

## What Can a Bais Din Do to Remove a Tenant Who Refuses to Move?

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**Question:** If a tenant is not paying rent, or he is at the end of a lease but refuses to vacate, what can a bais din do to get the tenant out?

**Answer:** If the tenant is paying rent but the landlord wants him to leave for other reasons, it is a bit simpler. The tenant usually has a reason why he doesn't want to leave yet, for example, he may be planning on moving into his own house soon, but it won't be ready for another four months.

Obviously, no one wants to be forced to go through the eviction process by getting the sheriff involved; therefore, it is in everyone's best interest to reach some kind of deal. In such a case, bais din can ask the tenant how much it would be worth for him to not have to move twice and to be able to stay in this apartment. If his answer is \$4,000, bais din may suggest that the landlord accept a settlement of an extra \$3,000 or so to allow him to stay longer.

Many times, just knowing when the tenant is definitely going to leave is enough for the landlord. Once he knows that the tenant will be out by a certain time, he often is fine with that. To this end, bais din can ask the tenant to put \$10,000 in an escrow account and stipulate that if he isn't out in four months, the money will be transferred to the landlord. Often, both sides will agree to such a deal.

If the tenant is not paying rent, it is a little more difficult. Since he isn't paying anything now, it would be hard to get him to agree to any settlement that would involve him putting up any money. Bais din will usually try to explain to the tenant that he can't be there and usually can succeed in coming to some kind of understanding. Since the landlord usually won't want to go through the eviction process, he often will agree to give the tenant a one-time payment, on condition that he's out in four to eight weeks, and the tenant will usually agree to take the money and leave.

**Question:** What if these options don't work?

**Answer:** Bais din themselves does not do evictions, it would have to be done using the legal options. In some states, landlords are not allowed to shut off the electricity or lock the doors on a tenant. They only are permitted to do evictions through the court system. If nothing else works, that would be their only option.

However, I can't recall a single case where we weren't able to work out an agreement and the eviction process had to be used.