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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1427 Session of  
2015

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INTRODUCED BY MULLERY, COHEN, CARROLL, TOPPER, MILLARD,  
PASHINSKI, BARRAR, D. COSTA, THOMAS, KAVULICH, MOUL,  
DONATUCCI, SCHREIBER, ROZZI, RADER, TOOHL, SCHLOSSBERG,  
SAYLOR AND EVERETT, JUNE 30, 2015

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REFERRED TO COMMITTEE ON JUDICIARY, JUNE 30, 2015

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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," in tenants' rights to cable television,  
6 further providing for definitions, for right to render  
7 services and notice and for compensation for 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.

1     (6) "Satellite television" shall include a system that  
2 transmits, distributes or broadcasts video programming or  
3 services by satellite directly to a subscriber's premises  
4 without the use of ground receiving or distribution equipment  
5 except at the site of a subscriber or in the uplink process to  
6 the satellite.

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

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

1 pursuant to section 505-B and shall state the time period for  
2 installation and security to be provided. The landlord may waive  
3 his right to security at any time in the negotiation process.

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

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

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

11 Section 3. This act shall take effect in 60 days.