



Overview

Siman 436 Seif 2:

According to some the obligation to search for *chometz* if one leaves more than thirty days in advance of Pesach applies only if one intends to return on Pesach but if his intent is to return before or after Pesach he is not obligated to search before he leaves since it is more than thirty days before Pesach (and when Pesach arrives he should nullify his *chometz*). If, however, his intent is to return on Pesach he must search before he leaves even if he leaves Rosh HaShanah time. If he forgot to search he should nullify his *chometz* but does not recite the *beracha*. His wife should search and nullify the *chometz* perhaps he will forget to do so where he is.

- ❖ This opinion takes a more lenient position than the opinion cited in the first *seif*. (M.B. 20)
- ❖ Poskim write that one should follow the stringent position recorded in the first *seif*. (M.B. 23)

Siman 436 Seif 3:

A Jew who leaves the home of a gentile to dwell in another home whether in the same city or in another city within 30 days of Pesach is not obligated to search for *chometz* before he leaves since he will search for *chometz* at his new home. If, however, he will be travelling by ship or caravan and will not reach his next destination before Pesach there is an opinion who maintains that since he is leaving within 30 of Pesach he must search for *chometz* before he leaves (even though the gentile will be in that home for Pesach. Some maintain that one does not have to search for *chometz* if the gentile will be there for Pesach.)

- ❖ If one leaves a Jewish owned property and another Jew will move in the first one is not obligated to search for *chometz*. If another Jew will move into the gentile's property all opinions agree that the first Jew is not obligated to search for *chometz*. (M.B. 29)
- ❖ There are different opinions whether one should follow Shulchan Aruch or Rema and it appears that if a gentile is moving in one could be lenient. (M.B. 32)
- ❖ There is a dispute whether one is obligated to search the property one will sell to the gentile on the day of the 14th. Although one should not protest those who adopt a lenient position it is preferable to sell the *chometz* on the 13th. (M.B. 32)
- ❖ Thirty days before Pesach one must be careful with what he does to assure that whatever *chometz* remains could be easily removed. (M.B. 32)

Stories to Share

Whose Responsibility?

שייע סי תל"ו, ג' "ישראל היוצא מבית אי"י תוך שלושים יום..."

On today's amud we find that a tenant in a non-Jew's home who moves out within thirty days before Pesach must make bedikas *chometz* before leaving. The same is true regarding a Jew who rents his house to a non-Jew within thirty days before Pesach. Before the non-Jew moves in, the Jew must do a bedikas *chometz*. (מקור חיים, סי תל"ו, ג', חיי אדם, כלל קי"ט, סי י"ח) Of course, if he has another place to do bedikas *chometz* he does not need to do an inspection.

A certain man lived in a non-religious area in Israel. He realized

Halacha Highlight

Searching for *chometz* if one will spend Pesach at someone else's house

Shulchan Aruch Siman 436 Seif 3

כדי לקיים מצות בעור

In order to fulfill the *mitzvah* of destroying *chometz*

Shulchan Aruch (סעי' ג') records an opinion that one who is leaving a house owned by a gentile within thirty days of Pesach and will not move into a new home before Pesach should search for *chometz* the night before he moves out of the gentile's property in order to fulfill the *mitzvah* of destroying *chometz*. This case illustrates how important the *mitzvah* of destroying *chometz* is and that a person should not look for loopholes whereby he will not search for *chometz*. Therefore, those families that go away for Pesach and sell their entire home before they leave in order to exempt themselves from searching for *chometz* are not acting within the spirit of this halacha. Therefore, they should exclude one room from the sale of their home and should search for *chometz* in that room the night before they leave so that they could also fulfill the *mitzvah* of searching for *chometz* (עי' פסקי תשובות אות ב').

Another possibility for those who will spend Pesach by another family rather than a hotel is to rent a room where they will be staying for Pesach. This rental must be formalized with a *kinyan* and the "tenant" should make sure to bring some of his own *chometz* into "his" room. By doing so he becomes obligated to search for *chometz* and may even recite the *beracha* before he begins the search (עי' שו"ת תשובות והנהגות ח"ב סי' רי"א). Some Poskim, however, reject this approach (שו"ת שבט הלוי ח"ד סי' מ"ד). They maintain that it is simply a ruse and there is no real meaning to the rental since it is done solely so that the guest can fulfill the *mitzvah* of searching for *chometz*. One who wishes to accommodate the stringent opinion should not recite the *beracha* before the search himself; rather he should listen to the homeowner recite the *beracha* before he begins his search and have in mind to discharge his obligation with that *beracha* (עי' פסקי תשובות אות ב' והעי' 15).

that staying there would not be good for his children and decided to move out. But it was not worth his while to sell so he put his apartment up for rent. Shortly before Pesach the man finally found for a tenant, a very secular Jew, who obviously did not keep Pesach or any other mitzvos. The owner wondered if he was required to do the bedikah himself and asked his rav who chose to forward it to the gadol hador.

When this question was brought to Rav Shlomo Zalman Auerbach he replied that it was not simple. "We find that if a renter failed to check his home for *chometz* the tenant must do so, even though this was not his obligation, and perhaps this case is the same. Yet if the owner must do a bedikah, we will have a very strange situation. We are discussing a case where the non-religious tenant does not keep Pesach and will certainly bring *chometz* of his own into the house. Why would one have an obligation to check for *chometz* in a place which will be *chometz*-ridden again before Pesach due to the failure of the tenant? Then again, maybe the owner needs to do what he can even though his effort is certain to be futile. In such a case, the halachah is unclear..."

הליכות שלמה, פסח, ע' קט"ז, אות ט"ז