

Chametz in a Rented Warehouse

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Question: I own a warehouse and I have a tenant storing chametz; is that forbidden, because I am benefitting from chametz?

Answer: The Shulchan Aruch (409:4) states that if a non-Jew uses a Jew's oven to bake chametz on Pesach and is willing to pay him for the usage, the Jew is not permitted to take the money as this would be deriving benefit from chametz. Having said this, we must clarify that if a Jew rents out a storage facility to a non-Jew who stores chametz in it on Pesach, there is usually no prohibition of accepting money for the rent. The difference is that the renter of the warehouse has to pay rent no matter what he stores in the facility and he must pay even if he leaves it empty; therefore, it cannot be said that the Jewish owner is benefiting specifically from the chametz. If, however, the premises would be rented out for the specific purpose of storing chametz there - for example if he rented it out to a liquor store to store whiskey - it would be forbidden because he is deriving benefit from chametz.

If a businessman owns a fulfillment center, there is a difference between charging by pallet and charging for the space. If he charges a set price per month for the space, there would be no concern if a non-Jew would store chametz there. If, however, he would charge a fee for each pallet stored, he would not be allowed to take money if pallets of chametz were to be stored over Pesach.

Similarly, if a Jew owns a trucking company and he charges the renter per load, he would be allowed to accept the payment even if the non-Jewish renter uses the truck to transport chametz, as he would have to pay him the same price no matter what he puts on the truck. However, if the renter is being charged by weight or per pallet, there would be a problem of accepting payment if part of the load would be chametz.

The same holds true if a broker is paid for brokering a deal to transport merchandise by the pallet - he would be forbidden to take money for any pallets of chametz that would be part of the deal he brokers.