

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**YVETTE HOBZEK**

**Plaintiff, Individually and on  
Behalf of all Others Similarly Situated,**

**Civil Action: 1:16-cv-1058**

**v.**

**HOMEAWAY.COM, INC.,**

**VRBO.COM, INC.**

**Defendants.**

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**CLASS ACTION COMPLAINT**

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Plaintiff Yvette Hobzek, individually, and on behalf of all others similarly situated, by and through her counsel Emejuru & Nyombi L.L.C, brings this action against HOMEAWAY.COM INC., (“HOMEAWAY”) and VRBO.COM INC. (“VRBO”). For her complaint, Plaintiff respectfully avers as follows:

**NATURE OF THE ACTION**

1. This action is necessary to protect the civil rights of Plaintiff, individually, and all others similarly situated who have been systematically injured by the pertinent discriminatory acts or practices committed by the above named Defendants, their agents, representatives, and servants of any type.
2. This action is necessary and increasingly important to protect the civil rights of Plaintiff and all others similarly situated that participate in the ever expanding

“sharing economy,” in which mostly web based businesses connect people offering goods and services with other people who want to pay for them.

3. The above name Defendants participate in the sharing economy by offering consumers like Plaintiff the ability to “rent a house for half the price of a hotel.”

### **JURISDICTION**

4. Personal jurisdiction exists over Defendants as they conduct business and have the necessary minimum contacts within the State of Texas. The Defendants’ principal offices are located in this judicial district.
5. Subject matter jurisdiction exists through diversity jurisdiction pursuant to 28.U.S.C. § 1332 as the action is between citizens of different states and the amount in controversy, exclusive of interest and costs, exceeds seventy-five thousand dollars (\$75,000.00).
6. This court has jurisdiction over the federal claims asserted herein pursuant to the Class Action Fairness Act, 28, U.S.C. § 1332(d)(2) as the matter in controversy exceeds the sum or value of \$5,000,000, exclusive of interest and costs. Further, this is a class action in which some members of a class of plaintiffs are citizens of a state different from that of the Defendants.
7. Federal question jurisdiction exists because this lawsuit is brought under federal laws pursuant to 28 U.S.C. §1331

### **VENUE**

8. Venue is proper pursuant to 28 U.S.C. § 1391(b)(1) as Defendants reside and conduct business in this judicial district and have principal offices in this judicial district.

**PARTIES**

9. Plaintiff Yvette Hobzek is a resident of the State of Washington.
10. Defendant HOMEAWAY.COM INC. is a duly registered business incorporated in the State of Texas and its principal offices are located at 1011 W 5<sup>th</sup> Street, Austin, TX 78703-5311.
11. Defendant VRBO.COM INC. is a duly registered business incorporated in the State of Texas and its principal offices are located at 211 E 7<sup>th</sup> Street, Suite 620, Austin, TX 78701-3218.
12. Upon information and belief, Defendant VRBO Inc. was in acquired in November 2006 and is now owned by Defendant HOMEAWAY INC.

**FACTUAL ALLEGATIONS**

13. Plaintiff Yvette Hobzek is a 49-year-old African American real estate professional.
14. During the summer[Insert approximate dates] of 2016, Plaintiff began making travel plans for a family vacation to New York City, New York, at the request of her 87-year-old mother who wished to celebrate the monumental birthdays of her 3 children that were turning 50, 65, and 70-years-old, respectively.
15. On or about June 23, 2016, Plaintiff accessed Defendants' accommodation website [www.vrbo.com](http://www.vrbo.com) that is operated by [www.homeaway.com](http://www.homeaway.com) to search for accommodations in New York City for her and her immediate family.
16. Defendants' accommodation options offered on their online platform were considerably less expensive and contained a more expansive inventory available for the family members she intended to travel with on the vacation.

17. Before she was able to secure accommodations online, Defendants' mandated that Hobzek interact and identify herself online to their property agent. Specifically, Defendants required Ms. Hobzek to fully identify herself to the agent online by disclosing her biological first and last name and to specifically articulate her reasons for seeking accommodations from the Defendants.
18. On or about June 29, 2016, Ms. Hobzek identified herself online using her biological first and last name and stated her reasons for seeking accommodations from Defendants in Harlem, New York.
19. On or about June 29, 2016, Ms. Hobzek indicated to Defendants' agent that she needed accommodations in New York City for four nights in October 2016 for up to eight guests.
20. On June 30, 2016, Ms. Hobzek saw that the property was still available on Defendants' website. As a result, Ms. Hobzek used the "instant book" option and sent in all required payments for the listing.
21. On June 30, 2016, Ms. Hobzek received correspondence from Defendants' agent indicating that the property was "unavailable."
22. On July 1, 2016, Ms. Hobzek called Defendants directly to tell them that her accommodations request was declined. However, she indicated to Defendants that she did not understand why the property was still available and continued to remain listed on their website as available.
23. Defendants' customer service agent or representative told Ms. Hobzek to contact Defendants' property agent directly because perhaps their agent was unaware that

- he had rejected the same individual that inquired about the townhome property on June 29, 2016. Defendants provided Plaintiff with their agents contact information.
24. On July 1, 2016, Ms. Hobzek spoke to Defendants' representative and explained to him that she was the same individual that sent him the initial reservation request on June 29, 2016. Defendants' agent acknowledged receiving the reservation request from Hobzek and knew that Hobzek was the same individual that requested to reserve the brownstone property for October 2016 dates.
25. On July 1, 2016, Defendants' agent indicated to Ms. Hobzek that he did not rent to "[her] kind." Hobzek immediately told Defendants' agent that he could not reject her because of her race. However, the agent stated that he could do whatever he wanted to because he was the designated agent for the townhome property listed on Defendants' accommodations website. Hobzek immediately hung up and contacted Defendants' corporate offices.
26. The accommodations originally sought by Hobzek for October 2016 would continue to remain listed on Defendants' website as available.
27. On July 1, 2016, Defendants sent Ms. Hobzek a complaint form. She filed her formal complaint alleging race discrimination by Defendants' agent on July 14, 2016.
28. On August 7, 2016, Defendants contacted Ms. Hobzek via a random marketing solicitation for accommodations in New York City for the dates in October 2016. Coincidentally, the "featured property" shown by Defendants to Hobzek was the same property that she was rejected because of her race.

29. On August 7, 2016, Hobzek contacted Defendants again. The customer service representative informed Plaintiff that Defendants encouraged their property agents or representatives to use social media sites like “Facebook” to locate and identify prospective renters in a similar fashion as conducting a “background check.” Subsequently and without coincidence, Ms. Hobzek would see Defendants’ agent appear on her Facebook page as a potential ‘friend’ as a result of Facebook’s data algorithms.
30. The Defendants’ customer service representative further prohibited Ms. Hobzek from leaving a customer service review for the property on their website because Hobzek never completed her booking or stayed at the property for which she was rejected. As a result, she was unable to speak out about the discrimination from Defendants’ agent.
31. To date, Ms. Hobzek has been relegated to booking a hotel at a much higher price and limited room options for her family celebration.
32. Upon information and belief, the same injury has been suffered by persons similarly situated to Ms. Hobzek at the hands of Defendants.
33. This same injury has not been suffered by members outside of the protected class.
34. Defendants operate as public accommodations and provide the same services as hotels, motels or lodgings. Defendants’ agent had no legitimate reason for denying Ms. Hobzek accommodations in the pertinent vacation rental property in New York City. Any asserted reasons were a mere pretext for discrimination.
35. At all times pertinent to this action Defendants have not put in place policies and procedures to address grievances and complaints of racial discrimination brought

by its customers against its agents, representatives, servants, or brokers which has resulted into a continuous cycle flouting fundamental civil rights laws.

**CLASS ACTION ALLEGATIONS**

36. Plaintiff brings this action on behalf of herself and all others similarly situated under Rule 23 of the Federal Rules of Civil Procedure. She seeks to represent the class of all persons who, in the past, present and future, are unable to secure public accommodations through use of Defendants website platform.
37. Plaintiff maintains that pursuant to FRCP 23, the class is so numerous that joinder of all members is impracticable, there are questions of law or fact common to the class; the claims or defenses of the representative party are typical of the claims or defenses of the class; and the representative party will fairly and adequately protect the interests of the class.
38. There are many persons (approximately in the thousands), both in Plaintiff's residential district, in regions surrounding Defendant and nationwide who are similarly situated that have been affected and the question to be determined is one of common and general interest to many persons constituting the class to which Plaintiff belongs and the group is so numerous as to make it impracticable to bring them all before the Court, for which reason Plaintiff initiates this litigation for all persons similarly situated pursuant to FRCP 23.
39. Joinder is impracticable because membership in the putative class is fluid. Upon information and belief, there are thousands of potential plaintiff's in making it impractical to bring them before this Court. All plaintiffs participate daily in the

new age of the sharing economy, including that of Defendants HOMEAWAY.com Inc. and VRBO.com Inc.

40. Upon information and belief, Defendants require each person using its accommodations platform to provide their real or biological names, other identifiable personal information, and to articulate specific reasons for needing public accommodations in order to secure public accommodation.
41. Upon information and belief, there have been numerous persons in the protected class, specifically African Americans, in Plaintiff's residential district and in regions surrounding Defendants who are similarly situated and required to use their real or biological names, other identifiable data, and to articulate specific reasons for the public accommodations, in order to secure public accommodations through Defendants. As a result of such discriminatory policy or practice, the parties in the protected class were outright rejected for public accommodations by Defendants.
42. The named Plaintiff's claims are typical of the claims of the putative class members, and they have the same interests as all other members of the putative class that they represent. The named Plaintiff's claims arise from the course of conduct as claims of the putative class, and their claims are based on the same legal theories as those of the putative class.
43. Upon information and belief, there have been numerous persons in the protected class, specifically African Americans, in Plaintiff's residential district and in regions surrounding Defendants who are similarly situated that complained of the discriminatory practice and intentional discrimination by Defendants and were



continuously ignored by Defendants, its agents, representatives, servants, employees and/or brokers after the complaint was made.

