

Short Circuit 212

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SPEAKERS

Rob Peccola, Anthony Sanders, Steve Lehto

A Anthony Sanders 00:18

Hello, and welcome to Short Circuit, your podcast on the federal courts of appeals. I'm your host, Anthony Sanders, Director of the Center for Judicial Engagement at the Institute for Justice. We're recording this on Wednesday, March 23, 2022. We got a couple great cases and a couple great lawyers on the two cases from the Sixth Circuit and the Eighth Circuit coming up. First, I want to remind all our listeners if you heard this the last couple of weeks that we have an event coming up in DC. If you're in the Washington, DC area, we invite you to come to the National Press Club for Short Circuit Live, hosted by our very own Anya Bidwell with Supreme Court lawyers and former DC circuit clerks Lisa Blatt, Kelsi Brown Corkran and Paul Clement. They are some lawyers who might know a thing or two about what's happening in the DC Circuit these days, and you're welcome to come. The only thing is we are very close to getting a full house now. So if you want to go you need to RSVP. You can do it from the link in the show notes or go to our web page. So we look forward to seeing many of you then. For today, we have a good friend of mine, a fellow colleague who hasn't been on the show in some time. So it's about time we invited him back. And that's Rob Peccola. Welcome back, Rob.

R Rob Peccola 01:51

So good to see you, Anthony. And welcome, Steve.

A Anthony Sanders 01:55

Yes, and that that Rob just mentioned is Steve Lehto. Now Steve is a very special guest with us today. Steve is a consumer protection lawyer in Michigan. He's written several books on many different Michigan topics over the years. He's been in practice over 30 years. And he also has a YouTube channel that has about 300,000 subscribers. He makes countless videos about all kinds of things to do with the law. And just recently he had a video about asset forfeiture, which we know something about here at IJ. And he mentioned IJ, and also in a couple other episodes. And it's created all this interest for us from his YouTube channel. So I thought, you know, what

would be cool is to have a crossover episode, as they used to say when you know, the Fonz would go on Laverne and Shirley and the worlds would collide. So we are so happy to have Steve join us today. Steve, welcome to Short Circuit and tell us a bit about yourself.

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Steve Lehto 03:05

It's good to be here. And I'll try not to jump the shark. But yeah, I've been practicing law in Michigan for 30 years, 31 actually. I specialize in consumer protection with primarily lemon law. But I've handled all kinds of other stuff in my career. When I started out, I'd handle it all. I did court appointments for a while. So I've dabbled in a lot of stuff. But I mainly focused especially the last 20 years on almost nothing but cars. And before as a lawyer, I worked in radio as both a disc jockey and a talk show host. And so somewhere along the line, I decided it might be fun to podcast. I started podcasting sitting in a room talking to myself and posting them on iTunes. And I had a few thousand subscribers and somebody said, You should put those on YouTube. And I said, Why would anybody want to watch a guy talk to himself on YouTube. And it turns out that people do. So I've been doing that for eight years now. I put up two videos a day. My show is very creatively called Steve Lehto. That's the channel at least on YouTube. But I've now got almost 300,000 subscribers and a very, very good audience. And I'm not saying this like hey, Cleveland, you're the greatest audience in the world, rock and roll. I can do topics that I consider to be very esoteric and very, very legalistic. And I worried when I started the channel, Will anybody understand what I'm talking about? Or will they even care? And I've gone into some very, very deep topics on some of this stuff like civil asset forfeiture and some constitutional issues that I honestly thought no one will understand, no one will care about, but they interest me. Turns out people are interested, people are very emotionally invested in this. And some of the best videos in terms of performance are like civil asset forfeiture. And since the Institute for Justice does such great work on this, and I also get a lot of my stories from following you guys, I had before said, By the way, shout out to IJ for doing the great work they do. And by the way, if you want to donate, and I put the donate line in the, you know, description of the videos, and my understanding is quite a few people have responded to that. And I'm glad by the way, I think it's great. If people call me up and say, Steve, do you have a Patreon account? No, I don't need your money. But there are organizations out there that do. And so I stress to people that IJ is doing the Lord's work. And this is the kind of stuff that, without you guys, I don't know, who would do this? And I mean, seriously, the whole point behind civil asset forfeiture that makes it so evil is, you can sue us to get your money back. And if you win, you got to pay your attorneys out of the money you just got back from us that we stole from you. So without people like you doing this work, it would be hopeless for a lot of people. So I salute you guys for that kind of stuff.

