

## Renting out of Land

**Ref: Sefer Mishpatim, Hilchot Sechirut, Chapters 6–8**

RENTING OUT AN APARTMENT WITHIN A LARGER BUILDING.

Rights and duties of renter and owner.

Tenant acquires certain rites when renting and this could be dictated by local custom e.g. he may also use front garden and or back garden etc.

MEASURES

Rental period is usually specified, but if not then

- For a sleep – **1 night**
- To rest – **2 nights**
- Wedding – **30 days**

Notice periods to leave (this applies to both owner and renter)

- Small town **30 days** in the summer. But in the winter, he cannot evict him between Sukot and Pesach.
- Large town / city **1 year** (harder to find accommodation)
- Store (small town or large city) **1 year**

If the owner has urgent needs for the rented accommodation for himself or say the wedding of his children, he may force tenant to leave.

Owner may raise rent in line with the current market rate, and equally if rental prices drop, tenant can demand rent to decrease.

RENTING OF HOUSE.

Differences that can arise between owner and renter (tenant).

Land is in possession of owner, and it cannot be expropriated without clear proof i.e. document or witnesses.

RENTING OUT A FIELD.

Renter either

- 1) pays in money
- 2) pays in produce a fixed amount – *chocher*
- 3) pays a percentage of the harvest – *mekabel* (sharecropper). Also called *aris*.

In all the above contracts, the responsibilities are as follows:

- Owner – items linked to land itself e.g. essential tools
- Renter – additional items which give convenience to renter i.e. digging an irrigation trench instead of having to carry, improving security

The following will influence agreements.

- Flax depletes land heavily and the roots remain there for a long time. However, one can make significant profit from sale.
- Local custom automatically dictates terms unless otherwise specified.
- Sharecropper must pay with actual crops produced i.e. if very good wheat was produced,

he cannot pay with other wheat from market.

- Wheat saps nutrient of land more than barley and therefore if one rented the field to sow barley, he may not sow wheat without permission.
- Grains sap land more than legumes... In places like Babylonia however, legumes are most damaging.
- If a sharecropper rents for **7 years or more** the renter is entitled to extras that have grown on the land like wood from branches etc.
- If sharecropper leaves field fallow, he would have to pay owner according to predicted yield.
- Worth of different produce needs to be looked at if sharecropper grew different product than agreed.