44. Upon information and belief, there have been numerous persons in the protected class, specifically African Americans, in Plaintiff's residential district and in regions surrounding Defendant that were subjected to the same discriminatory practices by Defendant and suffered the same type of harm because of Defendants discriminatory practices and policies.
45. The policies and procedures of Defendants which require persons booking accommodation with Defendants' agents, brokers, representatives or servants to use their real or biological names, other identifiable personal information and to articulate reasons for needing public accommodations, have resulted into numerous members in the protected class (African Americans) being denied accommodations around the country. This adverse impact has not been suffered by non-members of the protected class.
46. Defendants' policy and practice of using third party data brokers like Facebook to gather personal identifying information such as photographic and visual representation of a customer, coarse-grain analysis of customer traits and biological names causes an adverse disparate impact on members of the protected class- African Americans including Plaintiff Hobzeck individually. This adverse disproportionate impact is not suffered by members outside the protected class.
47. Defendants' policy and practice of continuously marketing vacation rental properties as available despite previously having selectively rejected customers for the same time blocks perpetuates an adverse disproportionate impact on members

- of the protected class. This policy does not adversely affect non-members of the protected class.
48. Defendants' policy of not addressing complaints of discrimination lodged against its agents or representatives by customers creates an adverse disproportionate impact against members in the protected class. This does not affect non-members of the protected class.
49. Detailed statistical data resulting from a January 6, 2016 Harvard University study has demonstrated that conduct, policies or practice from a similar platform as Defendants [Sharing Economy Accommodations Platform] have and continue to disproportionately disenfranchise African Americans from seeking public accommodations. See Exhibit 1.
50. Issues and questions of law and fact common to the members of the class predominate over questions affecting individual members and the claims of Plaintiffs are typical of the claims of the proposed class. Specifically, issues and questions of law and fact include allegations for violation of Title II of the Civil Rights Act of 1964, violation of Federal Civil Rights Statute 42 U.S.C. § 1981, violation of Fair Housing Act, Disparate Treatment and Disparate Impact in violation of the Fair Housing Act, Title II of the Civil Rights Act of 1964 and Federal Civil Rights Statute 42 U.S.C § 1981.
51. The action raises issues and questions of law and fact, which are common to the class members, including, but not limited to:

- a. Whether Defendants knew or should have known of the discriminatory disparate treatment and disparate impact of its policies and practices upon members of the protected class compared to non-members.
- b. Whether class members have systematically complained of the discriminatory treatment and adverse impact of Defendants' policies and practices.
- c. Whether Defendants subsequently did nothing or ignored complaints of discrimination by class members because of its policies and practices at all times pertinent to this action.
- d. Whether the Defendants requirement that booking guests use biological names and articulating reasons for accommodations enables an adverse discriminatory impact on the protected class.
- e. Whether Defendants use of third party data brokers like Facebook to provide their agents or representatives with customer traits enables race discrimination.
- f. Whether at all times pertinent to this action Defendants maintained procedures to address grievances concerning civil rights violations brought by members of the protected class against Defendants,' and their agents, employees, brokers, or representatives of any type.
- g. Whether class members have suffered damages because of Defendants' pertinent discriminatory practices and policies.

- h. Whether members of the protected class have been disparately treated by Defendants,' agents, representatives, employees compared to non-members of the class in the provision of public accommodation.
  - i. Whether the class is entitled to exemplary damages.
  - j. Whether the class is entitled to injunctive relief pursuant to FRCP Rule 23.
52. The questions of law and fact common to the members of the class predominate over any questions affecting only individual members, including legal and factual issues relating to liability of damages and relief sought.
53. The maintenance of this litigation as a class action will be superior to the other methods of adjudication in promoting the convenient administration of justice.
54. Plaintiff and all others similarly situated maintain this action and seek relief under FRCP 23(b)(1).
55. Plaintiff and all others similarly situated maintain this action and seek relief under FRCP 23(b)(2).
56. In the alternative, Plaintiff and all others similarly situated maintain this action and seek relief under FRCP 23(b)(3) because the questions of law or fact common to class members predominate over any questions affecting only individual members and that a class action is superior to other available methods for fairly and efficiently adjudicating the controversy.
57. Plaintiff Yvette Hobzek will fairly and adequately assert and protect the interests of the class because her claims are representative of and co-extensive with the claims of the class. The discriminatory policies, practices, and conduct of Defendants have directly affected Hobzek.

**COUNT 1**

**VIOLATION OF TITLE II OF THE CIVIL RIGHTS ACT OF 1964**

58. Plaintiff incorporates by reference all paragraphs of this Complaint as though fully stated herein *seriatim*
59. Title II of the Civil Rights Act of 1964 explicitly prohibits discrimination in places of public accommodation, such as hotels, motels, restaurants, movie theatres and sports arenas.
60. Defendants are an establishment affecting interstate commerce or supported in their activities by the State as places of public accommodation and lodgings.
61. Specifically, Defendants operate as is an inn, hotel, motel or other establishment, which provides lodging to transient guests.
62. Plaintiff Yvette Hobzek was denied full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of the public accommodation as defined in the sections of this count because of her race as an African American. The same discriminatory actions have been unleashed on persons who are similarly situated to Plaintiffs.
63. **WHEREFORE**, for the claim of Violation of Title II of the Civil Rights Act of 1964, Plaintiff, individually, and on behalf of others prays for judgment against Defendants for all damages allowable by law, including injunctive, statutory damages, compensatory damages, punitive damages, pre-judgment interest at the legal rate, post-judgment interest at the judgment rate, attorney's fees as may be awarded by the Court, the costs of this action, equitable relief, and such other and further relief as may appear warranted by this action.

**COUNT II**

**VIOLATION OF FEDERAL CIVIL RIGHTS STATUTE 42 U.S.C. § 1981**

64. Plaintiff incorporates by reference all paragraphs of this Complaint as though fully stated herein *seriatim*
65. By the above acts, Defendants violated 42 U.S.C § 1981 by discriminating against Plaintiff individually and others similarly situated because of her race as an African American [black].
66. Section 1981 guarantees freedom from racial discrimination in the making, enforcement, performance, modification, and termination of contracts.
67. Section 1981 also guarantees enjoyment of all benefits, privileges, terms, and conditions of the contractual relationship.
68. Plaintiff's use of the Defendants' service for housing accommodation falls under section 1981 protection.
69. Defendants' agent or employee refused to provide rental accommodations to Plaintiff because she was African American.
70. Defendants' agent, representative, servant or employee purposefully and intentionally discriminated against Plaintiff because of her race. Any reasons given by Defendants' agent were a mere pretext for discrimination.
71. **WHEREFORE**, for the claim of violation of Federal Civil Rights Statute 42 U.S.C.§ 1981, Plaintiff, individually and on behalf of others prays for judgment against Defendants for all damages allowable by law, including injunctive relief, statutory damages, unlimited compensatory damages, punitive damages, pre-judgment interest at the legal rate, post-judgment interest at the judgment rate,

attorney's fees as may be awarded by the Court, the costs of this action, equitable relief, and such other and further relief as may appear warranted by this action.

**COUNT III**

**VIOLATION OF THE FAIR HOUSING ACT**

72. Plaintiff incorporates by reference all paragraphs of this Complaint as though fully stated herein *seriatim*.
73. The Fair Housing Act prohibits discriminatory practices on the basis of race by housing agents for rental accommodations.
74. By the above acts, Defendants violated 42 U.S.C. § 3604(a), 3604(b), and, 3604 (d).
75. Specifically, Defendants' agent was not truthful in disclosing information concerning the availability of housing. Any reasons given by Defendants' agent were a mere pretext for discrimination.
76. Plaintiff was the object of a misrepresentation made unlawful under the Fair Housing Act and suffered the precise injury that the statute was designed to guard against.
77. **WHEREFORE**, for the claim of violation of the Fair Housing Act, Plaintiff, individually and on behalf of others prays for judgment against Defendants for all damages allowable by law, including injunctive, statutory damages, compensatory damages, punitive damages, pre-judgment interest at the legal rate, post-judgment interest at the judgment rate, attorney's fees as may be awarded by the Court, the costs of this action, equitable relief, and such other and further relief as may appear warranted by this action.

**COUNT IV**

**DISPARATE IMPACT IN VIOLATION OF THE FAIR HOUSING ACT, TITLE II  
OF THE CIVIL RIGHTS ACT OF 1964, AND FEDERAL CIVIL RIGHTS  
STATUTE 42 U.S.C. § 1981**

78. Plaintiff incorporates by reference all paragraphs of this Complaint as though fully stated herein *seriatim*.

79. By the above acts, Defendants' policies and practices have created a disproportionate adverse effect and segregative effect on African Americans.

80. Defendants' policies and procedures that require booking customers to use biological names, other personal identification, and forces putative class members to articulate their reasons for seeking public accommodations have a disproportionate adverse impact on African Americans, the protected class, as compared to non-members of the protected class. Defendants do not have a business necessity for using such policies and procedures.

81. Defendants' policy and practice of using third-party data brokers like Facebook to determine customer traits creates an adverse disproportionate impact on members of the protected class including Ms. Hobzek individually. This adverse impact is not suffered by non-members of the protected class.

82. Defendants' policy of allowing continuous marketing of vacation rentals despite previous denials for the same time blocks results into "*selective contracting*" which disproportionately affects members of the protected class. This adverse impact is not suffered by non-members of the protected class.



