

Cherokee Nation Code Annotated
Title 41: Landlord and Tenant
Chapter 2: Residential Landlord and Tenant Act
§ 101. Definitions
Cite as: 41 CNCA § 101

Save for any differences in the context of this act the following definitions shall be used:

1. **"Building and Housing Codes"** includes any law, ordinance or Cherokee Nation governmental regulation concerning the fitness for habitation or the construction, maintenance, operation, occupancy, use or appearance of any premises or dwelling unit that is erected on any property over which Cherokee Nation maintains and exerts jurisdiction.
2. **"C.F.R."** means the Code of Federal Regulations.
3. **"Deposit"** includes any money or other property required by a landlord from a tenant as and for security and which is to be returned to the tenant upon termination of the rental agreement, less any deductions properly made and allowed by this act or any law, rule, or regulation of the United States of America promulgated to effectuate the Mutual Help Homeownership Program, Low-Income Rental Program or any other low-income housing program administered by the Housing Authority of Cherokee Nation and the Housing Authority of the Delaware Tribe of Indians.
4. **"Dwelling Unit"** means a structure, or that part of a structure, which is used as a home, residence or sleeping place by one or more persons.
5. **"Good Faith"** means honesty in fact in the conduct of the transaction concerned.
6. **"Home Buyer"** means the person(s) who has executed an MHO Agreement with the IHA or an MHO Agreement for another home in the project (as indicated by the context of the agreement), and who has not yet achieved homeownership.
7. **"Indian Housing Authority"** or **"IHA"** means the Housing Authority of Cherokee Nation or the Housing Authority of the Delaware Tribe of Indians.
8. **"Landlord"** means the owner, lessor or sublessor of the dwelling unit or the building of which it is a part, and it also means a manager of the premises who fails to comply with the disclosure provisions of 41 CNCA § 113 including Cherokee Nation, the Housing Authority of Cherokee Nation and the Housing Authority of the Delaware Tribe of Indians.

9. **"MHO"** means a Mutual Help and Occupancy agreement executed by an Indian housing authority created pursuant to Okla. Stat. tit. 63 § 1057.

10. **"Organization"** includes a corporation or any governmental subdivision, any agency, business trust, estate, trust, partnership or association, two or more persons having a joint or common interest and any other legal or commercial entity.

11. **"Owner"** means one or more persons, jointly or severally, in whom is vested:

a. all or any part of the legal title to the property, or

b. all or part of the beneficial ownership and a right to present use and enjoyment of the property, and such term includes a mortgagee in possession.

12. **"Person"** includes both individuals and organizations.

13. **"Premises"** means a dwelling unit and the structure of which it is a part, the facilities and appurtenances therein, and the grounds, areas and facilities held out for the use of the tenant generally or use of which is promised to the tenant.

14. **"Rent"** means all payments, except deposits and damages, to be made to the landlord under the rental agreement including required monthly payments under a mutual help and occupancy (MHO) agreement.

15. **"Rental Agreement"** means all agreements, including a mutual help and occupancy (MHO), Rural Rental Housing, New Construction Homeownership Program, or any other similar long-term housing rental program, and valid rules and regulations adopted under 41 CNCA § 126, which establish, embody or modify the terms and conditions concerning the use and occupancy of a dwelling unit and premises.

16. **"Roomer"** or **"Boarder"** is a tenant occupying a dwelling unit which lacks at least one major bathroom or kitchen facility, such as a toilet, refrigerator or stove, in a building:

a. where one or more of such major facilities are supplied to be used in common by the occupants of the roomer or boarder's dwelling unit and one or more other dwelling units, and

b. in which the landlord resides.

17. **"Single-Family Residence"** means a structure used and maintained as a single dwelling unit. A dwelling unit, including those with common walls, shall be deemed a single-family residence if it has direct access to a street or thoroughfare and shares neither heating facilities, hot water equipment, nor any other essential facility or service with any other dwelling unit.

18. **"Tenant"** means any person entitled under a rental agreement to occupy a dwelling unit.

Historical Data

LA 17–91, eff. December 14, 1991. Amended LA 22–17, eff. August 17, 2017.

2017 Legislation

LA 22–17, Section 2, provides:

"Section 2. Purpose. The purpose of this Act is to amend substantive provisions of the Cherokee Nation Residential Landlord and Tenant Act to clarify its applicability to Mutual Help and Occupancy Agreements (MHO), and other long-term housing rental agreements, executed by the Cherokee Nation Housing Authority."