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Anthony Sanders 05:50

Well, we very much appreciate that, Steve, and of course we appreciate our new donors who have found us through you. And you're right. I mean, we're not talking about civil forfeiture today. But we have many times, but it is so important to note that when you have something like, you know, \$2,000 seized from you by the police, it's going to cost way more than that, in almost all cases, to hire a lawyer and go to court and get it back. And so it just doesn't happen unless someone like IJ is on your side. So that is so appreciated. But you know, something else that is very important and appreciated is the First Amendment. So you're going to tell us a

story from a case from the Sixth Circuit, that's your circuit from about a month ago, Wood v. Eubanks. It's a story of going to your local county fair. But other than that, maybe it's a bit different than your typical fair visit. So take it away.

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Steve Lehto 06:59

Well, here's the thing. This is an interesting case. And I had a lot of people ask me to do this on my channel on YouTube. And I actually declined; I did not do this. I did not do a video about this. And there's one reason in particular, and that is, it involves foul language. Now, here's the thing, I worked in radio for years. You don't say the F word within 100 feet of a microphone, or you get struck by lightning. So I'm going to have to clean up what I'm talking about right here and let you know that we're gonna be using the F word quite a lot. And I'm going to say the F word. In real life, in this opinion, the court uses the F bomb repeatedly. And they spell it out because they have to. So what happened was Michael Andrew Wood went to the county fair in Ohio, paid three bucks to get in while wearing his F the police t-shirt, but he had the full word on the shirt. And in case you don't know, by the way, that's the name of a song by the band NWA. I had the album Straight Outta Compton. It came out while I was in law school. I would listen to that while studying for the bar. I'm not making that up.

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Anthony Sanders 08:03

And I'm guessing you passed.

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Steve Lehto 08:04

Yes, I did, first try. So the man goes to the state fair, excuse me, the county fair, paid three bucks to get in. He's wearing his F the police t-shirt. And somebody apparently calls the management or the police. It's unclear who called who. But eventually the manager of the fair confronts this guy and in essence says, I don't appreciate that shirt. He says, I don't care. It's First Amendment. I can say what I want. And I can write what I want on my T-shirt. So, sorry. Well, the police get called in and the police wind up approaching this guy, who, by the way, is no longer wearing the shirt. It's unclear from the fact if he changed the shirt, took it off, or turned it inside out. But when the police and the manager finally confront this guy, he's not even wearing the shirt anymore. But because of the brouhaha he caused wearing the F the police shirt, and someone calling the police, the police and the fair manager approached this guy. And somebody says Where's the shirt? I want to see this shirt. But he's not going to cooperate with them. So Wood knows his rights. He does not have to answer questions. He hasn't broken any laws. All he's done is worn a shirt that expresses a political sentiment that some people might not like. But the First Amendment doesn't actually say you've got a right of free speech so long as you don't offend fairgoers in Ohio. It actually says you've got to write a free speech. So he was no longer wearing the profane shirt, which is what the court of appeal says. And he did say, I'll leave. I want my money back, but I'll leave. So the fair manager flipped him five bucks, said keep the change. They had a little discussion about that. At one point Wood said, Well, very well. I'll be talking to my attorney about this. But the whole time he's talking to the police and he's talking to the fair manager, he keeps going back and forth with two primary topics. Number one, he insults the cops to their faces repeatedly. At one point he calls them mother effers. You guys are six bitch ass, F-ing pigs, F-ing thugs, F all of you, you dirty rat

bastards, F-ing thieves, you're thugs with badges. Your F-ing thugs with badges. It's almost like a mix and match where you take a bunch of words, you jumble them and just put them together in different orders.