83. Defendants' failure to address complaints of racial discrimination brought against its agents or representatives by customers enables discrimination and has an adverse impact on members of the protected class.
84. By the above acts, Defendants' policy or practice perpetuates segregation and thereby prevents interracial association.
85. **WHEREFORE**, for the Disparate Impact claim pursuant to the Fair Housing Act, Title II of the Civil Rights Act of 1964, and Federal Civil Rights Statute 42 U.S.C. §198, Plaintiff, individually and on behalf of others prays for judgment against Defendants for all damages allowable by law, including injunctive, statutory damages, compensatory damages, punitive damages, pre-judgment interest at the legal rate, post-judgment interest at the judgment rate, attorney's fees as may be awarded by the Court, the costs of this action, equitable relief, and such other and further relief as may appear warranted by this action.

**COUNT V**

**DISPARATE TREATMENT IN VIOLATION OF THE FAIR HOUSING ACT,  
TITLE II OF THE CIVIL RIGHTS ACT OF 1964, AND FOR VIOLATION OF  
FEDERAL CIVIL RIGHTS STATUTE 42 U.S.C. § 1981**

86. Plaintiff incorporates by reference all paragraphs of this Complaint as though fully stated herein *seriatim*.
87. By the above acts, the Defendants, their agents, representatives, servants, or brokers intentionally discriminated when their representative denied Plaintiff and others similarly situated accommodations based on race.

88. Plaintiff presents an inference of discrimination for which Defendants do not and cannot offer a legitimate non-discriminatory reason for their actions.

89. **WHEREFORE**, for the Disparate Treatment claim pursuant to the Fair Housing Act, Title II of the Civil Rights Act of 1964, and Federal Civil Rights Statute 42 U.S.C. §1981, Plaintiff, individually and on behalf of others prays for judgment against Defendants for all damages allowable by law, including injunctive, statutory damages, compensatory damages, punitive damages, pre-judgment interest at the legal rate, post-judgment interest at the judgment rate, attorney's fees as may be awarded by the Court, the costs of this action, equitable relief, and such other and further relief as may appear warranted by this action.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff, Yvette Hobzek, and on behalf of all others similarly situated prays for judgment in her favor and against Defendants for: any and all damages acceptable by law, including compensatory damages, statutory damages, punitive damages, pre-judgment interest at the legal rate, post-judgment interest at the judgment rate, attorney's fees as may be awarded by the Court, the costs of this action, equitable relief, relief pleaded in the preceding paragraphs, injunctive relief and such other and further relief as Plaintiff may be entitled to by bringing this action.

**JURY DEMAND**

**PLAINTIFF DEMANDS A TRIAL BY JURY IN THIS CASE**

Respectfully submitted on this 12<sup>th</sup> day of September 2016.

**EMEJURU & NYOMBI LLC**

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## **Racial Discrimination in the Sharing Economy: Evidence from a Field Experiment<sup>†</sup>**

Benjamin Edelman,<sup>\*</sup> Michael Luca,<sup>\*\*</sup> and Dan Svirsky<sup>\*\*\*</sup>

September 4, 2016

### Abstract

Online marketplaces increasingly choose to reduce the anonymity of buyers and sellers in order to facilitate trust. We demonstrate that this common market design choice results in an important unintended consequence: racial discrimination. In a field experiment on Airbnb, we find that requests from guests with distinctively African-American names are roughly 16% less likely to be accepted than identical guests with distinctively White names. The difference persists whether the host is African-American or White, male or female. The difference also persists whether the host shares the property with the guest or not, and whether the property is cheap or expensive. We validate our findings through observational data on hosts' recent experiences with African-American guests, finding host behavior consistent with some, though not all, hosts discriminating. Finally, we find that discrimination is costly for hosts who indulge in it: hosts who reject African-American guests are able to find a replacement guest only 35% of the time. On the whole, our analysis suggests a need for caution: while information can facilitate transactions, it also facilitates discrimination.

JEL Classification: D40, D47, J71

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<sup>†</sup> We thank Ian Ayres, Larry Katz, Kevin Lang, Sendhil Mullainathan, Devah Pager, and seminar participants at eBay, Harvard Law School, Hong Kong University of Science and Technology, Indiana University, New York University, Northwestern University, Stanford University, and University at Albany for valuable feedback. We thank Haruka Uchida for tireless research assistance.

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## 1. Introduction

Over the past fifty years, there have been considerable societal efforts to reduce the level of discrimination against African-Americans in the United States. In the context of housing and rental accommodations, antidiscrimination laws have sought to eliminate discrimination through regulation. While racial discrimination continues to exist in rental markets, it has improved in the last two decades (Yinger 1998, U.S. Dep't of Housing and Urban Development, 2012; *compare* Zhao et al., 2005 to Ondrich et al., 1999).

Yet in recent years, markets have changed dramatically, with a growing share of transactions moving online. In the context of housing, Airbnb has created a new market for short-term rentals that did not previously exist, allowing small landlords to increasingly enter the market. Whereas antidiscrimination laws ban the landlord of a large apartment building from discriminating based on race, the prevailing view among legal scholars is that such laws likely do not reach many of the smaller landlords using Airbnb (Belzer & Leong, *forthcoming*; Todisco, 2015).

In this paper, we investigate the existence and extent of racial discrimination on Airbnb, the canonical example of the sharing economy. Airbnb allows hosts to rent out houses, apartments, or rooms within an apartment. To facilitate these transactions, Airbnb promotes properties to prospective guests, facilitates communication, and handles payment and some aspects of customer service. Airbnb allows hosts to decide whether to accept or reject a guest after seeing his or her name and often a picture – a market design choice that may further enable discrimination.

To test for discrimination, we conduct a field experiment in which we inquire about the availability of roughly 6,400 listings on Airbnb across five cities. Specifically,

we create guest accounts that differ by name but are otherwise identical. Drawing on the methodology of a labor market experiment by Bertrand and Mullainathan (2004), we select two sets of names—one distinctively African-American and the other distinctively White.<sup>1</sup>

We find widespread discrimination against guests with distinctively African-American names. African-American guests received a positive response roughly 42% of the time, compared to roughly 50% for White guests.<sup>2</sup> This 8 percentage point (roughly 16%) penalty for African-American guests is particularly noteworthy when compared to the discrimination-free setting of competing short-term accommodation platforms such as Expedia. The penalty is consistent with the racial gap found in contexts ranging from labor markets to online lending to classified ads to taxicabs.<sup>3</sup>

Combining our experimental results with observational data from Airbnb's site, we investigate whether different types of hosts discriminate more, and whether discrimination is more common at certain types of properties based on price or local demographics. Our results are remarkably persistent. Both African-American and White hosts discriminate against African-American guests; both male and female hosts

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<sup>1</sup> We build on the large literature using audit studies to test for discrimination. Past research considers African-Americans and applicants with prison records in the labor market (Pager 2003), immigrants in the labor market (Oreopoulos 2011), Arabic job-seekers (Carlsson & Rooth 2007), gender (Lahey 2008), long-term unemployment (Ghayad 2014), and going to a for-profit college (Deming et al. 2016), among many others.

<sup>2</sup> Some caution is warranted here. We only observe a gap between distinctively white and distinctively African-American names, which differ not only by suggested ethnicity but also potentially by socioeconomic status (Fryer and Levitt, 2004). For ease of exposition, we describe our results in terms of differences among the “African-American guests” or the “white guests,” or use the term “race gap,” without also specifying that our results may better be described as a “race and socioeconomic status gap.” Section 5 discusses this issue in more detail.

<sup>3</sup> Doleac & Stein (2013) find a 62% to 56% gap in offer rates for online classified postings. Bertrand and Mullainathan (2004) find a 10% to 6% gap in callback rates for jobs. Pope & Sydnor (2011) find a 9% to 6% gap in lending rates in an online lending market. Ayres et al. (2005) find a 20% to 13% gap in how often taxi drivers receive a tip.

discriminate; both male and female African-American guests are discriminated against. Effects persist both for hosts that offer an entire property and for hosts who share the property with guests. Discrimination persists among experienced hosts, including those with multiple properties and those with many reviews. Discrimination persists and is of similar magnitude in high and low priced units, in diverse and homogeneous neighborhoods.

Because hosts' profile pages contain reviews (and pictures) from recent guests, we can cross-validate our experimental findings using observational data on whether the host has recently had an African-American guest. We find that discrimination is concentrated among hosts with no African-American guests in their review history. When we restrict our analysis to hosts who have had an African-American guest in the recent past, discrimination disappears – reinforcing the external validity of our main results, and suggesting that discrimination is concentrated among a subset of hosts.

To explore the cost to a host of discriminating, we check whether each listing is ultimately rented for the weekend we inquired about. Combining that information with the price of each listing, we estimate that a host incurs a cost of roughly \$65-\$100 in foregone revenue by rejecting an African-American guest.

Overall, our results suggest a cause for concern. While discrimination has shrunk in more regulated offline markets, it arises and persists in online markets. Government agencies at both the federal and state level have routinely conducted audit studies to test for racial discrimination since 1955 in offline markets. One might imagine implementing regular audits in online markets as well; indeed, online audits might be easier to run at scale due to improved data access and reduced implementation cost.

Our results also reflect the design choices that Airbnb and other online marketplaces use. It is not clear a priori how online markets will affect discrimination. To the extent that online markets can be more anonymous than in-person transactions, there may actually be less room for discrimination. For example, Ayres and Siegelman (1995) find that African-American car buyers pay a higher price than white car buyers at dealerships, whereas Morton et al. (2003) find no such racial difference in online purchases. Similarly, platforms such as Amazon, eBay, and Expedia offer little scope for discrimination, as sellers effectively pre-commit to accept all buyers regardless of race or ethnicity. However, these advantages are by no means guaranteed, and in fact they depend on design choices made by each online platform. In this situation, Airbnb's design choices enable widespread discrimination.

