

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1495 Session of 2013

INTRODUCED BY MULLERY, KAVULICH, KORTZ, MILLARD, B. BOYLE, MOUL, V. BROWN, SWANGER, KIRKLAND, COHEN, CARROLL, DONATUCCI AND FREEMAN, JUNE 10, 2013

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 10, 2013

AN ACT

1 Amending the act of April 6, 1951 (P.L.69, No.20), entitled "An
2 act relating to the rights, obligations and liabilities of
3 landlord and tenant and of parties dealing with them and
4 amending, revising, changing and consolidating the law
5 relating thereto," further providing for definitions, for
6 right to render services and notice and for compensation for
7 physical damage.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Section 501-B(5) of the act of April 6, 1951
11 (P.L.69, No.20), known as The Landlord and Tenant Act of 1951,
12 added December 20, 1990 (P.L.1465, No.221), is amended and the
13 section is amended by adding a paragraph to read:

14 Section 501-B. Definitions.--As used in this article--

15 * * *

16 (5) "Operator" shall include the operator of a CATV system
17 holding a franchise granted by the municipality or
18 municipalities in which the multiple dwelling premises to be
19 served is located[.] or satellite television provider.

20 (6) "Satellite television" shall include a system that

1 transmits, distributes or broadcasts video programming or
2 services by satellite directly to a subscriber's premises
3 without the use of ground receiving or distribution equipment
4 except at the site of a subscriber or in the uplink process to
5 the satellite.

6 Section 2. Sections 504-B and 505-B of the act, added
7 December 20, 1990 (P.L.1465, No.221), are amended to read:

8 Section 504-B. Right to Render Services; Notice.--If a
9 tenant of a multiple dwelling premises requests an operator to
10 provide CATV services or satellite television and if the
11 operator decides that it will provide such services, the
12 operator shall so notify the landlord [in writing] by certified
13 letter within ten days after the operator decides to provide
14 such service. If the operator fails to provide such notice, then
15 the tenant's request shall be terminated. If the operator agrees
16 to provide said CATV services or satellite television, then a
17 forty-five day period of negotiation between the landlord and
18 the operator shall be commenced. This original notice shall
19 state as follows: "The landlord, tenants and operators have
20 rights granted under Article V-B of the act of April 6, 1951
21 (P.L.69, No.20), known as 'The Landlord and Tenant Act of
22 1951.'" The original notice shall be accompanied by a proposal
23 outlining the nature of the work to be performed and including
24 an offer of compensation for loss in value of property given in
25 exchange for the permanent installation of CATV system or
26 satellite television facilities. The proposal also shall include
27 a statement that the operator is liable to the landlord for any
28 physical damage, shall set forth the means by which the operator
29 will comply with the installation requirements of the landlord
30 pursuant to section 505-B and shall state the time period for

1 installation and security to be provided. The landlord may waive
2 his right to security at any time in the negotiation process.

3 During the forty-five day period, the landlord and the
4 operator will attempt to reach an agreement concerning the terms
5 upon which CATV services or satellite television shall be
6 provided. If, within the forty-five day period or at any time
7 thereafter, the proposal results in an agreement between the
8 landlord and the operator, CATV services or satellite television
9 shall be provided in accordance with the agreement. If, at the
10 end of the forty-five day period, the proposal does not result
11 in an agreement between the landlord and the operator, then this
12 article shall apply. The right of a tenant to receive CATV
13 service or satellite television from an operator of his choice
14 may not be delayed beyond the forty-five day period contained in
15 the original notice or otherwise impaired unless the matter
16 proceeds to arbitration or court as provided in this article. An
17 operator may bring a civil action to enforce the right of CATV
18 services or satellite television installation given under this
19 article.

20 Section 505-B. Compensation for Physical Damage.--An
21 operator shall be liable to the landlord for any physical damage
22 caused by the installation, operation or removal of CATV system
23 facilities or satellite television. A landlord may require that
24 the installation of cable television facilities or satellite
25 television conform to such reasonable conditions as are
26 necessary to protect the safety, functioning and appearance of
27 the premises and the convenience and well-being of tenants. A
28 landlord may also require that the installation of cable
29 television facilities or satellite television conforms to
30 reasonable requirements as to the location of main cable

1 connections to the premises, the routing of cable lines through
2 the premises and the overall appearance of the finished
3 installation. To the extent possible, the location of the entry
4 of a main cable connection to the premises shall be made at the
5 same location as the entry into the premises of public utility
6 connections. A second or subsequent installation of cable
7 television facilities or satellite television, if any, shall
8 conform to such reasonable requirements in such a way as to
9 minimize further physical intrusion to or through the premises.
10 Section 3. This act shall take effect in 60 days.