

## Canceling Vacation Rentals Amid COVID-19

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**Rabbi Baruch Meir Levine**

### **Question:**

Someone rented a house in Orlando for Pesach but due to Covid-19, was not able to travel and make use of the house. Does the halachah allow such a person to have his deposit returned? Airbnb did require all of the rentals associated with their organization to return deposits of those unable to travel; does the halacha follow the same rules?

### **Answer:**

Let us begin with a simpler case first. What is the halachah if in the above scenario, the person simply got sick or could not travel for other reasons unrelated to Covid-19? The general consensus in halacha is that one has no obligation to pay the entire amount in a situation of unforeseen circumstances where cannot make use of the rental. However, he would not be able to receive the deposit back (even if the contract does not specifically say that the deposit is nonrefundable), as the halachah looks at that as a unconditional payment, regardless of what happens afterwards. On the other hand, the halachah may be different in a case of extenuating circumstances that affect a large group of people, such as a whole city or region (known as *makkas medina*). For example, the *poskim* say that if all of the houses in the city burn down, a tenant would receive his deposit back since the house itself is not inhabitable.

The Rishonim also discuss a middle case that is more similar to the current situation. If all of the inhabitants of the city fled due to a raging epidemic, some Rishonim say that the halachah is equivalent to the case where the house burns down, and the tenant would receive his deposit or rental money back for the time that he was unable to live in the house. Others though argue that since the house itself is livable but the people cannot live there since they do not want to be in the city at such a time, it is considered like a regular case of unforeseen circumstances and one would not receive a deposit back. It seems that most *poskim* conclude that the halachah follows the opinions that one would be able to get the deposit back, in the case of the epidemic.

This seems to be similar to our case, assuming the location of the rental is specifically geared for vacationers, since most people cannot travel to Orlando, and even if they do, there is not much to do there. Therefore, there is strong basis in halacha to say that the one who reserved the vacation rental in Orlando would be allowed to get his deposit back..

The halachah would be different if one rented a regular apartment for Pesach in Yerushalayim but was unable to travel. In this case, the rental is not specifically geared for foreigners, and anyone within Eretz Yisrael could rent the apartment. Therefore it would be more similar to the case of a personal problem of the renter such as getting sick, and one would not be

able to get the deposit back. Nevertheless, this may depend on whether the apartment was usually used as a vacation rental for tourists and other factors that are beyond the purview of this discussion.