## **2. About Airbnb**

Airbnb is a popular online marketplace for short-term rentals. Founded in 2008, the site gained traction quickly and, as of November 2015, it offers 2,000,000 listings worldwide.<sup>4</sup> This is more than three times as many as Marriott's 535,000 rooms worldwide. Airbnb reports serving over 40 million guests in more than 190 countries.

While the traditional hotel industry is dominated by hotels and inns that each offer many rooms, Airbnb enables anyone to post even a single room that is vacant only occasionally. Hosts provide a wealth of information about each listing, including the type of property (house, apartment, boat, or even castle, of which there are over 1400 listed), the number of bedrooms and bathrooms, the price, and location. Each host also posts information about herself. An interested guest can see a host's profile picture as well as

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<sup>4</sup> <https://www.airbnb.com/about/about-us>



reviews from past guests. Airbnb encourages prospective guests to confirm availability by clicking a listing's "Contact" button to write to the host.<sup>5</sup> In our field experiments (described in the next section), we use that method to evaluate a host's receptiveness to a booking from a given guest.

### **3. Experimental Design**

#### **3.1 Sample and data collection**

We collected data on all properties offered on Airbnb in Baltimore, Dallas, Los Angeles, St. Louis, and Washington, D.C. as of July 2015. Our goal was to collect data from the top twenty metropolitan areas from the 2010 census. We started with these five cities because they had varying levels of Airbnb usage and came from diverse geographic regions. Baltimore, Dallas, and St. Louis offer several hundred listings each, while Los Angeles and Washington, D.C. have several thousand. We stopped data collection after these five cities because Airbnb became increasingly rapid in blocking our automated tools which logged into guest accounts and communicated with hosts. (We considered taking steps to conceal our methods from Airbnb, but ultimately declined to do so.)

Because some hosts offer multiple listings, we selected only one listing per host using a random number generator. This helped to reduce the burden on any given host, and it also prevented a single host from receiving multiple identical emails. Each host was contacted for no more than one transaction in our experiment.

We also collected data from each host's profile page. This allowed us to analyze host characteristics in exceptional detail. First, we saved the host's profile image. We then employed Mechanical Turk workers to assess each host image for race (White,

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<sup>5</sup> See "How do I know if a listing is available", <https://www.airbnb.com/help/question/137>.

African-American, Asian, Hispanic, multiracial, unknown), gender (male, female, two people of the same gender, two people of different genders, unknown), and age (young, middle-aged, old). We hired two Mechanical Turk workers to assess each image, and if the workers disagreed on race or gender, we hired a third to settle the dispute. If all three workers disagreed (as happened, for example, for a host whose profile picture was an image of a sea turtle), we manually coded the picture. We coded race as “unknown” when the picture did not show a person. Through this procedure, we roughly categorized hosts by race, gender, and age.

Profile pages also revealed other variables of interest. We noted the number of properties each host offers on Airbnb, anticipating that professional hosts with multiple properties might discriminate less often than others. We retrieved the number of reviews the host has received, a rough measure of whether the host is an avid Airbnb user or a casual one. We further checked the guests who had previously reviewed each host. Airbnb posts the photo of each such guest, so we used Face++, a face-detection API, to categorize past guests by race, gender, and age.<sup>6</sup> This allows us to examine relationships between a host’s prior experience with African-American guests and the host’s rejection of new African-American requests.

We also collected information about each listing. We recorded the price of the listing, the number of bedrooms and bathrooms, the cancelation policy, any cleaning fee, and the listing’s ratings from past guests. We also measured whether the listing offered an entire unit versus a room in a larger unit, yielding a proxy for how much the host

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<sup>6</sup> In addition to detecting race, gender, and age, Face++ estimates its confidence for each trait. When Face++ was unable to make a match or its confidence was below 95 out of 100, we used Mechanical Turk, to categorize the past guest via the method described above.

interacts with the guest.

Each listing included a longitude and latitude, which allowed us to link to census demographic data to assess the relationship between neighborhood demographics and discrimination. After linking the latitude and longitude to a census tract, we used census data on the number of African-American, Hispanic, Asian, and White individuals. Table 1 presents summary statistics about the hosts and listings as well as balanced treatment tests.

We later checked each listing to see whether hosts were ultimately able to fill openings. Our guests inquired about reservations eight weeks in advance. Thus, if a guest sent a message on August 1 about the weekend of September 25, we checked on Friday, September 24 to see whether the specified listing was still listed as available.

### **3.2 Treatment groups**

Our analysis used four main treatment groups based on the perceived race and gender of the test guest accounts. Hosts were contacted by guests with names that signaled African-American males, African-American females, White males, and White females, drawn from Bertrand and Mullainathan (2004). The list was based on the frequency of names from birth certificates of babies born between 1974 and 1979 in Massachusetts. Distinctively White names are those that are most likely to be White, conditional on the name, and similarly for distinctively African-American names. To validate the list, we conducted a survey in which we asked participants to quickly categorize each name as White or African-American. With just three seconds permitted for a response, survey takers had little time to think beyond a gut response. The survey

results, presented in Appendix Table 1, confirm that the names continue to signal race.<sup>7</sup>

We then created twenty Airbnb accounts, identical in all respects except for guest names. Our names included ten that are distinctively African-American and ten distinctively White names, divided into five male and five female names within each group. To avoid the confounds that would result from pictures, we use only names; our Airbnb profiles include no picture of the putative guest. From these twenty guest accounts, we sent messages to prospective hosts. Each host was randomly assigned one of our twenty guest accounts. Figure 1 presents a representative email from one of our guests to an Airbnb host. The name and dates changed depending on the message sender and when the message was sent.<sup>8</sup> In choosing the dates, we asked hosts about a weekend that was approximately eight weeks distant from when the message was sent. We limited our search to those properties that were listed as available during the weekend in question.

### **3.3 Experimental procedure**

We sent roughly 6,400 messages to hosts between July 7, 2015 and July 30, 2015.<sup>9</sup> Each message inquired about availability during a specific weekend in September.

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<sup>7</sup> On a scale of 0 to 1, where 0 is African-American, the White female names each had an average survey response of 0.90 or above, and the African-American female names all had an average score of 0.10 or below. The male names showed slightly more variation but tell the same story: all the White male names scored 0.88 or above, and all the African-American male names except for Jermaine Jones scored 0.10 or below. The Appendix presents the full results of the survey.

<sup>8</sup> No more than 48 hours elapsed between our first contact to a host in a given city, and the completion of our contacting hosts in that city. Furthermore, no hosts in our sample had listings in more than one of the five cities we tested. Hence, it is unlikely that a host contacted later on in the study would have learned about the experiment.

<sup>9</sup> Our initial goal was to collect roughly 10,000 responses. This was based on a power analysis, which in turn used an effect size calculated from Edelman and Luca (2014). To find a similar effect size, we would need a sample size of roughly 3,000 hosts. But, to calculate an effect among a subgroup of hosts, like African-American hosts, which represent roughly 7% of the Airbnb population, we would need a sample size closer to 10,000. We fell short of this goal for an exogenous reason: Airbnb shut down the experimental accounts after we collected roughly 6,400 responses.

When a host replied to a guest, we replied to the host with a personal message clarifying that we (as the guest) were still not sure if we would visit the city or if we would need a place to stay. We sent this reply in order to reduce the likelihood of a host holding inventory for one of our hypothetical guests.

We tracked host responses over the 30 days that followed each request. A research assistant then coded each response into categories. The majority of responses were in one of six groups: “No response” (if the host did not respond within 30 days); “No or listing is unavailable”; “Yes”; “Request for more information” (if the host responded with questions for the guest); “Yes, with questions” (if the host approved the stay but also asked questions); “Check back later for definitive answer”; and “I will get back to you.” As these categories show, our initial categorizations used subtle distinctions between possible responses. In our analyses below, however, we restrict our attention to the simplest response – “Yes” – though all of our results are robust to using “No” instead, as well as to ignoring non-responses or to using broader definitions of “Yes.”

We collected all data using scrapers we built for this purpose. We sent inquiries to Airbnb hosts using web browser automation tools we built for this purpose. Our Institutional Review Board approved our methods before we began collecting data.

## **4. Results**

Table 2 presents the main effect. We find that inquiries from guests with White-sounding names are accepted roughly 50% of the time. In contrast, guests with African-American-sounding names are accepted roughly 42% of the time. Columns 2 and 3 introduce additional control variables related to the host or the property. The effect stays constant at a roughly eight percentage point gap across these specifications, controlling

for the host's gender, race, an indicator for whether the host has multiple listings, an indicator for whether the property is shared, host experience (whether the host has more than ten reviews), and the log of the listing price.

As noted, we break down hosts' responses into 11 categories. Figure 2 shows the frequency of each response by race. One might worry that results are driven by differences in host responses that are hard to classify, such as conditional "Yes" responses. Similarly, we would be concerned if our findings were driven by differences in response rate. African-American accounts might be more likely to be categorized as spam, or hosts may believe that African-American accounts are more likely to be fake, in which case one might expect higher non-response rates for African-American accounts. But as Figure 2 shows, the discrimination results occur because of differences in simple "Yes" or "No" responses, not because of non-responses or intermediate responses (like a conditional "Yes").

In the rest of this section, we use the wealth of data available on Airbnb about the host and location for each listing to look for factors that influence the gap between white and African-American names. Does the identity of the host matter? Does the location of the property matter? Generally, we find that the discrimination is remarkably robust.