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Anthony Sanders 10:35

He puts NWA to shame.

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Steve Lehto 10:37

Yeah, he clearly is not a fan of the police. So the police say, You've got to go, you've got your money back. Again, he's not even wearing the shirt, not even wearing the shirt. And so they say, You've got to leave, and they start escorting him out. And the whole time. yy the way, he's also saying, You guys understand I've got the right to free speech, right? You understand that? Right? And he's saying things like that also to them mixed in with the F-ing thugs and so on and so forth. Six deputies, it took six deputies to walk this guy to the gate. And as they're walking to the gate, the fare manager says, Can't you charge him? Can't you arrest him? And the fare manager appears to be the guy who's encouraging them to arrest this guy. And finally they decide, Yeah, we can arrest him. They arrest him for disorderly conduct. Now, here's the thing. If you were to step back and examine this entire transaction, two things happened. The guy wore the shirt that says F the police. He took the shirt off. Then the police showed up and he verbally told them what he thought of them intermixed with a little lesson on unconstitutional law, saying First Amendment, I've got the right to express myself, you guys don't know what you're talking about, you're doing this all wrong, blah, blah, blah. So they arrest him for disorderly conduct. And they dismissed the charges, because later they say they couldn't find witnesses. The sun was in their eyes. It's unclear, but they dismissed the charges. So then he sues the police for the unlawful arrest. He says, I was arrested wrongly. And as they so often do the police raise as a defense qualified immunity. They said, Well, if we made a mistake, if we made a mistake, it was the kind of mistake that might happen in the normal course of business for a police officer, and therefore we get qualified immunity. And as many people know, the police can claim ignorance of a lot of laws and say, Oh we didn't know is wrong to beat somebody up, we didn't it was wrong to steal something. It turns out the Sixth Circuit says, Yeah, but you should know it's illegal to wrongly arrest somebody. Someone actually has the right to not be arrested if they haven't broken the law. So the qualified immunity is immediately called into question by the Sixth Circuit. But at the trial court, the trial court actually said, You know, qualified immunity sounds good to us, dismiss the case. So they dismissed it. So it's up on appeal to the Sixth Circuit. First thing the Sixth Circuit says is we got an issue here, qualified immunity does not sound like it's going to work. And they looked at whether or not this guy should have been arrested for disorderly conduct in Ohio, because although this is a federal action, federal courts apply the substantive laws of the states in which they reside, while using federal procedure, and of course, federal law that overrides like the constitution. So when you're looking at somebody who's being arrested for disorderly conduct, you have to look at whether or not there was, you know, probable cause to arrest him for that. And the question is, what did this guy do? And it turns out that in Ohio, you can't get arrested legally for disorderly conduct for simply using words. just saying words. So if I say F you, using the full word, or you're a thug, or you're ugly, your mom dresses funny. All of these things, insulting, mean, impolite speech. They're bad in terms of, you know, what Miss Manners would say. But they're not illegal. And technically, you cannot be arrested for that and have it stand in

