

SENATE JUDICIARY<sup>01</sup>  
EXHIBIT NO. 7  
DATE 3/12/09  
BILL NO. HB 188

3/11/09 FAX 406 444-4875 Senate Judiciary Committee

To Whom It May Concern: Please distribute a copy of this FAX to each one of the 12 Committee Members prior to the 9:00 Hearing on 3/12/09. Thank you very much.

OPPOSE HB 188

Dear Senate Judiciary Committee Members,

We oppose HB 188 for the following reasons:

1. HB 188 will unnecessarily add to the court's already overloaded case burden.
2. HB 188 gives tenants an incentive to sue with no legitimate reason in hopes of a "windfall," especially if they are out of work, in financial difficulties, or have nothing better to do. A tenant will think, "Why not give it a try? We might luck out by investing a little time and a few dollars on filing fees."
3. LLCs and corporations must hire an attorney to defend whether the alleged charges are valid or fraudulent. They cannot represent themselves. This expenditure will increase the cost of doing business and hurt responsible tenants. Tenants can represent themselves, so they are not forced to pay big attorney fees.
4. The playing field is not level. HB 188 makes NO PROVISION for double damages or an amount equaling up to 2 months' rent to be awarded the landlord if the judge finds no wrongful withholding of a security deposit. **If the tenant can be awarded double damages if he wins, then the landlord should be awarded double damages if the landlord wins.**
5. A tenant's threat of a lawsuit allowing double damages might cause landlords to not hold tenants accountable for legitimate and documented damages because of the hassle....it's just not worth all the time and money...give them the deposit back even if there are damages. This gives a free pass to irresponsible tenants and encourages them to destroy more property.

We believe that there are very few wrongful withholdings of security deposits in Montana. It is dishonest and what landlord would be foolish enough to cause adverse "word of mouth" advertising by wrongful withholding? Montana towns are small. News of bad business practices travels fast.

We know that there are many other voters that feel the same way we do. We are all busy trying to earn a living and cannot travel to attend the hearing tomorrow.

Please accept these comments in our absence. Our absence does not mean indifference. We care. Please vote NO on HB 188.

Dan and Tara Eddy  
Box 1454  
Livingston, MT 59047