

UNITED STATES OF AMERICA
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF HEARING AND APPEALS

The Acting Secretary, United States Department of
Housing and Urban Development on behalf of
NAME REDACTED, NAME REDACTED
and their children,

Charging Party,

v.

Airbnb, Inc.,
Jarrod Blake,
Sandlot05, LLC,

Respondents

HUDOHA No.
FHEO No. 04-20-3201-8

CHARGE OF DISCRIMINATION

I. JURISDICTION

On August 21, 2020, NAME REDACTED (“Complainant”) filed a complaint (“Complaint”) with the United States Department of Housing and Urban Development (“HUD”). The Complainant alleged that Respondent Blake and Respondent Sandlot05, LLC (“Respondents Blake/Sandlot05”) and Respondent Airbnb, Inc., (“Respondent Airbnb”) violated Subsections 804(a), 804(b), 804(c) of the Fair Housing Act, as amended, 42 U.S.C. §§ 3601-19 (“the Act”) by discriminating because of familial status.

Complainant amended the Complaint on January 14, 2021, to correct an address and to add a respondent. The Complaint was amended a second time on August 29, 2023, to identify October 28, 2020 as a date discrimination occurred, add allegations of a second incident of discrimination, add Complainant’s husband NAME REDACTED as an aggrieved party, add facts in the narrative about the Complainant’s second attempt to rent from Respondents Blake/Sandlot05, and to correct a typographical error in the description of the allegations.

The Act authorizes the Secretary of HUD to issue a Charge of Discrimination (“Charge”) on behalf of aggrieved persons following an investigation and a determination that reasonable cause exists to believe that a discriminatory housing practice has occurred. 42 U.S.C. §§ 3610(g)(1) and (2).¹ The Secretary has delegated that authority to the General Counsel, who has re-delegated the authority to the Associate General Counsel for Fair Housing and the Assistant General Counsel for Fair Housing Enforcement. 24 C.F.R. §§ 103.400, 103.405; 76

¹ As of the date of this Charge, HUD has a designated Acting Secretary.

Fed. Reg. 42,463, 42,465 (July 18, 2011).

By a Determination of Reasonable Cause and No Reasonable Cause issued contemporaneously with this Charge of Discrimination, the Regional Director of HUD's Office of Fair Housing and Equal Opportunity for Region IV, on behalf of the Assistant Secretary for Fair Housing and Equal Opportunity, has determined that reasonable cause exists to believe that discriminatory housing practices have occurred in this case and has authorized and directed the issuance of this Charge of Discrimination. 42 U.S.C. § 3610(g)(2).

II. SUMMARY OF FINDINGS IN SUPPORT OF THIS CHARGE

Based on HUD's investigation of the allegations contained in the aforementioned Complaint and Determination of Reasonable Cause and No Reasonable Cause, HUD hereby charges Respondents with violating the Act as follows:

A. Legal Authority

1. It is unlawful to refuse to rent a dwelling after the making of a bona fide offer, to refuse to negotiate for the rental of a dwelling, or to otherwise make unavailable or deny a dwelling to any person because of familial status. 42 U.S.C. § 3604(a); 24 C.F.R. §§ 100.50(b)(1); 100.60(a)-(b)(1); and 100.70(b).
2. It is unlawful, because of familial status, to make housing unavailable by restricting or attempting to restrict the choices of a person by word or conduct in connection with seeking, negotiating for, or renting a dwelling so as to discourage or obstruct choices in a community, neighborhood, or development. 42 U.S.C. § 3604(a); 24 C.F.R. §§ 100.70(a) and (c)(1)-(2).
3. It is unlawful to discriminate against any person in the terms, conditions, or privileges of the rental of a dwelling because of familial status. 42 U.S.C. § 3604(b); 24 C.F.R. §§ 100.50(b)(2)-(4); 100.65(a), (b)(4); and 100.70(b).
4. It is unlawful to make, print, or publish, or cause to be made, printed or published, any notice, statement, or advertisement with respect to the rental of a dwelling that indicates any preference, limitation or discrimination based on familial status, or an intention to make any such preference, limitation or discrimination. 42 U.S.C. § 3604(c); 24 C.F.R. §§ 100.50(b)(4); 100.75(a), (b) and (c)(1)-(2).
5. The Act defines a “dwelling” as including any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families. 42 U.S.C. § 3602(b).
6. “Familial status” means one or more individuals under the age of eighteen (18) years being domiciled with a parent or another person with legal custody, or the designee of such parent or other person having custody with written permission, or anyone pregnant or in the process of securing legal custody of an individual under 18 years of age. 42 U.S.C. § 3602(k).
7. An “aggrieved person” includes any person who claims to have been injured by a discriminatory housing practice, or who believes that such person will be injured by a discriminatory housing practice that is about to occur. 42 U.S.C. § 3602(i).
8. A “complainant” means a person who files a complaint under Section 3610 of the Act. 42 U.S.C. § 3602(j).

B. Parties and Subject Property

9. Complainant and **NAME REDACTED** are married and have three children, who were ages nine, eleven, and fourteen respectively at the time of the alleged discrimination. Complainant, Mr. **NAME REDACTED**, and their children are aggrieved persons as defined by the Act, 42 U.S.C. § 3602(i).
10. The Subject Property is an apartment located at **ADDRESS REDACTED**, Huntsville, AL **ADDRESS REDACTED**. The Subject Property is a dwelling as defined by the Act. 42 U.S.C. § 3602(b).
11. Respondent Sandlot05, LLC is incorporated in California and owns the Subject Property.
12. Respondent Jarrod Blake is the sole owner of Respondent Sandlot05. Respondent Blake also manages the Subject Property.
13. Respondent Airbnb, Inc., is incorporated in Delaware with headquarters in San Francisco, California. Airbnb is a large online platform for the advertisement and booking of short- and long-term rentals with approximately 600,000 hosts in the United States.
14. Respondents do not fall within any of the Act's statutory exemptions.

C. Factual Allegations

15. At the time of the events giving rise to this charge, and continuing to the present, Respondent Airbnb on its online platform provides the owners of rental properties the option to indicate in the listings for their properties that the property is not "Suitable for children (2-12 years)" or not "Suitable for infants (under 2 years)." Owners can do so by clicking an "x" instead of a "check" in the section available to hosts on Airbnb's platform. If an owner does so, Airbnb's platform generates a statement visible to potential renters on the property's listing stating that the property is "not suitable for children" and/or "not suitable for infants." Airbnb continues to provide these options as of the issuance of this Charge.
16. Respondent Airbnb's website includes instructions for property owners that state "[y]ou can say your listing isn't suitable for infants or children if there are features that pose an unusual risk of harm to children or damage to the property."
17. Relying on this guidance from Respondent Airbnb, Respondents Blake/Sandlot05 used the options on Airbnb's online platform to establish a policy and indicate in the listing for the Subject Property that it was unsuitable for children and infants. Respondents Blake/Sandlot05 also did this for other properties they rent out through Airbnb.
18. On July 28, 2020, Complainant used her husband **NAME REDACTED**'s Airbnb account to submit a booking request for the Subject Property for three months, from August 23, 2020, through November 23, 2020. The request noted that there would be children included on the reservation and that she may need to stay through Thanksgiving and possibly Christmas. Complainant and her children planned to reside in the unit for several months because Mr. **NAME REDACTED** had been hired for a job in another state, so they had sold their home and needed somewhere to live until they could make arrangements to be reunited.
19. Two minutes after receiving Complainant's request, Respondents Blake/Sandlot05 denied Complainant's reservation. Along with the denial, Respondents Blake/Sandlot05 sent a message to Complainant through Airbnb's platform stating that "this apartment is not

suitable for kids.” Complainant immediately resubmitted her booking request, which Respondents Blake/Sandlot05 denied again within minutes, reiterating “this apartment is not suitable for kids.”

