



Housing Practice Tip

A Step-by-Step Guide to Eviction Expungement:

Due to the recent Appeal Case SELA Investments, Ltd LLP vs. J.H. (Minn. Ct. App. A24-1380, April 21, 2025) here is a step by step guide to filing eviction expungements in Hennepin, Ramsey and Anoka County. Courts in Hennepin and Ramsey County decide motions to expunge through administrative review proceedings only. What does this mean? It means that for most eviction expungement motions, there are **no in person hearings**. Anoka County still has in person hearings.

We're hoping that this process will encourage even more volunteers to agree to take full rep eviction expungement cases. In addition to the step-by-step overview of the eviction expungement process below, VLN also has examples of all the necessary paperwork on its website here: <https://www.vlnmn.org/volunteer/housing/eviction-expungement>. We've given you everything you need to get started!

Here are the step-by-step instructions for starting the eviction process:
case:

1. Review initial paperwork

VLN attorney will send the client contact and basic case information for the client, and the Court File number/s so you can view your case history and all the documents filed with the court in the underlying eviction(s) online through Minnesota Court Records Online (MCRO) <https://publicaccess.courts.state.mn.us/CaseSearch>.

In most cases you may have all the information you may need to draft your expungement paperwork. You should contact your client, introduce yourself, confirm the details are accurate, and find out any missing facts that you may want to include in your motion. Here are some potentially relevant questions to help complete your motion:

- A. What was happening at the time of the eviction?
- B. Does the client owe the landlord money?
- C. How is the eviction affecting the client's life today?
Have they been denied housing due to the eviction? Details on who denied them and when?

- D. Were there obvious legal defects in the eviction case itself?
- E. How is the client's life different today?
What makes them a good/low risk as a tenant now as opposed to the time when they were evicted?

2. Draft necessary documents:

After reviewing the court filings and case details, and interviewing your client, draft your documents (templates on our website under the Forms tab on the left:

<https://www.vlnmn.org/volunteer/housing/>

- (1) Certificate of representation,
- (2) Fee Waiver form:
 - a. Hennepin: use Affidavit of Attorney only
 - b. Ramsey: use Fee Waiver Form for Ramsey **and** Proposed Order,
 - c. Anoka: use Affidavit of Attorney **and** Proposed Order, and
- (3) "Affidavit" **or** "Motion" for eviction expungement.¹
**You do not need a "Notice of Motion"*
- (4) Proposed Order (Anoka only.)

Use an Affidavit only in cases where the parties agreed to expungement.

Use a Motion for all other cases. Motion to the court where expungement is clearly in the interest of justice and how those interests are not outweighed by the public's interest in knowing about the record. In the motion, include whether the eviction case was settled and if Defendant fulfilled the terms of the settlement to help support Defendant's motion.

Once you have completed a first draft of these documents, VLN staff is available to review and provide suggestions.

3. Obtain client approval/signatures and efile the documents:

Once the documents are complete, obtain the necessary signatures and approvals from the client. To obtain the client's signature, email drafts to the client to review for accuracy of their information and the facts of the case and have them reply indicating the information is accurate and they approve for filing. (e-signing /s/ on behalf of clients are acceptable).

After appropriate signatures have been obtained, e-file all the documents. Make sure to sign up for e-service in eFS.

¹ Some jurisdictions also request draft Orders to be filed along with Eviction Expungement Motions. Hennepin and Ramsey county, where we do most of our eviction expungement work, do not.

4. NOTICE OF ADMINISTRATIVE REVIEW ORDER FROM THE COURT:

Once the papers are filed, the court will issue an order approving the Fee Waiver and an order setting the date for an administrative review or a hearing. The orders will be served on the attorney electronically by the court through eFS. VLN has seen a few eviction expungement motions set for a remote hearing, but the vast majority of cases are set for administrative review, meaning there is no in person hearing. The court will decide the motion on the paperwork alone. However, Anoka county cases are still set for in person hearings.

5. Serve the Motion For Expungement and Order for Administrative Review or Remote Hearing on the Landlord/Their Attorney:

Next, the attorney needs to serve the landlord with a copy of the motion for expungement and the court order on administrative review or a hearing. The court order may indicate deadlines regarding when the landlord must be served by and when any objections must be filed with the court so look for deadlines to ensure any necessary filings are complete within the timeline prior to deadlines.

SERVICE

The attorney for the Plaintiff can be found in the Complaint. If there is an attorney of record for the landlord that is still active in eFS, the volunteer attorney can e-serve that attorney through the eFiling system. However, because the court cannot see any documents that are only e-served in eFS, the attorney will also need to file an affidavit of e-service with the court.

If the landlord in the original case was pro se or the attorney of record withdrew, the attorney will need to mail a copy of the Motion for Expungement and the Order for Administrative Review to the landlord at the address listed on the eviction action complaint. Again, the attorney will need to file an Affidavit of Service after mailing is complete.

(Affidavit of Service Templates are available on our website under the Forms tab on the left, under Service Documents) <https://www.vlnmn.org/volunteer/housing/>

6. The Administrative Review Date

On the administrative review date, the court will review the motion for expungement as well as any objection filed by the landlord and will decide the motion on the papers. The court will enter an Order and the attorney will receive a copy of the Order through the eFiling system.

On the slight chance a remote hearing is scheduled, all parties will be asked to appear via Zoom to state their arguments briefly and answer any questions raised by the court. Zoom hearings are similar to the in-person hearings previously held in court but are much faster as there is no need to travel to court or wait for your case to be called. However, this does not apply to Anoka County since Anoka County are scheduling matters for in person hearings. VLN staff can assist you with a hearing in any way that makes you comfortable.

7. Final Order

After the motion is granted, you will receive a copy through the eFS System. Email a copy of the expungement order with a closing email to the client and close the case with your client and VLN. Complete and upload copies of orders on the VLN Closing form:

<https://vln.formstack.com/forms/closing>

If the motion is not granted, inform the client and explain why you believe the expungement was not granted. (The courts generally do not provide a case-specific rationale.) Discuss with the client what steps they can take to make expungement more likely next time and when they should try again.

Conclusion:

We're hopeful that this step-by-step description of the process will help encourage new volunteers to give eviction expungement a try! Full rep eviction expungement is a great way for new volunteers to get involved in housing work.

And, for those of you that do take a case, thank you for helping make it much easier for an individual to find healthy, safe, and affordable housing!