

Urban Justice Center

Sex Workers' rights and Human Trafficking

<https://www.urbanjustice.org/2016/07/18/why-its-perfectly-legal-for-airbnb-to-discriminate-against-sex-workers/>

Campaign and Advocacy

Arianna Travaglini has been a frequent user of Airbnb for long-term travel and weekend getaways across the United States and Canada over the past few years. She says that, in nearly a dozen trips booked through the hospitality service, she has never gotten a negative review or had a less-than-positive experience that is, until she was inexplicably booted from the app last month.

When Travaglini, who lives in the San Francisco Bay Area, attempted to schedule a trip to Baltimore for LGBT pride celebrations, she did not get any replies from potential hosts. Thinking it was a glitch with her account, she tried to use the app's Instant Book option to secure an apartment automatically. When that didn't work, she reached out to a customer service number where she was told she had been suspended due to a "security issue," and later received an email alerting her that her account had been disabled indefinitely.

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"Please understand that we are not obligated to provide an explanation for the action taken against your account," the email said. Although Airbnb never gave her an explanation, Travaglini believes her termination is due to her work as a porn actor and professional dominatrix.

"There is nothing they could possibly get me on besides the fact that I'm a sex worker," she says. "Every property I've ever been in I have gotten amazing reviews, and I have no other red flags in my account or payment history. I had heard of this happening as kind of a sex worker urban legend, but I had such a long run of it, I didn't think it was a possibility until it happened."

Although Airbnb does not explicitly say it does not allow sex work in its [terms and conditions](#), a representative from the company told Broadly, "prostitution is not allowed." Travaglini maintains she has never used an Airbnb rental for sex work, and furthermore, the kind of work she does is legal in most places in the United States ("somasochistic acts done for money" are legal in her home state of California, but [outlawed in Maryland](#), where she was traveling).

After a handful of articles declared that Airbnb is [widely used](#) in the US and [abroad](#) for prostitution, the company has [vowed to combat](#) related activity through a number of measures. A representative from Airbnb said in addition to running hosts and guests through public databases to check if they have felony convictions or sex offender registrations on their records, the company uses different kinds of digital screening to "ensure that the use of listings are in line with what our hosts and guests both expect."

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He said Airbnb uses behavioral analysis to target sex workers, and did not deny that a sex worker can be removed from the app even if they are not actively using it to host sex-work-related services.

"The platform is not allowed to be used for prostitution, and we are constantly reviewing the platform to be sure any activity is what both hosts and guests would be on board with," he said. "People hosting guests have an expectation of what will happen, and when we identify things that go against that, we have to take action."

Travaglini is not the first sex worker to be removed from Airbnb without explanation. Julie Simone, a dominatrix and pornographic actor, [was booted off the app](#) in March, and Travaglini said other sex workers told her of similar incidents after she went public with her removal.

Airbnb's terms requires that all hosts and guests "comply with local laws and regulations" and prohibits "content that promotes discrimination, bigotry, racism, hatred, harassment, or harm against any individual or group." However, Sienna Baskin, director of legal services at advocacy group the Sex Workers Project of the Urban Justice Center, says denying sex workers employment and housing is actually fully legal.

"One major barrier the sex worker rights movement has is that occupation is not a protected category for discrimination," she says. "Whereas you can't be discriminated against under city and state laws for your race, ethnicity, or gender, occupation is not one of those categories. You can be discriminated against based on your occupation."

Travaglini says she knows her suspension from the app is completely legal and to her, that is the problem. The company's vague terms and services, she says, allows Airbnb to discriminate against any group without offering a reason.

"They are a private company, and they can do whatever the hell they want," says Travaglini. "This is a much larger issue than just Airbnb: It is an issue with terms of service and how ambiguous language allows companies to enact policies based on their moral preferences or religious beliefs with absolutely zero repercussions."

The effects of these policies can be particularly harsh on poor and marginalized users, whom some have said would benefit most from the so-called sharing economy. A 2015 NYU report [characterized](#) peer-to-peer rentals "as a force that democratizes access to a higher standard of living." If users without a large range of living options are denied access to Airbnb, that is one fewer place they can turn to for housing. The company is becoming just one more example of discriminatory policies leading to decreased access, Travaglini said.

"They are playing god and they can, because they are an incredibly wealthy private organization," she says. "But when you start playing god, it's really hard to know where to stop. Once you start profiling, it only snowballs from there."

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