

383.630 Landlord's failure to deliver possession.

- (1) If the landlord fails to deliver possession of the dwelling unit to the tenant as provided in KRS 383.590, rent abates until possession is delivered and the tenant may:
 - (a) Terminate the rental agreement upon at least five (5) days' written notice to the landlord and upon termination the landlord shall return all prepaid rent and damage fee; or
 - (b) Demand performance of the rental agreement by the landlord and, if the tenant elects, maintain an action for possession of the dwelling unit against the landlord or any person wrongfully in possession and recover the damages sustained by him.
- (2) 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 three (3) months' periodic rent or threefold the actual damages sustained, whichever is greater, and reasonable attorney's fees.

Effective: July 13, 1984

History: Repealed and reenacted 1984 Ky. Acts ch. 176, sec. 26, effective July 13, 1984. -- Created 1974 Ky. Acts ch. 378, sec. 27.