#### **4.1 Effects by host characteristics**

We first check whether our finding changes based on the identity of the host. If discrimination is driven by homophily (in-group bias), then the host's race should matter. According to this theory, hosts might simply prefer guests of the same race. If homophily were the primary factor driving differential guest acceptance rates, then African-American guests would face higher acceptance rates from African-American hosts. Table

3 presents regressions that include guest race, host race, and an interaction term. Across the entire sample of hosts, the interaction between the race and guest of the host is not significantly different from zero, but the point estimate is noisy. This result masks heterogeneity across genders. Columns 2 and 3 of Table 3 report the same regression limited to male hosts and female hosts, respectively. Among male hosts, the interaction between the host's race and guest's race shows a widening of the race gap by 11 percentage points, whereas among females, the race gap narrows by 11 percentage points. Both estimates are noisy; we cannot reject coefficients of zero.<sup>10</sup>

Discrimination may also be influenced by a host's proximity to the guest. For example, Becker (1957) formalizes racial discrimination as distaste for interactions with individuals of a certain race. On Airbnb, a host must classify each listing as offering an entire unit, a room within a unit, or a shared room. We classify anything other than an entire unit as a "shared property." Column 1 of Table 4 shows that the race gap is roughly the same whether or not a property is shared. (In unreported results, we find that the race gap stays roughly the same in shared properties with only one bathroom.)

One might expect a distinction between casual Airbnb hosts who occasionally rent out their homes, versus professional hosts who offer multiple properties. Roughly a sixth of Airbnb hosts manage multiple properties, and roughly 40% of hosts have at least 10 reviews from past guests. Columns 2 and 3 explore the extent of discrimination among

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<sup>10</sup> Table 5 explores the effect of the host's race with more nuance. It shows the proportion of Yes responses from each gender/race cell among hosts in response to each gender/race cell among guests. African-American male hosts discriminate against African-American male and female guests. White hosts of both genders are more likely to accept white guests of either gender. African-American female hosts are the only exception: they accept African-American female guests more than any other group. Thus, with the exception of African-American females, the data is inconsistent with homophily. Table 5 focuses on race/gender subgroups, but we present a more systematic breakdown of the raw results in Appendix Table 2. We ultimately focused on race/gender cells for ease of presentation.

hosts with multiple locations, and those with more than 10 reviews. Across these specifications, the race gap persists with roughly the same magnitude.<sup>11</sup>

To the extent that discrimination rates are changing over time, one might expect discrimination to be less common among younger hosts. To assess this possibility, we employed Mechanical Turk workers to categorize hosts as young, middle-aged, or old. Column 4 shows that discrimination also persists across the age categories with roughly the same magnitude.

#### **4.2 Effects by listing characteristics**

Just as discrimination was robust across host characteristics, we find that discrimination does not vary based on the cost or location of the property. Column 1 of Table 6 shows that, overall, listings above the median price are more likely to reject inquiries. However, discrimination remains both among more expensive and less expensive listings.

We can also check whether the listing was eventually filled (for the nights in question) to create a proxy for the desirability of the listing. First, we fit a Probit model to predict the likelihood that the listing was filled, controlling for a fixed city effect and a host of covariates.<sup>12</sup> Then we assign each listing a probability of being filled. This lets us test whether discrimination changes based on the listing's desirability.<sup>13</sup> It does not.

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<sup>11</sup> Hosts with at least 10 reviews still have a race gap, but the acceptance rates for both races are higher among these hosts. Instead of the 50% to 42% gap we see among all hosts, the race gap among hosts with at least 10 reviews, or hosts with multiple properties, is closer to 60% to 52%. Hence, the racial gap is the same in terms of percentage points, but not in terms of percent. The same is true in a later specification, where we look at the race gap among hosts with at least one review from an African-American guest. In all these specifications, the change in the odds ratio is not economically significant. We have insufficient statistical power to reject the possibility that the odds ratios remain constant while the gap changes slightly.

<sup>12</sup> The covariates are as follows: the host's race and gender, the price, number of bedrooms, whether the property is shared, whether the bathroom is shared, the number of reviews, the age of the host, whether the



We also hypothesized that the extent of discrimination might vary with the diversity of a neighborhood. More generally, one might expect that geography matters and that discrimination is worse in some areas than others, due to market structure or underlying rates of discrimination among a population. Merging data on neighborhoods by census tract, Column 2 shows that the extent of discrimination does not vary with the proportion of nearby residents who are African-American. Column 3 shows that discrimination is ubiquitous: it does not vary with the number of Airbnb listings within the census tract. We also find discrimination in all cities in our sample, as shown in Appendix Table 3.

#### **4.3 Robustness – effects by name**

Table 7 shows the proportion of positive responses broken down by name. The effect is robust across choice of names. For example, the African-American female name with the most positive responses (Tamika) received fewer positive responses than the White female name with the fewest positive responses (Kristen), though this difference is not statistically significant. Similarly, the African-American males with the most positive responses (Darnell and Rasheed) received fewer acceptances than the White male with the fewest positive responses (Brad).

#### **4.4 Comparing experimental results with observational patterns**

Each listing page includes reviews from previous guests, along with profile pictures for these guests. This allows us to see which hosts previously accepted African-American guests (although not all guests leave reviews and not all guests have photos

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host operates multiple listings, the proportion of White people in the census tract, and the number of Airbnb listings in the census tract.

<sup>13</sup> We thank an anonymous reviewer for suggesting this approach.

that reveal their race). We use this data to assess the external validity of our results.

We collected profile pictures from the ten most recent reviews on each listing page. We categorized these past guests by race and gender, finding that 29% of hosts in our sample had at least one review from an African-American guest. We then regressed the likelihood of a host responding positively to our inquiry on the race of the guest, whether the host has at least one recent review from an African-American guest, and an interaction between these variables. Column 5 of Table 4 reports the results. We find that the race gap drops sharply among hosts with at least one recent review from an African-American guest. We cannot reject zero difference for requests from our African-American test accounts versus requests from our White test accounts, though this result is only significant at the 10% level.<sup>14</sup>

This finding reinforces our interpretation of our main effects, including the role of race and the interpretation that observed differences reflect racial discrimination by Airbnb hosts. Put another way, if our findings are driven by a quirk of our experimental design, rather than race, then it is difficult to explain why the race gap disappears precisely among hosts with a history of accepting African-American guests.

#### **4.5 Importance of profile pictures and more complete profiles**

A related concern is that we used guest profiles that were relatively bare. A host may hesitate to accept a guest without a profile picture or past reviews. Of course, this alone cannot explain the race gap, since both white and African-American guests had

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<sup>14</sup> These findings are robust to alternative specifications of a host's past guests. The same substantive results hold if we look at the raw number of reviews from African-Americans, rather than whether there is at least one such review. The same is true if we use the proportion of reviews from African-American guests.

bare profiles. But it does raise the question of whether more complete profiles could mitigate discrimination.<sup>15</sup>

Internal data from Airbnb and observational data on Airbnb users both suggest that profile pictures alone are unlikely to make much difference. With access to internal Airbnb data, Fradkin (2015) looks at roughly 17,000 requests sent to hosts and finds that guests are rejected 49% of the time. Notably, these requests from ordinary Airbnb users, with typical Airbnb profiles, were rejected at a rate similar to that of our guests. In our experiment, as detailed in Appendix Table 4, 44% of guests were rejected or received no response. Another 11% received a message from a host requesting more information. The remaining 46% were accepted. The similarity in rejection rates suggests that incompleteness of our guests' profiles is not likely to be causing a change in the rejection rate, and reinforces the ecological validity of our experimental design.

Other methods indicate that profile pictures seem to have little impact on acceptance decisions. In a logistic regression estimating the probability of receiving a rejection from a host, again using internal Airbnb data, Fradkin (2015) finds that including a profile picture has no significant effect. This matches the observational data we collect: in a random selection of Airbnb users, we found that only 44% have a profile picture. The proportion of guests with a profile picture is higher among users who have left a review, but nonetheless both analyses indicate that the existence of profile pictures

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<sup>15</sup> Similarly, our experiment does not assess whether discrimination occurs because of race or social class. Hanson & Hawley (2011) find, in a field experiment on Craigslist's housing market using similar methodology, that renters with African-American names face a penalty, but that the penalty decreases if the email sent to a landlord signals higher social class. Under some specifications, African-Americans face a statistically significant penalty based on race and an additional penalty for signaling low class, also statistically significant. Under other specifications, the racial gap is not statistically significant when comparing white and African-American guests who both signal high social class. On the whole, the paper indicates that social class and race both play a role.

plays a small role in host decision-making. Further, even if profile pictures impact rejection rates, it is not clear that the impact should be differential by race. For example, one might expect that pictures would make a guest's race more salient. If our results are driven by race, then our findings would be a lower bound on the true effect.

One limitation of our experiment is that we do not observe the effect of past reviews on discrimination. If our findings are driven by statistical discrimination, positive reviews from previous hosts may reduce the extent of discrimination. However, three factors suggest that reviews are an incomplete response to a discrimination problem. First, our acceptance rates are similar to overall acceptance rates on Airbnb (Fradkin 2015), which indicates that hosts are not treating our test guest accounts differently for lack of reviews, meaning that reviews would be unlikely to eliminate discrimination. Indeed, for reviews to eliminate discrimination, they would need to provide a 16 percent differential increase in acceptance rates for African-Americans, relative to White guests. Second, all Airbnb users necessarily start without past reviews, so a review system would not address any initial barriers to entry that guests face. Third, a subjective review system can itself allow or facilitate discrimination. (*See, e.g.*, Goldin and Rouse, 2000, finding that visually confirming a musician's gender may influence an expert's judgment of her work.) Whatever mechanism is causing a lower acceptance rate for the African-American guests may also cause a worse rating.