Ohio. So the court says that the police officers, by arresting him for something which he shouldn't have been arrested for, means that they blew the one thing they needed to make this argument. But they also said that obviously the guy's got a right to not be arrested wrongly, and why he's being wrongly arrested is simply that the foul language, the unhappy language, whatever you going to call it, it's not enough. And they also did a very nice job explaining the history of how this has progressed. 60 or 70 years ago they probably could arrest you for saying F You a little bit too loudly in public. But they point out that over time, our tastes have changed to put it more lightly. And pretty much the only thing you can say verbally that would get you in trouble is the fighting words doctrine. And trust me, if I wanted to, I could get in your face and proudly say something to you so vile and so foul that you'd want to haul off and punch me and most people would say that man deserve to be punched, those are fighting words. And even in that case, the court explained that standards of decorum have changed dramatically since 1942. So they went through the whole history. You are allowed to flip off a cop, you are allowed to tell him to go F himself or herself, to be inclusive here. You can use the F bomb liberally. Is it polite? Is it nice? Is it something you should do? That's not the question/ Constitutionally, are you allowed to express that in public? And the answer is yes. So the court said that having the case dismissed for qualified immunity was wrong and sent it back the trial court. Now I do want to make sure one thing is clear here. And one of the reasons I was skeptical about doing this story as a video of mine, is that number one, I had the issue with the language because I keep saying F this, F that, F thugs, F pigs, F-ing pigs, and I hate to do that. But number two, a lot of people are gonna look at this guy, oh, the guy won his lawsuit. He's gonna be a millionaire tomorrow. Well, no, he gets to go back to court now and make his case. And that's important, because a lot of times we hear about cases that get dismissed, get reinstated, and these fights that take up before a case goes to trial. And so the qualified immunity is simply a huge hurdle. But he cleared that hurdle. And he's going to get back now into court and get a chance to make his case. I would say the one big question mark I have, and we may never know the answer to this, is that if this goes to trial in front of a jury, all of these police officers were wearing body cameras. That's why we know exactly who said what when. If you showed all of this body camera footage to a jury of 12, very, very conservative locals, the question is, how much sympathy will they have for this plaintiff? And that's what I don't know. That's what I don't know. But this is a big victory for the First Amendment. And it's actually, relatively, I think it's like an 18-page complaint. That's concise for a federal appeals court opinion. And so if you want to read a really good history and a user's guide for the F word, there you go, Wood v. Eubanks. And so it was it was a great case to read. And again, the First Amendment is alive and well on the Sixth Circuit.

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Rob Peccola 18:01

You know, Steve, I don't know if one of the ironies that struck you like it struck me is I actually didn't find the profusion of F bombs to be the most offensive language described in the opinion. I thought the most offensive language was when the police said, This is my house where you can say that, as if he had stumbled into the officer's backyard and started swearing. That really frosts me when they say, This is my territory. That, I thought, sort of raises the bottle temperature too.

S

Steve Lehto 18:35

Yeah, and I saw that and there was a whole bunch of discussion going on. And I think back about when cases were before the time of body cameras, when you know darn well that they

would have gone to court and the cops would be going all this guy's doing a screaming and yelling, saying all crazy stuff. And on the other hand, the police will be going No, we just said Sir, please come with us. You're making a disturbance. And so the body cameras keep everybody honest. And you're right that's part of the exchange. I caught that too. And that was right around the same time that the guy was getting his \$3 entrance to the county fair, there you go.

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Anthony Sanders 19:15

Yeah, often we have cases on on Short Circuit where we translate for our audience and especially non lawyers and maybe it will be a little confusing if you went read it but we encourage them to. This is a case I absolutely encourage everyone, lawyer or not, to go and read because the facts are just pretty amazing. I can't remember if the show Cops is still on somewhere some way on some channel but this would be an amazing episode of cops. Quite a lot of bleeps if they still had it on Fox or whatever channel it started on. But it would be one of the most entertaining episodes on the on the legal side. What I thought was interesting, and I guess this might have been just the tactic that his lawyers took, but although the First Amendment's very much involved, and they talked about fighting words, it was more a claim that he was unlawfully arrested then that his First Amendment rights were suppressed. And I guess maybe they thought they had such a good claim under the Ohio statute that that was more the direction they went. Did that strike you at all, Steve?

