

What Can One do with Chametz on Pesach in Regards to Common Areas of a Building Which He Owns?

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Question: In the previous segment, we spoke about chametz in rented-out apartments, and concluded that it usually is not a problem. What about common areas, such as building lobbies and outdoor eating spots? Would it be a problem if chametz is left there by a non-Jew?

Answer: If a Jew owns an apartment building that has common areas, such as the one's you mentioned, it would be much more problematic than the apartments themselves, as it cannot be said that these areas are rented out to the tenants and it is clear that the owner does retain his rights to them. The same problem would apply in an instance where a Jewish landlord owns an office building that has a public cafeteria or a mall that has a food court. As long as the non-Jew has the chametz in his hands, he retains ownership of it, so it would not be a problem. But if he leaves leftover pieces of chametz in the area, that chametz would become ownerless. The owner would now be faced with the predicament of having ownerless chametz on his property on Pesach, which is forbidden.

According to Rashi, having ownerless chametz on your property is forbidden *m'dohraysa*, while according to Tosfos it is forbidden *m'derabanan*. Either way, it is a serious problem. It would be impossible to do a *bedikah* before Pesach if non-Jews will be bringing in new chametz on Pesach, and it would be very impactable to expect the owner to constantly be nearby to burn any leftover chametz on Pesach. It would seem, therefore, that the only solution would be for the owner to sell the entire building before Pesach.