

Non-Jewish Employees Bringing Chametz Into a Leased Office Building

Rabbi Yosef Kushner

Question: In the previous segments, we discussed cases where someone owns a building where non-Jews bring chametz on Pesach. What if one doesn't own the building but is merely leasing it. Is he still responsible?

Answer: If someone leases or rents a building, it is considered to be under his control, and he would be responsible for chametz left there on Pesach. If someone leases an office building where non-Jewish employees will bring chametz into the common areas on Pesach, he faces a serious halachic challenge. We said that if someone owns such a building, he should sell it before Pesach. This option may not be available to leasers, as they are not owners and do not have the right to sell the building.

Some have suggested that they may sublease the building; however, there may be clauses in the contract that prohibit subleasing, and, even if one he would be allowed to sublease, it is not clear that this option would work halachically if the original leaser still has control of the original lease.

Practically speaking, the best option would be for the leaser to enact a "no food allowed" policy for the duration of Pesach. If this is not possible, his only option would be to sell his entire business before Pesach. This would not be a breach of the lease, as the same business would still be leasing the space, albeit under a different ownership.

Such a sale must be formulated in a very specific way, and one should discuss with his Rav how to arrange it.