

Non-Jewish Tenants Vs. Secular Jewish Tenants

Rabbi Yosef Kushner

Question: In previous segments, we discussed non-Jews leaving chametz on one's property. What about non-observant Jews? Would they be any different?

Answer: The answer is that they present a much bigger halachic challenge. As we said, if a non-Jew owns chametz, there is no prohibition for him to bring it to your property on Pesach; however, the Mishnah Berurah cites the Vilna Gaon as saying that it is forbidden *m'dohraysa* to have the chametz of a Jew on your property on Pesach. Accordingly, even if a secular Jew would bring his own chametz onto your property, you would be transgressing a serious prohibition.

Furthermore, although we said that it is forbidden to have ownerless chametz on your property on Pesach, the Poskim say that this prohibition only applies to someone who is in the vicinity of the chametz. Accordingly, if a landlord would own a property overseas, he would not have to worry about chametz left by non-Jewish tenants in common areas. When it comes to chametz owned by a secular Jew, however, it is forbidden to have this chametz on your property even if you are not near the vicinity of the building.

This presents a serious problem for anyone who owns a building where a secular Jew may bring chametz on Pesach into a common area. It would seem that the only solution would be to sell the entire premises, even if the owner lives overseas.