
HOUSE BILL 1732

State of Washington 53rd Legislature 1993 Regular Session

By Representatives Grant, Wood, Kessler and Johanson

Read first time 02/05/93. Referred to Committee on Energy & Utilities.

1 AN ACT Relating to access to cable television systems by tenants of
2 multiple dwelling units; adding new sections to chapter 59.18 RCW; and
3 creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that the public
6 interest is best served if tenants of multiple dwelling premises have
7 the opportunity to obtain cable television services from the operator
8 or source of their own choice.

9 NEW SECTION. **Sec. 2.** For the purposes of sections 1 through 3 of
10 this act:

11 (1) "Cable television system" means a system or facility, or part
12 thereof, which consists of a set of transmission paths and associated
13 signal generation, reception, amplification, and control equipment that
14 receives, amplifies, and distributes to subscribers video, audio,
15 digital, light, or audio-video signals.

16 (2) "Holding a franchise" means obtaining municipal consent or
17 approval from a municipality or other state governmental unit for an
18 operator to construct or operate a cable television system and provide

1 services whether granted by resolution, ordinance, or written
2 agreement.

3 (3) "Landlord" means any individual or entity owning, controlling,
4 leasing, operating, or managing one or more multiple dwelling premises.

5 (4) "Tenant" means any individual or entity renting or leasing an
6 apartment, condominium, mobile home, or other dwelling unit in a
7 multiple dwelling premises.

8 (5) "Multiple dwelling premises" means any building, mobile home
9 park, or other area occupied by dwelling units that are intended or
10 designed to be occupied or leased for occupation, or actually occupied,
11 as individual homes or residences for three or more households.

12 NEW SECTION. **Sec. 3.** (1) A tenant has a right of access to cable
13 television services from an operator holding a franchise to provide
14 such services, if an access agreement exists between the operator and
15 the landlord.

16 (2) If an access agreement does not exist between the operator and
17 the landlord, the operator may notify the landlord of a tenant's
18 request for service and propose entering into an access agreement. The
19 operator's proposal shall include:

20 (a) A description of the work necessary to provide the tenant or
21 tenants with access to the operator's cable television service;

22 (b) An explanation that the operator shall retain ownership of all
23 wiring and equipment used in any installation or upgrade;

24 (c) An offer of compensation for loss in value of property given
25 for the permanent installation of cable television system facilities
26 and operator access to those facilities; and

27 (d) A statement that the operator is liable to the landlord for any
28 physical damage caused.

29 (3) If an access agreement is not reached between the operator and
30 the landlord after a forty-five day period, the operator may serve the
31 landlord with a formal request for arbitration to commence within sixty
32 days of the date of service of the operator's formal request, unless
33 the parties agree otherwise. The arbitration proceeding shall be
34 conducted in accordance with the procedures of the American arbitration
35 association or its successor and shall be held in the county in which
36 the multiple dwelling premises is located. The cost of the arbitration
37 proceeding shall be shared equally by the landlord and the operator.
38 The arbitration proceeding shall be concluded and a written decision by

1 the arbitrator shall be rendered within fourteen days of commencement
2 of the proceeding.

3 (4) Within thirty days of the date of the arbitrator's decision,
4 either party may appeal that decision to the superior court in the
5 county where the multiple dwelling premises is located. Review of the
6 decision shall be limited to the record before the arbitrator.

7 NEW SECTION. **Sec. 4.** This act may be known and cited as the
8 landlord and tenant cable television act.

9 NEW SECTION. **Sec. 5.** Sections 1 through 3 of this act are each
10 added to chapter 59.18 RCW.

11 NEW SECTION. **Sec. 6.** If any provision of this act or its
12 application to any person or circumstance is held invalid, the
13 remainder of the act or the application of the provision to other
14 persons or circumstances is not affected.

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