The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
Shabbos, Dec 28 2024 ■ כ״ז כסלו תשפ״ה
סימן ש״ע סעיף ב׳

Overview

Siman 370 Seif 2:

If someone owns many houses in a yard and lent them or leased them to others but retains in each of the houses objects that cannot be moved on Shabbos due to their weight or prohibition which are objects that may not be moved even if one needs the place where they are, those residents do not prohibit for him since they are guests. Consequently, they are permitted to transport objects from their home to the yard even if they did not contribute to the *eruv*. If the houses were not purchased or leased by him, even if he has objects that may not be moved in those homes they prohibit one another. Some maintain that the above is true when there are no other residents in the yard but if there are other residents in the yard and the food is brought to one of their homes, each resident must join the *eruv*. If one leased a house from a gentile and then subleased a room to a friend, if when he originally leased the house he did not have this intent it is as if the entire house is his and he leased a room to a friend. If the intent all along was to lease the home from the gentile and sublease a room to this friend, it is treated as two separate homes and the fact that one has some control in the other's residence is inconsequential.

- Shulchan Aruch refers to where he lent it to them for a long period of time but if he lent it to them for a short amount of time, they do not prohibit. (M.B. 7)
- Having the right to place objects is not sufficient and the objects must actually be placed there. (M.B. 10)
- If he does not have the right to place objects there but they do not mind that he does, they are not considered his guests and will prohibit. (M.B. 11)
- If there are other residents in the yard but the food is stored by the owner of the many properties or one of his properties, it is not necessary for him to give bread since all the properties are his and the owner of the residence where the food is stored does not have to contribute bread. When there are other residents in the yard and the *eruv* is stored by them all of the residents must contribute towards the *eruv* and his right to store objects in their domain is inconsequential. (M.B. 13)
- Meaning, when he leased the property from the gentile he did not have in mind to sublease a room to a friend. (M.B. 15)
- The one who leased the house from the gentile acted as an agent for his friend. (M.B. 16)

Halacha Highlight

Hotel guests

Shulchan Aruch Siman 370 Seif 2
לפי שנעשו כלם כאורחים אצלו
Since they all become guests of his

Shulchan Aruch teaches that even when a homeowner has lent or leased a house to another person but retained for himself the right to store objects that can not be moved on Shabbos, either due to their weight or their prohibition, those residents do not prohibit him from transporting objects in the yard. The reason is that since he maintained the right to use that house (תפיסת יד) they are considered his guests rather than independent residents. For that reason, those residents are permitted to transport objects from "their" house to the yard, even though they did not contribute food for the *eruv*. Mishnah Berurah (סק״י) points out that this *halacha* applies only when the homeowner actually has objects stored in the other houses but if he does not exercise that right, they are considered separate residents despite his right to store objects there.

Poskim discuss the *halacha* concerning guests in a Jewish owned hotel where obviously, all of the furniture belongs to the hotel owner and is stored in the rooms occupied by the guests. According to some authorities, a hotel is not an application of the *halacha* presented in Shulchan Aruch. The reason is that Shulchan Aruch refers to where the homeowner stores large objects in the borrowed or leased home and the borrower or lessee has no right to use that object. In a hotel the guest is allowed to use all of the furniture that is in the room and thus it is considered his rather than belonging to the hotel owner (ע׳ חזו״א או״ח סי׳ צ״ב ושו״ת מהרש״ג ח״ב סי׳ קכ״ב). Others (שו״ת מי יהודה או״ח סי׳ מ״ז ואג״מ או״ח ח״א סי׳ קמ״א) disagree and maintain that hotel guests are considered to be dwelling in the owner's domain by virtue of the fact that if he wants he can switch one bed for another and the guests have no right to remove the furniture from their rooms. Teshuvas Shevet HaLevi (ח״ה סי׳ נ״ד) subscribes to the first opinion but adds that in a pressing circumstance one may rely on the lenient opinion.