S

Steve Lehto 20:32

Well, there were a couple little things buried in footnotes in this case. And I remember in law school, you discover a lot of cool stuff in footnotes. And at one point in time, they said, We're taking you out of here, you're leaving, and they started walking towards the front gate. And the man said, No, I need to go out the back gate. That's the way I came in. And the police said, We want to go to the front gate. He said, No, I'm going to the back gate, and he went towards the back gate. So they escort him to the back gate. On appeal, the police argued and said, Well, we could have arrested him for disobeying a lawful order. The court of appeals says, Yeah, you could have, and if you'd raise it you could have argued it, but you didn't. And that's what makes you wonder, because they point out that simply using words is not going to do it 99.9% of the time. They gave some examples of people who had coupled words with something else, like sticking your hand in someone's face and saying something that might seem threatening, and then how close you are to somebody, the proximity might make the words step up a little bit, or somebody's threatening, like, you know, "If you keep doing it I'm going to rip your head off" is another example they give. Well, that's a threat. But the funny thing is they actually said, they hinted that if they had arrested him for disobeying a lawful order, this might be an entirely different case. But they didn't do that. And so it's kind of funny to me, that the police were so intent on arresting the guy. And they were so upset by what he was saying that they stuck those two together, when they could have said, if we want to arrest the guy, let's get creative. We told him to go that way, he went that way. And we might not be here today.

A

Anthony Sanders 22:16

The funny anecdote I have about that is I once heard years ago, who knows if this was apocryphal or not. a friend of a friend was driving and saw his local police officers that he had

quite a bad relationship with, and flipped the cop off with both of his hands. And the cop pulled him over and arrested him for driving without touching the steering wheel, or gave him a ticket at least, but not, of course, for expressing his First Amendment free speech rights.

S Steve Lehto 22:47

And I think one of the things that comes back to haunt you, you've always got to be careful to joke about, you know, careful what you wish for. And one of the police officers, on the 18th page of an 18-page decision is quoted as saying, While in route to jail, one officer said to Wood, How's that work? You got a shirt that said F the police, but you want us to uphold the Constitution? And the answer, of course, yeah, we do. The court does to, on appeal.

A Anthony Sanders 23:17

That's kind of how it works when you're the government. Well, now we turn to a situation where the the government won on appeal. And it's part of a long running drama in the city of Minneapolis about the relationship between landlords and tenants, and public housing advocates and various other parties. So, Rob, give us this latest chapter.

R Rob Peccola 23:44

Well, in this case, we've got a coalition of landlords suing over a new Minneapolis law. And at IJ, you and I both have a lot of years under our belt representing tenants and landlords when it comes to their privacy. But this interesting case had another wrinkle on regulating properties, which is whether these screening criteria that the Council imposed on landlords amounted to a taking. What kind of criteria you ask? Well, you know, we've all been renters where we've had to, at some point, fill out an application or submit to some sort of credit check. Landlords often want to check out things like criminal records, past evictions, credit. And the wise souls at the Minneapolis Council decided that you have sort of two options now. You can either forego those kinds of criteria for screening your tenants or they will convert landlords into mini administrative law judges, hearing all kinds of written justifications from a potential tenant about why they got into trouble with the law, why they got thrown out of a prior apartment. And the landlord then has to sit like an appellate judge and go through that record and issue a finding, an opinion based on their analysis of why the person would not be a suitable tenant. As you can imagine, you know, most landlords are mom and pop operations running on incredibly thin margins. Adding a burden like this is ironically going to be something that puts a wedge between tenants and affordable housing. So all of that practical stuff aside, the landlords have this claim under the Fifth Amendment that this is such a burdensome regulation, that you are essentially taking the property. Now there are two ways to sort of look at that. And federal appellate courts love multi-factor tests. And rather than going through the tedium of the multi-factor test, for this, we'll just say there's sort of two ways that they can look at the government stepping on your property. Either they physically come in, or they regulate it down to the bare bones left for the vultures. And this had a little flavor of both of those. Because if you are forcing a landlord to accept a tenant where they have a record of being violent, let's say, you are essentially physically imposing someone onto their property against their will. But in addition to that, you have the added burden of making them choose between foregoing standards for screening tenants, or having a mini adjudication where landlords have to have