#### **4.6 How much does discrimination cost hosts?**

A host incurs a cost for discriminating when rejecting a guest causes a unit to remain empty. The expected cost depends on the likelihood of the property remaining vacant, which in turn depends on the thickness of the market. If a host can easily find a

replacement guest, then discrimination is nearly costless for the host. But if a property remains vacant after the host rejects a guest, then discrimination imposes a more significant cost. In other words, the impact on net revenue from discriminating depends on the likelihood of filling a unit with someone of the host's preferred race after rejecting a guest of a disfavored race.

Because we collect data about each property's availability after a host declines a guest, we can estimate the cost in net revenue from discrimination. Suppose a host charges price  $p$  for a listing and pays listing fees  $f$  to Airbnb. Let  $\pi_{replace}$  be the probability of filling the property after rejecting a guest in our study. Then the cost in net revenue of discrimination is as follows:

$$\begin{aligned}\Delta Net Revenue &= (p - f) - \pi_{replace} \cdot (p - f) \\ &= (1 - \pi_{replace}) \cdot (p - f)\end{aligned}$$

That is, the cost of discrimination, in terms of net revenue, is the revenue that the host forgoes if the listing remains empty multiplied by the probability that the listing remains empty.

In our data, hosts who rejected or never responded to our inquiries had properties with a median price of \$163 and a mean price of \$295.<sup>16</sup> The numbers are similar and slightly higher if we restrict the sample further to those hosts who rejected African-American guests, or if we expand the sample to hosts who responded positively Yes to our accounts.<sup>17</sup> Airbnb charges each host a fee equal to 3% of the listing price.

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<sup>16</sup> In calculating price, we sum the listing price and any cleaning fee.

<sup>17</sup> An anonymous reviewer correctly points out that the host we are interested in is the host on the margin of discriminating. But there are hosts far from this margin both within the group of hosts who said Yes and within the group of hosts who said No. Nonetheless, our calculations in this section are not sensitive to which group of hosts we include. When including hosts who said Yes, the median price drops from \$163 to

After our inquiries, roughly 25.9% of the listings in our study remained vacant on the dates we requested after rejecting or not responding to one of our guests. Another 37.9% remained listed but were no longer available on those dates, suggesting that the host either found another guest or decided to no longer make the property available on the specified dates. The remaining 36.1% of properties were no longer listed on Airbnb. Because it is unclear whether the hosts who exit should be excluded from the sample or treated as not having found a replacement, we develop two estimates.

If we exclude these disappearing hosts from our calculation, 59.4% of hosts found a replacement guest. Setting  $p$  equal to the median price (\$163) and fees at 3% of the median price:

$$\Delta Net Revenue = (1 - .594) \cdot (\$163 - .03 \cdot \$163) \approx \$64.19$$

If we treat disappearing listings as vacancies, in effect assuming that the host of a dropped listing was not able to find a replacement guest, then only 37.9% of hosts found a replacement guest. The cost of discrimination rises as a result:

$$\Delta Net Revenue = (1 - .379) \cdot (\$163 - .03 \cdot \$163) \approx \$98.19$$

In this analysis, we focus on the net revenue, which does not incorporate the marginal cost of each night the listing is rented, since we do not directly observe costs. The cost of hosting includes various types of host effort or wear-and-tear to the property. In principle, hosting also entails a risk of damage by a guest, though throughout the relevant period Airbnb automatically provided all hosts with property insurance, which reduces the risk. Our calculation also excludes unobserved benefits of hosting, such as

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\$150, and the probability of finding a replacement guest rises to 64% instead of 59.4% (excluding disappearing hosts) or 45% instead of 37.9% (including disappearing hosts). Thus, the cost of discrimination drops by about \$10 or \$20 among hosts who say Yes, and therefore either did not discriminate against the African-American accounts or did not get a chance to do so.

the possibility that a positive review draws more guests in the future and improves the listing position on Airbnb. A full estimate of profit would also need to consider the time cost of looking for new guests after rejecting someone on the basis of race.<sup>18</sup>

While these estimates are clearly noisy, they suggest that hosts incur a real cost by discriminating. The median host who rejects a guest because of race is turning down between \$65 and \$100 of revenue.

## 5. Discussion

Online platforms such as Airbnb create new markets by eliminating search frictions, building trust, and facilitating transactions (Lewis 2011, Luca forthcoming). With the rise of the sharing economy, however, comes a level of discrimination that is impossible in the online hotel reservations process. Clearly, the manager of a Holiday Inn cannot examine names of potential guests and reject them based on race or socioeconomic status or some combination of the two. Yet, this is commonplace on Airbnb, which now accounts for a growing share of the short-term rental market.

Our results contribute to a small but growing body of literature suggesting that discrimination persists—and we argue may even be exacerbated—in online platforms. Edelman and Luca (2014) show that African-American hosts on Airbnb seek and receive lower prices than White hosts, controlling for the observable attributes of each listing. Pope and Sydnor (2011) find that loan listings with pictures of African-Americans on Prosper.com are less likely to be funded than similar listings with pictures of White

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<sup>18</sup> Our calculation also ignores other factors that cut in both directions. Responding with a Yes to a guest does not provide 100% certainty of a paid booking; the guest may choose another option or may not make the trip. In that case, our estimates overstate the revenue loss. Similarly, we have imperfect information about whether a host found a replacement guest. Among other complexities, our guests requested two-night stays; we treat a host as having filled a listing if the host found a replacement guest for at least one of the nights, though a host who filled only one of the nights has nonetheless lost one night of revenue.

borrowers. Doleac and Stein (2013) show that buyers are less likely to respond to Craigslist listings showing an iPod held by a Black hand compared to an identical ad with a White hand. In contrast, Morton et al. (2003) find no difference by race in price paid for cars in online purchases—a sharp contrast to traditional channels (*see, e.g.*, List, (2004); Zhao et al., (2005)).

One important limitation of our experiment is that we cannot identify the mechanism causing worse outcomes for guests with distinctively African-American names. Prior research shows that distinctively African-American names are correlated with lower socioeconomic status (Fryer and Levitt, 2004). Our findings cannot identify whether the discrimination is based on race, socioeconomic status, or a combination of these two. That said, we note that discrimination disappears among hosts who have previously accepted African-American guests. One might worry that discrimination against our test guest accounts results from our choice of names and hence does not represent patterns that affect genuine Airbnb guests. However, we find that discrimination is limited to hosts who have never had an African-American guest, which suggests that our results are consistent with any broader underlying patterns of discrimination.

Similarly, our experiment does not provide a sharp test of alternative models of discrimination. The theoretical literature on discrimination often distinguishes between statistical and taste-based discrimination. While our experimental design cannot reject either mechanism, our findings suggest a more nuanced story than either of the classic models. For one, we find homophily among African-American females, but not among other race/gender combinations. Furthermore, we find that discrimination is not sensitive



to a measure of proximity between the host and guest. Both findings are in tension with pure taste-based discrimination. But we also find some evidence against pure statistical discrimination. As noted above, we find that hosts who have had an African-American guest in the past exhibit less discrimination than other hosts. This suggests that, at the very least, hosts are using different statistical models as they evaluate potential guests.

### **5.3 Designing a discrimination-free marketplace**

Because online platforms choose which information is available to parties during a transaction, they can prevent the transmission of information that is irrelevant or potentially pernicious. Our results highlight a platform's role in preventing discrimination or facilitating discrimination, as the case may be. If a platform aspires to provide a discrimination-free environment, its rules must be designed accordingly.

Airbnb has several options to reduce discrimination. For example, it could conceal guest names, just as it already prevents transmission of email addresses and phone numbers so that guests and hosts cannot circumvent Airbnb's platform and its fees. Communications on eBay's platform have long used pseudonyms and automatic salutations, so Airbnb could easily implement that approach.

Alternatively, Airbnb might further expand its "Instant Book" option, in which hosts accept guests without screening them first. Closer to traditional hotels and bed and breakfasts, this system would eliminate the opportunity for discrimination. This change also offers convenience benefits for guests, who can count on their booking being confirmed more quickly and with fewer steps. However, in our sample, only a small subset of hosts currently allow instant booking. Airbnb could push to expand the use of

this feature, which would also serve the company's broader goal of reducing search frictions.

More generally, our results suggest an important tradeoff for market designers, who set the rules of online platforms, including the pricing mechanisms (Einav et al 2013) and the information that is available and actionable at the time of transaction (Luca forthcoming). Market design principles have generally focused on increasing the information flow within a platform (Bolton et al 2013, Che and Horner 2014, Dai et al 2014, Fradkin et al 2014), but we highlight a situation in which platforms may be providing too much information.

#### **5.4 Policy Implications**

Because the legal system grants considerable protection to online marketplaces, Airbnb is unlikely to be held liable for allowing discrimination on its platform. Within the United States, the Civil Rights Act of 1964 prohibits discrimination in hotels (and other public accommodations) based on race, color, religion, or national origin. But these laws appear to be a poor fit for the informal sharing economy, where private citizens rent out a room in their home (Belzer and Leong, *forthcoming*; Todisco, 2015). As discussed in Edelman and Luca (2014), any changes by Airbnb would likely be driven by ethical considerations or public pressure rather than law. In contrast, offline rental markets and hotels have been subject to significant regulation (as well as audit studies to test for discrimination) for decades. This contributes to worry among policy-makers that online short-term rental markets like Airbnb may be displacing offline markets, which are more heavily regulated (Schatz et al, 2016). One clear policy implication is that regulators may want to audit Airbnb hosts using an approach based on our paper—much like

longstanding efforts to reduce discrimination in offline rental markets.

One might have hoped that online markets would cure discrimination, and it seems a different design might indeed do so. Regrettably, our analysis indicates that at Airbnb, this is not yet the case.

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## Figures

Figure 1: Sample Treatment

Respond to Laurie by replying directly to this email.




