

Mail Server

October 12, 2023

Q I regularly receive mail addressed to previous occupants of my home, including invitations, promotions, and tzedakah solicitations. Am I required to get these items to their addressees?



A Someone else's mail found in your mailbox is subject to the mitzvah of *hashavas aveidah* (returning a lost object). You can fulfill your obligation by notifying the owner so he can come and pick it up; you are not obligated to deliver it to him (Pis'chei Choshen *perek* 7 footnote 2). Items that people generally consider to be junk may be discarded; things like credit card offers, however, are useful to some.

Until the mail is picked up, you are a *shomer* (custodian) and must safeguard it. Some *poskim* consider a *shomer aveidah* to be a *shomer sachar* (paid guardian), others a *shomer chinam* (unpaid guardian, with less liability for loss). All agree that it must be kept in a clean, safe place. If it is lost or damaged due to your negligence, you are liable (C.M. 267:16). USPS offers 12 months of free mail forwarding (and longer for a fee) to someone that moves to a new address. It is the responsibility of the former occupant to order the free service, so as not to burden the new dweller with an overstuffed mailbox. If he fails to do so, the new occupant is exempt from *hashavas aveidah* under the principle of *aveidah mida'as* (willful loss), which says the mitzvah doesn't apply where the owner is careless about the item (C.M. 161:4; see also Machanei Efrayim Hilchos Hefker 6). You may not discard the mail, but you're exempt from a *shomer's* obligation of safekeeping (Divrei Mishpat *ibid.*).

If you suspect that neglecting a piece of mail might lead to financial loss—e.g., a debt-collection notice that may involve penalties and interest—you must notify the addressee in all cases, as the prevention of impending financial loss is a form of *hashavas aveidah* (see C.M. 259:9).