



Working with Clients Participating in the Safe-at-Home Program

By Leah Mathiason, Ann McFarland and Muria Kruger

It is not uncommon to encounter tenants at housing court who are part of the Safe at Home program. It is important that VLN volunteers understand this program and how it protects vulnerable tenants. This tip will start by explaining the Safe at Home program and the duties of landlords under the Safe at Home program. This tip will then discuss the problem of evictions with Safe at Home participants and what can be done about it. It concludes by arguing that more can and should be done to protect the confidentiality of Safe at Home participants in the filing of eviction complaints. There is a simple, effective answer.

What is the Safe at Home Program?

The Safe at Home program, established under Minn. Stat. 5B, is a confidentiality program maintained by the Minnesota Secretary of State which is designed to help people who fear for their safety. Participants in the Safe at Home program are victims/survivors of domestic violence, sexual assault, dating violence, or stalking.

The program provides participants with a P.O. Box address and lot number for their legal address. This allows the participants to keep their physical address private. The Secretary of State forwards any mail sent to this P.O. Box/lot number to the participant. Minnesota's Safe at Home program requires all public and private entities, including Minnesota state IDs and utilities, to accept and use this address.

Minn. Stat. 5B.05 requires that anyone who has been notified by a Safe at Home participant that they are using a Safe at Home address, must not knowingly disclose the participants name or physical address. It is a misdemeanor to make the address of anyone in the Safe-at-Home program public. Minn. Stat. 5B.13. This limitation, however, does not apply to court records.

The Safe at Home program also creates special provisions for service of process upon participants. Minnesota Rule of Administrative Procedure 8290.0500 provides that, for personal service, legal documents may be personally served upon the Secretary of State at any public counter of the Office of the Secretary of State. This Rule further provides that, for service by mail, the legal documents may be mailed to the participants Safe at Home P.O. Box/lot number. In either situation, the Secretary of State is obligated to forward the service documents to the participant within the next business day.

Finally, the Safe at Home program makes it possible for participants to vote by absentee ballots in elections per Minn. Stat. 5B.06.

1. Duties of Landlords under the Safe at Home Program:

Once a tenant has notified their landlord, in writing on the proper form, that landlord must comply with the Safe at Home program rules. Compliance includes:

- Keeping the name and address of the tenant/participant confidential. Landlords cannot disclose the name or address of the tenant/participant without written consent.
- Sending all correspondence to the tenant/participant's Safe at Home address.
- Refraining from displaying the tenant/participant's name anywhere on the premises, even when required by local ordinance. This includes mailboxes, tenant directories, and intercom/security system directories. Minn. Stat. 5B.10
- Not disclosing the name of the tenant/participant to a local government unless in response to a specific request made in connection with an active investigation or inspection relating to an alleged fire code, health code, or local ordinance violation. Minn. Stat. 5B.10
- Serving the Secretary of state to effect service in any legal action, including an eviction. Minn. Admin. R. 8290.0500.

2. The Problem of Evictions and Safe at Home Participants

Eviction cases against tenants who are participants in the Safe at Home program are frequently filed publicly. The statute governing the filing of eviction complaints, Minn. Stat. 504B.321, requires that an eviction complaint includes the "full name and birthdate of the person against whom the complaint is made," and that it describes the premises for which possession is claimed. As noted above, court records are exempt from the Safe at Home provisions, so landlords can and do file evictions publicly against Safe at Home participants regularly.

While not required by the law yet, landlords can file eviction cases in compliance with the spirit of the safe at home statute and in compliance with 504B.321. Minnesota Rule of General Practice 11, provides the necessary guidance. Using Rule 11, landlords can file a redacted complaint with a confidential information form and a cover letter explaining why the information has been kept confidential.

Another possibility is to file the case as confidential from the very beginning with a cover letter to the court. Since the pandemic, the use of confidential cases has become more common in housing court. The confidential status allows all contents of a case to be concealed from the public, but still allows the parties and court to access its records.

When landlords file eviction complaints against Safe at Home participants publicly, the participants (or their volunteer lawyers!) should request that the case be made confidential as soon as possible. If the request is made prior to the initial appearance, it can be done by filing a fee waiver and a request to the court in the form of a letter. If the request is made at the initial

appearance, the landlord can agree to make the case confidential. If the landlord will not agree, the request can be made directly (orally) to the court that day.

Shockingly, however, the damage of a publicly filed case is likely done the moment it is filed. Sophisticated stalkers can use web-sweeping searches to find any information that is publicly available on-line about their targets.

VLN volunteers encountering Safe at Home participants at housing court should, in addition to making sure the tenant's name and address is concealed, also check in with the tenant about their safety. For example, if the hearing is in person, do they want an escort back to their car? Do they need to leave their current living situation quickly? If they need further services, please refer to the Day One crisis hotline (www.dayoneservices.org or 1-866-223-1111). Brainstorm solutions with your client. You don't need to provide all the answers, but you have resources you can connect them with or call upon to assist.

More can and should be done to fix the issue of landlords not being required to maintain confidentiality when filing eviction complaints. The use of redacted complaints and a confidential information form is already used in many other legal settings. Additionally, it is now relatively common to make entire eviction cases confidential in housing court.

With relatively simple, effective, and robust solutions that benefit tenants and landlords, it's time that this issue be addressed.

More information on the Safe at Home program can be found on the Secretary of State website: <https://www.sos.state.mn.us/safe-at-home/about-safe-at-home/>