Laurie has sent you an inquiry about Cozy, clean house near Boston. Reply, pre-approve or decline by 8:44 AM EDT on Jul 26. Based on your rate of \$100 per night along with associated fees, your potential payout for this reservation is \$149.

**Pre-approve / Decline**

**Reply**

Hi, how are you? I am interested in renting your place for a weekend: from 9/20 (Friday at night) through 9/22 (Sunday afternoon). Is there availability? Thank you!  
-Laurie Ryan

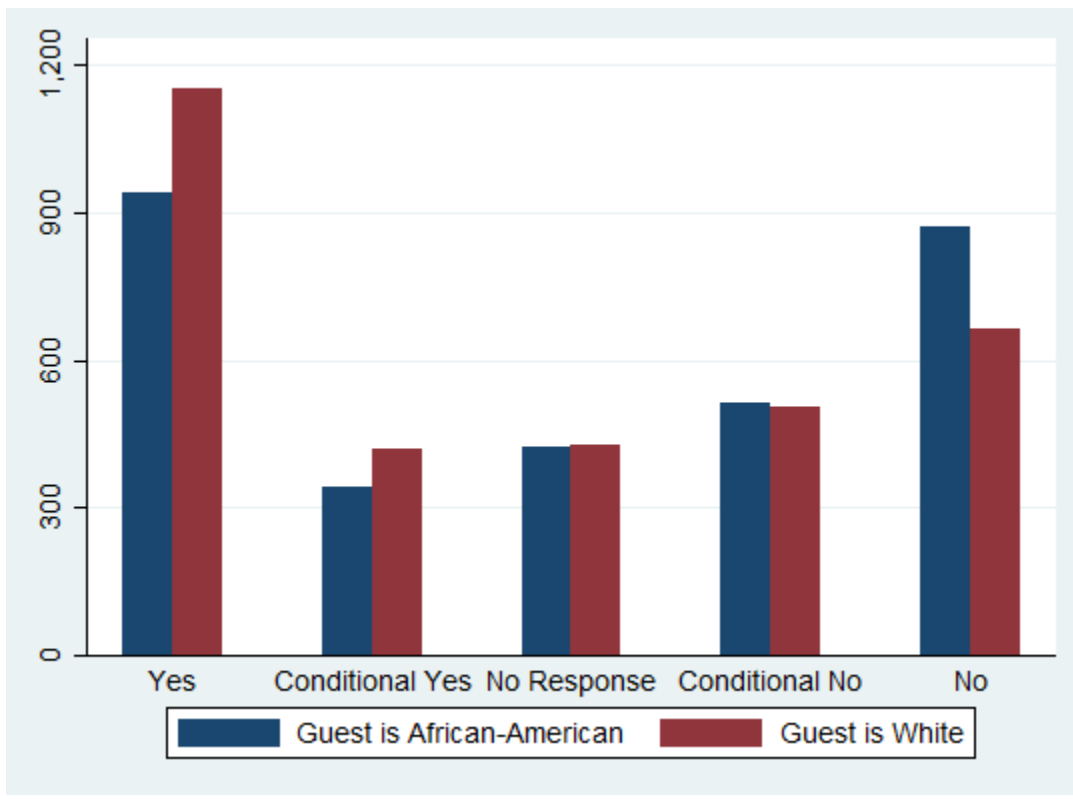
*Airbnb Tip: Read our guide for keeping your Airbnb account secure.*



Laurie >

4 Verifications

**Figure 2: Host Responses by Race**





## Tables

**Table 1. Summary Statistics**

<i>Variables</i>	<i>Mean</i>	<i>Std. Dev.</i>	<i>25th %ile</i>	<i>75th %ile</i>	<i>Obs.</i>	<i>Mean, White Accounts</i>	<i>Mean, African- American Accounts</i>	<i>p-value</i>
Host is White	0.63	0.48	0	1	6,392	0.64	0.63	0.15
Host is African-American	0.08	0.27	0	0	6,392	0.08	0.08	0.97
Host is female	0.38	0.48	0	1	6,392	0.38	0.37	0.44
Host is male	0.30	0.46	0	1	6,392	0.3	0.3	0.90
Price (\$)	181.11	1,280.23	75	175	6,302	166.43	195.81	0.36
Number of bedrooms	3.18	2.26	2	4	6,242	3.18	3.18	0.96
Number of bathrooms	3.17	2.26	2	4	6,285	3.17	3.17	0.93
Number of reviews	30.87	72.51	2	29	6,390	30.71	31.03	0.86
Host has multiple listings	0.16	0.36	0	0	6,392	0.32	0.33	0.45
Host has 1+ reviews from African-American guests	0.29	0.45	0	1	6,390	0.29	0.28	0.38
Airbnb listings per Census tract	9.51	9.28	2	14	6,392	9.49	9.54	0.85
% population African-American (Census tract)	0.14	0.2	0.03	0.14	6,378	0.14	0.14	0.92

**Table 2. The Impact of Race on Likelihood of Acceptance**

<i>Dependent Variable: 1(Host Accepts)</i>			
Guest is African-American	-0.08 <sup>***</sup> (0.02)	-0.08 <sup>***</sup> (0.02)	-0.09 <sup>***</sup> (0.02)
Host is African-American		0.07 <sup>**</sup> (0.02)	0.09 <sup>***</sup> (0.02)
Host is Male		-0.05 <sup>***</sup> (0.01)	-0.05 <sup>***</sup> (0.01)
Host has Multiple Listings			0.09 <sup>***</sup> (0.02)
Shared Property			-0.07 <sup>***</sup> (0.02)
Host has 10+ Reviews			0.12 <sup>***</sup> (0.01)
ln(Price)			-0.06 <sup>***</sup> (0.01)
Constant	0.49 <sup>***</sup> (0.01)	0.50 <sup>***</sup> (0.01)	0.76 <sup>***</sup> (0.07)
Observations	6,235	6,235	6,168
Adjusted $R^2$	0.006	0.009	0.040

Notes: A host's response is coded as a "Yes" if, in her reply to the guest, she invites the guest to stay at the property, if she offers a special deal ("book within 24 hours and get a discount"), or approves the guest while also asking some clarifying question ("You can stay, but how many people will you have with you?"). Standard errors are clustered by (guest name)\*(city) and are reported in parentheses.

\*  $p < .10$ . \*\*  $p < .05$ . \*\*\*  $p < .01$ .

**Table 3: Race Gap by Race of the Host**

	<i>Dependent Variable: 1(Host Accepts)</i>			
	All Hosts	Male Hosts	Female Hosts	Other Hosts
Guest is African-American	-0.08 <sup>***</sup> (0.02)	-0.09 <sup>***</sup> (0.02)	-0.09 <sup>***</sup> (0.02)	-0.07 <sup>*</sup> (0.03)
Host is African-American	0.06 <sup>*</sup> (0.03)	0.19 <sup>***</sup> (0.05)	-0.00 (0.04)	0.03 (0.09)
Host is African-American * Guest is African-American	0.01 (0.05)	-0.11 (0.08)	0.11 (0.06)	-0.06 (0.14)
Constant	0.48 <sup>***</sup> (0.01)	0.44 <sup>***</sup> (0.02)	0.50 <sup>***</sup> (0.02)	0.50 <sup>***</sup> (0.02)
Observations	6235	1854	2336	2045
Adjusted $R^2$	0.007	0.015	0.007	0.003
Implied Coefficient on Guest is African-American + Host is African-American * Guest is African-American	-0.07 (0.05)	-0.19 <sup>**</sup> (.08)	0.02 (.06)	-0.12 (0.14)

Notes: Other hosts are hosts we could not classify as male or female. Of the 2,045 host pictures we could not classify for gender, 972 had a picture of a mixed-gender couple, 259 had a same-gender couple, 603 had a picture without a human in it, and the rest could not be classified. Standard errors are clustered by (guest name)\*(city) and are reported in parentheses.

\*  $p < .10$ . \*\*  $p < .05$ . \*\*\*  $p < .01$ .

**Table 4. Are Effects Driven by Host Characteristics?**

	<i>Dependent Variable: 1(Host Accepts)</i>				
Guest is African-American	-0.07*** (0.02)	-0.08*** (0.02)	-0.09*** (0.02)	-0.11*** (0.02)	-0.09*** (0.02)
Shared Property	0.00 (0.01)				
Shared Property * Guest is African-American	-0.02 (0.03)				
Host has Multiple Listings		0.14*** (0.02)			
Host has Multiple Listings * Guest is African-American		-0.01 (0.03)			
Host has 10+ Reviews			0.14*** (0.02)		
Host has Ten+ Reviews * Guest is African-American			0.01 (0.02)		
Host Looks Young				-0.03 (0.02)	
Host Looks Young * Guest is African-American				-0.01 (0.02)	
Host has 1+ reviews from an African-American guest					0.10*** (0.01)
Host has 1+ reviews from an African-American guest * Guest is African-American					0.06* (0.02)
Constant	0.49*** (0.01)	0.46*** (0.01)	0.42*** (0.01)	0.50*** (0.01)	0.46*** (0.01)
Observations	6,235	6,235	6,235	6,235	6,235
Adjusted R <sup>2</sup>	0.006	0.014	0.027	0.011	0.019
Implied Coefficient on Guest is African-American + Host Trait * Guest is African-American	-0.09*** (0.02)	-0.09*** (0.03)	-0.08*** (0.02)	-0.08*** (0.03)	-0.04 (0.03)

Notes: Standard errors are clustered by (guest name)\*(city) and are reported in parentheses.

\* p < .10. \*\* p < .05. \*\*\* p < .01

**Table 5. Proportion of Positive Responses by Race and Gender**

		<i>Guest Race / Gender</i>			
		White Male	African-American Male	White Female	African-American Female
<i>Host Race / Gender</i>	White Male	0.42	0.35	0.49	0.32***
	African-American Male	0.64**	0.40	0.59	0.43
	White Female	0.46	0.35	0.49	0.44
	African-American Female	0.43	0.38	0.53	0.59***

Notes: This table shows the proportion of Yes responses by hosts of a certain race/gender to guests of a certain race/gender.

