



# ERETZ HEMDAH

## ASK THE RABBI SERVICE

RAV DANIEL MANN



לעילוי נשמת  
יואל אפרים בן אברהם עוזיאל זלצמן ז"ל

## Mezuza on a Tzimmer

**Question:** We will soon complete building a *tzimmer* (vacation cabin) attached to my house (separate entrance). I will definitely put *mezuzot* up, even if just for the “feel” or protection, but am I really obligated, since I do not live there? I guess that will determine whether I make a *beracha* or not.

**Answer:** The *gemara* (Bava Metzia 101b) does say that the obligation of putting up *mezuzot* on rental property is on the renter, implying not on the landlord (see also Avoda Zara 21a). While this is practical for a lengthy rental, a *tzimmer* owner could not expect that vacationers will bring *mezuzot* with them. Actually, though, the vacationers do not need them. True, in *Eretz Yisrael*, a renter is required to affix *mezuzot* right away,

as opposed to in *chutz la'aretz*, where there is a 30-day “grace” period (Menachot 44a; Shulchan Aruch, Yoreh Deah 286:22). However, even in *Eretz Yisrael*, one who stays in a *pundak* (an inn for travelers – Rashi ad loc.) is exempt from *mezuza* (ibid.). This applies to hotels and *tzimmers* as well (Chovat Hadar 3:5), **at least** for 30 days (see S’dei Chemed vol. V, p. 63; Mishneh Halachot IV:134).

Then, the question becomes – if your guests are exempt, does that mean you are obligated? This depends on the rationale of the *gemara* (Bava Metzia 101a) that *mezuza* is the obligation of the *dar* (the renter who is living there). Some posit that if one owns a house but does not live in it (i.e., the landlord) he is fundamentally exempt from *mezuza* (Tosafot, Avoda Zara 21a). If so, if you never use the *tzimmer* as part of your “living quarters,” you should not be obligated. On the other hand, Rav Yehonatan (cited in Shita Mekubetzet, Bava Metzia 101b) posits that according to Torah law, the landlord is obligated in *mezuza*, but they obligated the renter because he is the one who benefits from the *mezuza*’s protection. According to this latter approach, if the guests are not obligated during their insufficiently significant stint, the owner would be obligated.

Even if a permanent landlord is not obligated on any level in attaching *mezuzot*, you might be obligated. One possibility is that the fact that you are dealing with the *tzimmer* commercially, to make money, on an ongoing basis rather than on a one-time basis, makes it considered a use of the money maker (see

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Torat Hamezuzah p. 104). This is enhanced if, as proprietor, you often have to go in and take care of the *tzimmer* (see Igrot Moshe, Yoreh Deah II, 141). Also, the Shevet Halevi (II:156) says that even if hospital patients do not require a *mezuzah* on their room (due to the nature of the stay), a Jewish hospital would require *mezuzot* on all its doors. This is not only because the Jewish staff frequent the rooms, but also because of the Jewish ownership. (He does not discuss whether they are affixed with a *beracha*.)

The approach that the owner does not need to live there like a home depends on the question of *mezuzot* for the workplace (which we discussed in Living the Halachic Process, I:G-4). The Rambam (Mezuzah 6:9, accepted by the Shulchan Aruch, YD 286:11) says that a store in a marketplace does not require *mezuzot* seems to imply that *mezuzah* requires domestic living. However, some attribute the Rambam's exemption to other factors – it is used only in the daytime; the market was only on certain days. Still, most *poskim* suggest not making a *beracha* on attaching the *mezuzah* to a commercial space due to doubt about the

requirement (see LTHP *ibid.*).

The simplest advice is to affix the *mezuzah* without a *beracha*. If you want to find a way to make a *beracha* appropriate, you can use the *tzimmer* for personal needs either before turning it commercial or even afterwards, if you do so from time to time. This includes having close family and friends being semi-frequent occupants, as many consider the living use of such people like your own (see Torat Hamezuzah *ibid.*). Note common practice is that one who moves into a house that has a room set aside as a guest room affixes a *mezuzah* on it without a *beracha*, even if the guests are not constant! ■

## Having a dispute?



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