this complicated written record. Unfortunately, the Eighth Circuit essentially said, You have no cause of action to complain about this under any circumstances. And this was a sad opinion to read in a lot of ways, because it seemed to me like an example of defining away rights. The Court essentially says that, Well, it's not your right to lease out your property or to be able to exclude people from your property; it's your right to do so without going through this process of written findings and adjudication, and of course, any law that tramples on any right, if it is explained in such excruciating detail is going to be upheld. So it was, I think, a real blow to affordable housing, to be honest, because what people forget is that when you put mom and pop landlords under these kinds of burdens, suddenly they are spread more thin, suddenly, they may even leave the rental business entirely, or go into short term rentals or go into whatever else they think would be a better use of their time. And in some ways, the opinion is almost encouraging them to do so. They cite this sort of litany of cases that says, Well, if you don't like these regulations, then just get out of the business. That's your alternative under the Constitution. So this was, I thought, a really disappointing way of defining away rights.

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Anthony Sanders 28:56

And Steve, you said you you've represented landlords in the in the past, were there any problems like this you encountered?

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Steve Lehto 29:04

Well, I also took a class called law and economics in law school. And we talked extensively there about rent control as a concept. And anybody who's familiar with housing in America, particularly New York City, knows that there's this concept of rent control. And I'm not intimately familiar with it. I've never rented a rent controlled apartment. But my understanding is that some while back, rents seemed to be getting high, and somebody said, Why don't we do rent control, and we'll cap rents on apartments, and of course, the apartment owners went nuts. But it got upheld, because at the time, they said, this, you know, passes all the constitutional muster and so on. And so rent control is something that's happened in some places, but not other places. And I think now they figured out that if you make it uneconomical for someone to operate in a field, they might leave that field. So if you own a building, that is apartments, and you can't rent the apartments for enough to make it worth your while, that will encourage you to turn it to condominiums. And of course, if you turn that building into condominiums, what just happened to the apartment supply in that area? The apartment supply just went down. So what would the rents do if they were not controlled at the other apartments? Well, they would go up, but they can't because they're rent controlled. And so there's a problem, I think, almost anytime that you start regulating stuff that the market can control. I'm not saying I'm a total free market, let us go all unregulated and let nature decide. I'm not saying that either. But I'm saying that a lot of these laws have unintended consequences, despite the fact they look really, really good on the surface. Because following this law, I'm guessing, I can walk up to a place, go, I want to rent a place, I've got the money here. And they basically either got to say yes, or We're going to put you in this process and figure that out. And who's gonna want to do that? Well, who's gonna want to do the first one either, you know? I'm not sure landlords are gonna be going, Oh, great. The law says we got to let people in regardless as long as they can afford to be here. So again, I think there's going to be a lot of problems down the road with this law standing like this.

R

Rob Peccola 31:19

That's right. And I think it's worth emphasizing too, this is not an anti-discrimination law, for example, that says you can't discriminate against a potential tenant based on their race or religion or sexual orientation. This is saying that you can't do a basic background screening, which is a completely different matter. And something that lots of people have had to go through as part of the normal housing process. But, you know, it's done in the name of affordable housing. And yet the people who provide affordable housing, the small time landlords, are the ones where they are making it so excruciating and burdensome to go through the process, that they are going to have more incentives to not provide affordable housing at all, rather than to have to comply with this. Really, I mean, Anthony, Steve, have you seen something like this before, where they are forcing private people to make an adjudication with this kind of record? I've just never seen such a thing.

S

Steve Lehto 32:26

I've never seen such a thing, either. And you wonder who inspired it? Did somebody on the Council go, I've got a great idea? Or did they borrow it from someplace else? Because once in a while you'll see it, you'll see a crazy idea that gets borrowed, you know?