\*  $p < .10$ . \*\*  $p < .05$ . \*\*\*  $p < .01$ . P-values from testing that proportion of Yes responses in a specific cell is equal to the proportion of Yes responses from the other cells in that row.

**Table 6. Are Effects Driven by Location Characteristics?**

	<i>Dependent Variable=1(Host Accepts)</i>			
Guest is African-American	-0.09 <sup>***</sup>	-0.08 <sup>***</sup>	-0.09 <sup>***</sup>	-0.12 <sup>**</sup>
	(0.02)	(0.02)	(0.02)	(0.06)
Price > Median	-0.07 <sup>***</sup>			
	(0.02)			
Guest is African-American * (Price > Median)	0.01			
	(0.03)			
Share of African-American Population in Census Tract		0.05		
		(0.05)		
Guest is African-American * (Share of African-American Population in Census Tract)		0.02		
		(0.08)		
Airbnb Listings per Census Tract			-0.0007	
			(0.0009	
			)	
Guest is African-American * (Airbnb Listings per Census Tract)			0.0008	
			(0.001)	
Probability Listing is Filled 8 Weeks Later				0.56 <sup>***</sup>
				(0.08)
Guest is African-American * (Probability Listing is Filled 8 Weeks Later)				0.09
				(0.12)
Constant	0.52 <sup>***</sup>	0.48 <sup>***</sup>	0.49 <sup>***</sup>	0.24 <sup>***</sup>
	(0.02)	(0.01)	(0.02)	(0.03)
Observations	6235	6223	6235	6101
Adjusted $R^2$	0.01	0.006	0.006	0.030

Notes: Standard errors are clustered by (guest name)\*(city) and are reported in parentheses.

\*  $p < .10$ . \*\*  $p < .05$ . \*\*\*  $p < .01$ .

**Table 7. Proportion of Positive Responses, by Name**

Entire Sample		0.43 (6,390)	
<i>White Female</i>		<i>African-American Female</i>	
Allison Sullivan	0.49 (306)	Lakisha Jones	0.42 (324)
Anne Murphy	0.56** (344)	Latonya Robinson	0.35** (331)
Kristen Sullivan	0.48 (325)	Latoya Williams	0.43 (327)
Laurie Ryan	0.50 (327)	Tamika Williams	0.47** (339)
Meredith O'Brien	0.49 (303)	Tanisha Jackson	0.40 (309)
<i>White Male</i>		<i>African-American Male</i>	
Brad Walsh	0.41* (317)	Darnell Jackson	0.38 (285)
Brent Baker	0.48 (332)	Jamal Jones	0.33 (328)
Brett Walsh	0.44 (279)	Jermaine Jones	0.36 (300)
Greg O'Brien	0.45 (312)	Rasheed Jackson	0.38 (313)
Todd McCarthy	0.43 (314)	Tyrone Robinson	0.36 (254)

Notes: The table reports the proportion of Yes responses by name. The number of messages sent by each guest name is shown in parentheses.

\*  $p < .10$ . \*\*  $p < .05$ . \*\*\*  $p < .01$ . P-values from test of proportion. Null hypothesis is that the proportion of Yes responses for a specific name are equal to the proportion of Yes responses for all other names of the same race\*gender cell.

## Appendix

**Appendix Table 1: Results of survey testing races associated with names**

<i>White Female</i>		<i>African-American Female</i>	
Meredith O'Brien	0.93	Tanisha Jackson	0.03
Anne Murphy	0.95	Lakisha Jones	0.05
Laurie Ryan	0.97	Latoya Williams	0.05
Allison Sullivan	0.98	Latonya Robinson	0.07
Kristen Sullivan	1.00	Tamika Williams	0.07
<i>White Male</i>		<i>African-American Male</i>	
Greg O'Brien	0.88	Tyrone Robinson	0.00
Brent Baker	0.90	Rasheed Jackson	0.06
Brad Walsh	0.91	Jamal Jones	0.07
Brett Walsh	0.93	Darnell Jackson	0.10
Todd McCarthy	0.98	Jermaine Jones	0.26

Notes: "White" is coded as 1. "African-American" is coded as 0. Sample size = 62.



**Appendix Table 2: Raw discrimination across all race and gender groups**

		<i>Guest Race / Gender</i>										
		(1)	(2)	(3)	(4)	(6)		(7)	(9)		(10)	
		White Male	African-American Male	White Female	African-American Female	P-value <sup>†</sup>	Male	Female	P-value <sup>‡</sup>	White	African-American	P-value <sup>§</sup>
<i>Host Race / Gender</i>	White Male	0.42	0.35	0.49	0.32	<0.001	0.39	0.4	0.72	0.45	0.34	<0.001
	African-American Male	0.64	0.40	0.59	0.43	0.06	0.52	0.51	0.99	0.62	0.42	0.009
	White Female	0.46	0.35	0.49	0.44	0.003	0.41	0.46	0.06	0.48	0.39	0.003
	African-American Female	0.43	0.38	0.53	0.59	0.09	0.41	0.56	0.02	0.48	0.50	0.80
	White	0.45	0.36	0.50	0.40	<0.001	0.41	0.45	0.02	0.47	0.38	<0.001
	African-American	0.49	0.40	0.58	0.52	0.05	0.45	0.55	0.02	0.53	0.46	0.10
	Other or uncertain	0.45	0.38	0.51	0.43	0.006	0.41	0.47	0.03	0.48	0.40	0.005
	Male	0.43	0.36	0.47	0.35	<0.001	0.40	0.41	0.80	0.45	0.35	<0.001
	Female	0.47	0.34	0.51	0.45	<0.001	0.41	0.48	0.004	0.49	0.40	<0.001
	Other or uncertain	0.45	0.41	0.54	0.45	<0.001	0.43	0.50	0.003	0.50	0.43	0.003

Notes: This table shows the proportion of Yes responses by hosts of a certain race/gender to guests of a certain race/gender.

† P-value from likelihood ratio Chi-Squared test that values in columns (1) through (4) are equal, in a given row.

‡ P-value from likelihood ratio Chi-Squared test that values in columns (6) and (7) are equal, in a given row.

§ P-value from likelihood ratio Chi-Squared test that values in columns (9) and (10) are equal, in a given row.

**Appendix Table 3: Discrimination by City**

	<i>Dependent Variable: I(Host Accepts)</i>					
	All Cities	Baltimore (N = 347)	Dallas (N = 415)	Los Angeles (N = 3,913)	St. Louis (N = 151)	Washington, D.C. (N = 1,559)
Guest is African-American	-0.08***	-0.07*** (0.02)	-0.08*** (0.02)	-0.10** (0.02)	-0.08*** (0.03)	-0.08*** (0.02)
City	--	0.07 (0.03)	0.04 (0.03)	-0.00 (0.03)	0.02 (0.05)	-0.03 (0.04)
City * Guest is African-American	--	-0.12* (0.05)	-0.01 (0.04)	0.03 (0.04)	0.02 (0.07)	-0.01 (0.05)
Constant	0.49	0.48*** (0.01)	0.49*** (0.01)	0.49*** (0.02)	0.49*** (0.01)	0.50*** (0.01)
Observations	6,235	6,235	6,235	6,235	6,235	6,235
Adjusted $R^2$	0.006	0.007	0.006	0.006	0.006	0.007
Implied Coefficient on Guest is African-American + City * Guest is African-American	--	-0.19*** (0.04)	-0.09** (0.04)	-0.07*** (0.02)	-0.06 (0.06)	-0.09* (0.05)

Notes: Standard errors are clustered by (guest name)\*(city) and are reported in parentheses.

\*  $p < .10$ . \*\*  $p < .05$ . \*\*\*  $p < .01$ .

**Appendix Table 4: Host responses to guest inquiries, by race of the guest**

	<i>White Guests</i>	<i>African-American Guests</i>
Yes	1,152	940
Yes, but request for more information	375	308
Yes, with lower price if booked now	11	10
Yes, if guest extends stay	10	15
Yes, but in a different property	18	8
Yes, at a higher price	4	0
Request for more information	339	323
Not sure or check back later	154	175
No response	429	423
No unless more information is provided	12	15
No	663	873

Notes: The table reports the frequency of each type of host response to a guest inquiry, by race of the guest. Likelihood-ratio chi-squared = 68.61 ( $p < .01$ ). Null hypothesis is that the columns will have equal proportions for each type of response

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Yvette Hobzek

(b) County of Residence of First Listed Plaintiff King County, Washington (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Emejuru & Nyombi LLC
8403 Colesville Road, Suite 1100
Silver Spring, MD 20910

DEFENDANTS

Homeaway.com, Inc.
VRBO.com, Inc.

County of Residence of First Listed Defendant Travis County, Texas (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State
Citizen of Another State
Citizen or Subject of a Foreign Country
PTF DEF
1 1 Incorporated or Principal Place of Business In This State
2 2 Incorporated and Principal Place of Business In Another State
3 3 Foreign Nation
4 4
5 5
6 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Table with 5 columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like Insurance, Real Estate, Personal Injury, etc.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from Another District
6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): Title II, Fair Housing Act, Brief description of cause:

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE 09/09/2016 SIGNATURE OF ATTORNEY OF RECORD Ikechukwu Emejuru

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**

## Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.  
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.  
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.  
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.  
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.  
 Original Proceedings. (1) Cases which originate in the United States district courts.  
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.  
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.  
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.  
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.  
 Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.  
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.  
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.
- Date and Attorney Signature.** Date and sign the civil cover sheet.