

Q&A from the Bais HaVaad Halacha Hotline

Cash Advance

April 4, 2024

Q I collected funds on Purim for an orphan's wedding, but the wedding is several months hence. May I borrow the money in the meantime?



A The Shulchan Aruch (Y.D. 259:1) rules that one who sets aside money for tzedakah may use it for himself and pay it back later. Once the money reaches the hands of the gabbai tzedakah—who acts as a representative for the *aniyim* for whom it is intended when he receives it—it may not be borrowed, unless the loan would benefit the *aniyim*. An example of such benefit would be if the gabbai could solicit larger donations if he informed prospective donors that the tzedakah account's balance is low (Arachin 6b; Taz Y.D. 259:1). Alternatively, a gabbai who knows that the funds will be available for him to borrow might be incentivized to collect more (Bais Yosef Y.D. *ibid.*).

Money that a donor sends electronically to a gabbai's *personal* account via Zelle, Venmo, or the like may be borrowed by the gabbai in all cases, because the funds aren't yet owned by the *aniyim* if legally they belong to the gabbai. Cash that is collected is subject to the above rule even if it is subsequently deposited into the gabbai's personal account, because it immediately, upon collection, belongs to the *aniyim*.

The Chamudei Daniel (cited by the Pis'chei Teshuvah *ibid.* 4) says that the Shulchan Aruch's rule is flexible: If the minhag is that the gabbai may borrow the money, it is permitted, because the donors and the *aniyim* accept the practice. The Chazon Ish rules accordingly (cited in Derech Emunah Hil. *Matnos Aniyim* 8 footnote 123).

Even in cases where a gabbai may borrow tzedakah funds, it is permitted only if he will be able to repay immediately if the need arises for the funds to be disbursed (Taz *ibid.* 2).