

HOUSE BILL REPORT

HB 1732

As Reported By House Committee On:
Energy & Utilities

Title: An act relating to access to cable television systems by tenants of multiple dwelling units.

Brief Description: Providing cable to multiple dwelling premises.

Sponsors: Representatives Grant, Wood, Kessler and Johanson.

Brief History:

Reported by House Committee on:
Energy & Utilities, February 25, 1993, DP.

HOUSE COMMITTEE ON ENERGY & UTILITIES

Majority Report: Do pass. Signed by 8 members:
Representatives Grant, Chair; Finkbeiner, Vice Chair;
Casada, Ranking Minority Member; Johanson; Kessler; Kremen;
Long; and Ludwig.

Minority Report: Do not pass. Signed by 1 member:
Representative Miller, Assistant Ranking Minority Member.

Staff: Ken Conte (786-7113).

Background: Currently, multiple dwelling units such as apartment buildings, motels, and mobile home parks receive cable service through a variety of providers.

The owner of a multiple unit dwelling has sole authority to determine whether cable service will be provided to tenants and, if so, how it will be provided. In some cases, the owner purchases and owns the cable system. In other cases, arrangements are established via cable access agreements between the building owner and a cable provider of the owner's choice.

Summary of Bill: A tenant of a multiple dwelling premises is granted the right of access to cable television service if an access agreement exists between the landlord and an operator holding a franchise - an operator with municipal or state approval to construct or operate a cable system and provide services.

If the landlord and the operator do not have an access agreement, then the operator may notify the landlord of the tenant's request and the operator may offer a proposal for entering into an access agreement. The proposal is to include (1) a description of the work necessary to gain access, (2) an explanation that the operator will retain ownership of equipment used in the installation, (3) an offer of compensation for loss in value of property due to permanent installation of the cable equipment, and (4) a statement that the operator is liable to the landlord for any physical damage caused.

If the landlord and the cable operator do not reach an access agreement after 45 days, then the operator may formally request arbitration. Arbitration is to be conducted according to the procedures of the American Arbitration Association with the costs of arbitration being shared equally between the landlord and the cable operator.

Either party may appeal an arbitration decision to Superior Court within 30 days of the decision. Court review of the decision is limited to the record before the arbitrator.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Cable companies get many calls from tenants but they can't provide service because building owners will not give the cable company access to the building. This bill allows tenants to select a cable provider. Private cable is a nightmare with very poor service. Renters often think about moving because of poor cable service.

Testimony Against: This bill is an unwarranted intrusion into private contractual relationships. It inserts the state into a private matter. Most landlords provide cable. This bill forces the landlord to pay half of the cost of arbitration that is forced on the landlord.

Witnesses: Lorraine Tice (pro); Arnold Fox, Washington Apartment Association (con); Gary O'Connell, Property Management Services, Inc. (pro); Bruce Frickelton, Washington Cable Communication Association (pro); and Rick Slunaker, Yakima Valley Apartment Association (con).