



June 10, 2016

Brian Chesky, CEO  
Airbnb  
888 Brannan Street  
San Francisco, CA 94103

**Re: Airbnb Host Discrimination**

Dear Mr. Chesky:

The Lawyers' Committee for Civil Rights Under Law (Lawyers' Committee) and the Lawyers' Committee for Civil Rights and Economic Justice (Boston Lawyers' Committee) write to raise grave concerns regarding evidence of discrimination on the basis of race by Airbnb hosts against prospective guests. It is our understanding that Airbnb is committed to providing and maintaining a short-term rental marketplace that provides consumers full access to all of its services. Despite this commitment, our offices have reviewed information and complaints which indicate that prospective guests have been denied access to rental opportunities on the basis of their race. Both the Boston Lawyers' Committee and national Lawyers' Committee are committed to fighting discrimination in housing, public accommodations, and commercial transactions to ensure equal opportunity for all.

The Lawyers' Committee is a national non-profit civil rights legal organization that was founded in 1963 at the request of President John F. Kennedy to marshal the pro bono resources of the private bar to combat racial discrimination. The Boston Lawyers' Committee is a non-profit legal organization that provides pro bono legal representation to victims of discrimination on the basis of race and national origin in the Greater Boston Area and throughout Massachusetts. Our organizations work to ensure that critical federal and state civil rights statutes, including 42 U.S.C. § 1981, 42 U.S.C. § 1982, Title II of the Civil Rights Act of 1964, and the Fair Housing Act, are strictly enforced. The Fair Housing Act prohibits discriminatory housing practices on the basis race, color, national origin, religion, sex, disability, and familial status. § 1981 and § 1982 prohibit discrimination on the basis of race and national origin in the making of contracts and the sale and rental of property, respectively, and prohibit discrimination no matter how long the length of time a renter resides at a property. Title II prohibits discrimination on the basis of race, color, national origin, or religion in public accommodations, including hotels and rooming houses. Airbnb can help fulfill the purposes of these critical civil rights laws by modifying mandatory fields that users

must complete to eliminate and deter discriminatory conduct by hosts, adopting comprehensive procedures for identifying and removing discriminatory posts, adequately investigating and responding to complaints of discrimination, and suspending users who engage in discriminatory conduct.

## **I. Overview of Discriminatory Conduct**

Our offices have reviewed evidence which suggests that Airbnb users are vulnerable to discriminatory conduct as a result of certain Airbnb guidelines and the failure of Airbnb to respond to discriminatory conduct by its hosts. Airbnb users are required to provide their names and are strongly encouraged to provide photos of themselves. In addition, a host may read a potential guest's bio, and ask the person to provide further information about the purpose of his or her stay. Hosts then use the information gathered to subjectively decide whether to accept or deny requests. Often, this process leads hosts to consciously or unconsciously discriminate and reject potential guests on the bases of race, ethnicity, and sexual orientation.

In a recent study conducted by Harvard University, researchers found evidence of such discrimination occurring against African American guests. The study found that Airbnb users with "distinctively African American names" were 16% less likely to be accepted by a host than those with "distinctively White names."<sup>1</sup> Overt discrimination and harassment, based on conscious animus, is also all too common. As a result of this discrimination, our organizations urge Airbnb to take steps to ensure that the site and its hosts are operating in compliance with federal and state civil rights laws. Discrimination must be eradicated so that all travelers, have the opportunity to take advantage of Airbnb's services, regardless of race.

## **II. Examples of Discrimination**

Airbnb users have reported instances of discrimination on the site since the site's inception. As Airbnb has grown into one of the largest property rental businesses in the world, reported incidents have also increased. African American Airbnb users have shared their experiences of facing discrimination while trying to book rooms through the website. Their experiences provide examples of both overtly racist responses to inquiries and other indicia of discriminatory conduct.

Racial discrimination by Airbnb hosts come in a variety of forms and affects many nonwhite users. Last month in North Carolina, a host used racial slurs and canceled a potential guest's reservation upon discovering she was black.<sup>3</sup> In addition, an African American man was told by a host that a property he wished to stay at in Philadelphia was unavailable. The traveler later created two Airbnb profiles with photos of white men and requested the same property using these profiles. The host then indicated that the property was available and approved both requests.<sup>4</sup>

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<sup>1</sup> BENJAMIN EDELMAN ET AL., RACIAL DISCRIMINATION IN THE SHARING ECONOMY: EVIDENCE FROM A FIELD EXPERIMENT I (Jan. 6, 2016), available at <http://www.benedelman.org/publications/airbnb-guest-discrimination-2016-01-06.pdf>.

<sup>3</sup> Shani C. Taylor, *My friend and classmate here at Kellogg had a hateful and racist encounter with an @Airbnb host*, TWITTER.COM (May 31, 2016), <https://mobile.twitter.com/shanictaylor/status/737787237446864896>.

<sup>4</sup> G. Sel, *#AirbnbWhileBlack made a fake profile as a white guy and was accepted immediately*, TWITTER.COM (May 4, 2016), [https://mobile.twitter.com/\\_GSelden/status/727950469465788416](https://mobile.twitter.com/_GSelden/status/727950469465788416).

In addition, we have reviewed complaints from other African American Airbnb users who indicate that they were told a property was unavailable only to later discover that a non-minority user was told the same property was, in fact, available.

While evidence of discrimination on the basis of race is substantial, discrimination on the basis of sexual orientation, which may violate state laws including the Massachusetts Fair Housing Act that include sexual orientation as a protected status, is also common.<sup>5</sup>

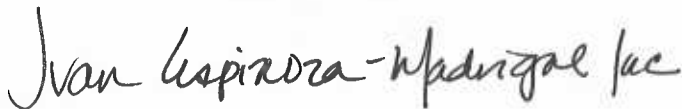
### III. Closing

While we understand that Airbnb has recently expressed a preliminary commitment to addressing the issues outlined in this letter, our organizations believe that these changes should come swiftly. The company must immediately implement effective and preemptive measures to block and deter discrimination across its site. Both the Harvard study and the Boston Lawyers' Committee's have outlined ways in which Airbnb can change its rental process in order to reduce discrimination.<sup>6</sup> Airbnb can become a more inclusive business by taking these actions in addition to creating a remedial plan to root out and eliminate discrimination in its online rental marketplace. Our organizations are committed to serving as collaborative partners in this effort and sharing expertise based on its extensive history of enforcement of federal civil rights laws. Please contact Kristen Clarke of the Lawyers' Committee by email at [kclarke@lawyerscommittee.org](mailto:kclarke@lawyerscommittee.org) or Ivan Espinoza-Madrigal at [iespinoza@lawyerscom.org](mailto:iespinoza@lawyerscom.org) by June 24, 2016 to discuss this matter further.

Sincerely,



Kristen Clarke, President & Executive Director  
Lawyers' Committee for Civil Rights Under Law  
Washington, D.C.



Ivan Espinoza-Madrigal, Executive Director  
Lawyers' Committee for Civil Rights & Economic Justice  
Boston, MA

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<sup>5</sup> See Foti Kallergis, *Gay Couple Claim They Were Evicted from Rental Home Due to Sexuality*, ABC13.COM (Apr. 30, 2015), <http://abc13.com/news/gay-couple-we-were-evicted-from-rental-home-due-to-sexuality/688070/>.

<sup>6</sup> See Oren Sellstrom, *Discrimination in Airbnb Rentals*, LAWYERSCOM.ORG (May 23, 2016), <http://www.lawyerscom.org/wp-content/uploads/2016/05/letter.pdf>.