20. Complainant replied that her children are ages nine, eleven, and fourteen, so they would not be a bother. Complainant also mentioned that it is illegal to discriminate against families with children. Complainant did not receive any further response from Respondents Blake/Sandlot05 about this reservation request.
21. Later that day, Complainant contacted a customer service representative for Respondent Airbnb to report that she believed she had been discriminated against because of her familial status. The representative confirmed that Respondent Blake/Sandlot05’s listing for the Subject Property contained a statement that it was not suitable for children 2-12 years old and the representative provided a link for listings where children were permitted to stay.
22. On August 5, 2020, Complainant sought additional assistance from an Airbnb customer service representative. The representative stated that “there are listing[s] that does [sic] not allow kids, teens or infants depending on host” and “hosts are able to set there [sic] listings to be not suitable for children and are not required to host for guests with kids.” The representative also suggested to Complainant that it would be best for her to find a new listing.

D. Legal Allegations

23. As described above, Respondents refused to rent a dwelling after the making of a bona fide offer, refused to negotiate for the rental of a dwelling, or otherwise denied or made a dwelling unavailable because of familial status. 42 U.S.C. § 3604(a); 24 C.F.R. §§ 100.50(b)(1); 100.60(a)-(b)(1)-(2); and 100.70(b).
24. As described above, Respondents restricted the choices of a person by word or conduct in connection with seeking, negotiating for, or renting a dwelling so as to discourage or obstruct choices in a community, neighborhood, or development. 42 U.S.C. § 3604(a); 24 C.F.R. §§ 100.70(a) and (c)(1)-(2).
25. As described above, Respondents discriminated in the terms, conditions, or privileges of the rental of a dwelling because of familial status. 42 U.S.C. § 3604(b); 24 C.F.R. §§ 100.50(b)(2)-(4); 100.65(a), (b)(4); and 100.70(b).
26. As described above, Respondents made, printed, or published — or caused to be made, printed, or published — notices, statements, or advertisements with respect to the sale or rental of dwellings that indicated preferences, limitations, or discrimination because of familial status, or that indicated an intention to make such a distinction. 42 U.S.C. § 3604(c); 24 C.F.R. §§ 100.50(b)(4), 100.75(a), (b), (c)(1)-(2).

III. CONCLUSION

WHEREFORE, the Acting Secretary of the United States Department of Housing and Urban Development, through the Office of the General Counsel, and pursuant to 42 U.S.C. § 3610(g)(2)(A), hereby charges Respondents with engaging in discriminatory housing

practices in violation of 42 U.S.C. § 3604(a), (b), and (c), and prays that an order be issued that:

1. Declares that Respondents' discriminatory housing practices, as set forth above, violate the Act, specifically Subsections § 3604(a), (b), (c) of the Fair Housing Act, 42 U.S.C. § 3604(a), (b), (c);
2. Enjoins Respondents and all other persons in active concert or participation with Respondents from discriminating against any person based on familial status in any aspect of the rental of a dwelling, or in the provision of any services or facilities in connection therewith pursuant to 42 U.S.C. § 3612(g)(3) and 24 C.F.R. § 180.670(b)(3)(ii);
3. Awards such damages as will fully compensate Complainant, Mr. [REDACTED], and their children, and any other aggrieved persons pursuant to 42 U.S.C. § 3612(g)(3) and 24 C.F.R. § 180.670(3)(i);
4. Assesses a civil penalty against each Respondent for each violation of the Act, pursuant to 42 U.S.C. § 3612(g)(3) and 24 C.F.R. §§ 180.670(3)(iii) and 180.671; and
5. Awards any additional relief as may be appropriate, pursuant to 42 U.S.C. § 3612(g)(3).

Respectfully submitted on this 27th day of September 2024.

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