

Cherokee Nation Code Annotated

Title 41: Landlord and Tenant

Chapter 2: Residential Landlord and Tenant Act

§ 120. Failure of landlord to deliver possession of dwelling unit to tenant

Cite as: 41 CNCA § 120

A. If the landlord fails to deliver possession of the dwelling unit to the tenant, rent abates until possession is delivered and the tenant may terminate the rental agreement by giving a written notice of such termination to the landlord, whereupon the landlord shall return all prepaid rent and deposit, or the tenant may, at his option, demand performance of the rental agreement by the landlord and maintain an action for possession of the dwelling unit against any person wrongfully in possession and recover the actual damages sustained by him.

B. If a person's failure to deliver possession is willful and not in good faith, an aggrieved person may recover from that person an amount not more than twice the monthly rental as specified in the rental agreement, computed and prorated on a daily basis, for each month, or portion thereof, that said person wrongfully remains in possession.

Historical Data

LA 17-91, eff. December 14, 1991.