rule applies to video antennas including direct-to-home satellite dishes that are less than one meter (39.37") in diameter (or of any size in Alaska), TV antennas, and wireless cable antennas. The rule prohibits most restrictions that: (1) unreasonably delay or prevent installation, maintenance or use; (2) unreasonably increase the cost of installation, maintenance or use; or (3) preclude reception of an acceptable quality signal.

Effective January 22, 1999, the Commission amended the rule so that it also applies to rental property where the renter has an exclusive use area, such as a balcony or patio.

On October 25, 2000, the Commission further amended the rule so that it applies to customer-end antennas that receive and transmit fixed wireless signals. This amendment became effective on May 25, 2001.

The rule applies to individuals who place antennas that meet size limitations on property that they own or rent and that is within their exclusive use or control, including condominium owners and cooperative owners, and tenants who have an area where they have exclusive use, such as a balcony or patio, in which to install the antenna. The rule applies to townhomes and manufactured homes, as well as to single family homes.

The rule allows local governments, community associations and landlords to enforce restrictions that do not impair the installation, maintenance or use of the types of antennas described above, as well as restrictions needed for safety or historic preservation. Under some circumstances where a central or common antenna is available, a community association or landlord may restrict the installation of individual antennas. The rule does not apply to common areas that are owned by a landlord, a community association, or jointly by condominium or cooperative owners where the antenna user does not have an exclusive use area. Such common areas may include the roof or exterior wall of a multiple dwelling unit. Therefore, restrictions on antennas installed in or on such common areas are enforceable.

This Information Sheet provides general answers to questions concerning implementation of the rule, but is not a substitute for the actual rule. This document is for consumer education purposes only and is not intended to affect any proceedings or cases involving this subject matter or related issues. For further information or a copy of the rule, contact the Federal Communications Commission at 1-888-CALL FCC (1-888-225-5322), which is a toll-free number, or 202-418-2120. The rule and Commission decisions interpreting the rule are available via the Internet by going to links to relevant Orders and the rule at the end of this Information Sheet.



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- Fair Housing
- Conflict Management
- Property Management
- Landlording 101
- Landlording 103
- Landlording 301
- Tenant Selection
- Maintenance

SEMINARS (1 hour)

- Tenant Screening Tips
- Temporary Residents
- Security Deposits
- Abandoned Property
- Medical Marijuana
- Radon

*Also, courses by request
tailored to local's needs*



ORHA offers workshops and seminars to our member locals to improve skills in managing property. ORHA is a certified provider with the state of Oregon and these courses qualify as hours required for licensed certification. Presenters have extensive experience in the property management field.

For more information contact:
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Contact Terry at 866-364-5468 for customized classes to fit your needs.
We have what you are looking for – just call today!



Legislative Planning Begins

By **Michael Steffen**, ORHA President

Next ORHA
Board Meeting
May 17, 2014
Eugene

Preparations are underway for another round of landlord-tenant coalition discussions that are scheduled to begin this summer. To assist in planning for these negotiations, our legislative director, Jim Straub, has asked all of us to begin thinking about changes in law we would like to see implemented during the next legislative session. Please meet with your boards and members to discuss preferences for law changes and provide suggestions for review during the next ORHA board meeting in May.

In other news:

- The forms Committee is working on two new forms, an Addendum for 2014 Laws, and a Satellite Installation Permission Form. Both forms are expected to be available to the local associations by the middle of April.
- Thanks to our webmaster, Kim Elliott, the ORHA website continues to evolve and has been completely revamped to make it more responsive and interactive. Kim is also working to further improve the forms on line experience. Check the website for updates.
- We continue to get very positive feedback about the helpline service ORHA provides for direct members and small associations without their own help line. Many thanks to Terry Flora-Turner for answering calls and providing great service. If you are a direct member or member of an association without helpline or similar support, please take advantage of this no cost service. Maren can provide details if needed.
- The updated Landlord Tenant law book will be available in bound form through the office in early April. Maren is currently taking orders for the latest edition.
- The forms manual is being reviewed for revisions needed to accommodate all of the necessary updates resulting from the updates over the past couple of years. We anticipate that a new edition will be available by the end of May.

2014 Election Review, *continued from page 1.*

Senator Chuck Thomsen (R-Hood River)

- Swing seat with 5.8 percent Democrat registration advantage.

Senator Betsy Close (R-Albany)

- 9.5 percent Democrat registration advantage.
- Senate district has 2 very different House districts. Albany/Linn County House District is conservative. Corvallis/Benton County House District is very liberal.
- Close was appointed to fill Frank Morse retirement. Close has served in the Albany/Linn County House District.
- Close will face Representative Sara Gelser who has served in the House on the Corvallis/Benton County portion of the Senate District.

Targeted House Seats

Rep. Ben Unger Seat (D-Hillsboro)

- Washington County swing seat with 7.7 percent Democrat registration advantage.
- Rep. Unger is retiring from the legislature which opens up the race without the incumbent advantage.

Rep. Joe Gallegos Seat (D-Hillsboro)

- Washington County swing seat with 6.9 percent Democrat registration advantage.

Rep. Shemia Fagan Seat (D-Clackamas)

- Clackamas County swing seat with 7 percent Democrat registration advantage.

Rep. Brent Barton Seat (D-Oregon City)

- Clackamas County swing seat with 8.1 percent Democrat registration advantage.

Rep. Julie Parrish (R-Tualatin/West Linn)

- 1.5 percent Democrat registration advantage.

Rep. Mark Johnson (R-Hood River)

- 4.8 percent Democrat registration advantage.
- Barely won reelection in 2012 with D opponent not actively running an organized campaign effort.
- 8-point swing from 2010 election (non-presidential election) in Hood River from 2012 (presidential election).

Rep. Jason Conger seat (R-Bend)

- 5 percent Democrat registration advantage.
- Bend seat is one of the most expensive seats for Republicans to hold.
- Open seat because Conger is running for Congress.

Rep. Vicki Berger seat (R-Salem)

- Slight .3 percent Democrat registration advantage.
- Open seat because Berger is retiring.

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