A

Anthony Sanders 32:38

Well, they do have a system kind of like this, and I can't remember the particulars off top my head, in Seattle that has been challenged and recently upheld in the state courts, maybe the federal courts, to where basically, it's first person to apply gets in unless, I think, there's some reason you can reject them. But it can't be that a landlord takes, you know, all the applicants and like, well, this person I think will work out better for, you know, the apartment building or is more creditworthy or whatever. And so, you know, unfortunately, these kinds of regulations are being tried in more cities. Now, you know, people have forgotten how bad rent control is. So it's coming back, even though they've never left places like New York City. So next door to Minneapolis, they just adopted this insane rent control ordinance, real rent control ordinance in St. Paul, where rents can't go up more than 3% per year, and it applies to new construction. So if you build a new apartment building and say, okay, the rent's 1500 a month, after that it can only go up 3%. Usually there's an opt out or exclusion of new construction, because even the regulator's realize, Well, that's going to have a perverse incentive for building new housing. But that's not true in St. Paul, and the very early data is, unsurprisingly, that permits for building new housing are way down in the city. And so this is a different permutation that's going on in Minneapolis. One thing I did find interesting is that this is an unorthodox taking claim, because they're saying well, that the government really is taking my property by forcing me to get a certain type of tenant unless I go through this laborious, you know, alternative that Rob talked about, but it does kind of fall on the heels of this case from last term. Cedar Point nursery, where it was about union members in California. agricultural union members being able to access farms, to talk to non union employees to try and get them to join the union. And that was ruled to be a taking. This feels differently, but it's kind of in that box that that case was in. So I don't know if this case is going to go up to the Supreme Court. But the more that we see these types of regulations, we might see a little bit of a new approach to takings law or taking Cedar Point to the next level. Because it doesn't feel like an old fashioned taking, but in some

ways, it shares the qualities because it is the government forcing you to have someone you don't want on your property. And of course, the perverse incentives and the long term lack of affordable housing that result from it is in the background.

R

Rob Peccola 35:43

And I think both cases show what we see so often in constitutional law, which is that the way the court defines your right from the outset often then determines whether you will win or lose.

S

Steve Lehto 35:55

And getting back to your Seattle example, I'm going to take the first person who applies even if he's a convicted felon who's on probation right now because he burned down the last three places he lived.

A

Anthony Sanders 36:06

I'm going to apologize, I don't remember the specifics, but it isn't too far. It's that you get an applicant, I think there are certain reasons you can reject them, but then you have to allow them, you know, the thing that really is infuriating about this, if it wasn't what we already discussed, is that there are laws out there that prevent landlords from taking people with a certain kind of record. There are these crime free ordinances, and we're challenging one in a town in Illinois right now where if someone has, say, a couple disturbances at the place, or they lived somewhere else and they had they had a felony or whatever, the landlord either has to kick them out or can't let them in in the first place, even if the landlord wants to provide this person with housing. So some places they're saying we're essentially going to exile you from the town unless you can buy a house, which usually people in that situation can't. And then in other cities, they're saying, Well, no, you have to allow these people, no matter what the background to live there. How about you just let, you know, people try and figure it out for themselves.

R

Rob Peccola 37:21

And there's a whole ivory tower aspect to it too, that oftentimes the people who are making these decisions are not the ones who are trying to find the most affordable housing for their family to live in. They are the ones creating these sort of arbitrary burdens that the people who provide affordable housing have to comply with.

A

Anthony Sanders 37:41

I think we'll leave it there. And thank you guys for the spirited discussion we got in today and a shout out to law and economics classes. Steve, thanks again for coming on. And I encourage everyone to check out your YouTube channel, which we'll put in the show notes. And I'm sure that people will learn much from you today. How do you do two episodes a day? I mean, that just, like, you have an actual practice, right?

S

Steve Lehto 38:08

Yes, I do. I get up in the morning, I shoot two videos, and I go to work.

R

Rob Peccola 38:12

So they go first thing. Well, you have achieved the impossible by taking very dense legal issues and not just making them accessible but making them fun to talk about. So I stand amazed. Thank you. Thank you.

A

Anthony Sanders 38:29

Well, thank you also, Rob, for coming on. And a shout out to you and and to Red, which is Rob's dog, and maybe we'll have Red on the show sometime. That would be fun. He's apparently in the next room and she's been a good girl because we haven't heard her. But to everyone else. check out Short Circuit Live. Again, RSVP if you're interested. And I would ask everybody until next time to get engaged.