

## **Proposed Resolution to Boycott AirBnb**

The recent housing market collapse underscored yet again the importance of recognizing housing as a right rather than as a commodity. Policy at the local, state and federal levels must acknowledge and protect this right. Moreover, the NLG must honor our 2007 Resolution to participate in the Boycott, Divest, and Sanction (BDS) movement by standing in solidarity with those who oppose short term housing rental sites that profit off illegal Israeli settlements.

Whereas: The United States housing landscape has changed dramatically as a result of the foreclosure crisis and the wider recession that began in 2006. As homeownership rates fall, we see an equally dramatic climb in the percentage of renters. The foreclosure crisis has driven millions of former homeowners into the rental market. Today, a full 35 percent of the entire population — 43 million households — consists of renters, and in some cities that is an even higher percentage. [See, Joint Center on Housing Studies, “America’s Rental Housing: Evolving Markets and Needs,” Harvard University, 2013.] In addition, people of color continue to be disproportionately represented in the population of renters. Currently, people of color make up 47 percent of renters, more than twice their homeowner share of 22 percent. [See, Joint Center on Housing Studies, “America’s Rental Housing: Evolving Markets and Needs,” Harvard University, 2013.] This can be heavily attributed to redlining, restrictive covenants, and other government-sanctioned discriminatory policies that historically denied Black Americans access to homeownership, as well as the disparate impact of the subprime mortgage crisis on Black and Latino Americans. [See, United States Commission on Civil Rights (1961). Book 4: Housing: 1961 Commission on Civil Rights report, 36-37, 42-51 (1961), available at <http://www.law.umaryland.edu/marshall/usccr/documents/cr11961bk4.pdf>; Ctr. for Responsible Lending, *Foreclosures by Race and Ethnicity: The Demographics of a Crisis* 8-9 (2010), available at <http://www.responsiblelending.org/mortgage-lending/research-analysis/foreclosures-by-race-and-ethnicity.pdf>.]

Whereas: There is an affordable housing crisis in the United States. Affordable housing is defined by the U.S. Department of Housing and Urban Development (HUD) as housing that costs 30 percent or less of a household’s pre-tax income before wages. Across the United States wages have remained stagnant while the cost of living has increased, such that a person earning minimum wage while working a 40 hours a week cannot afford a one-bed apartment anywhere in America. According to a 2015 study of U.S. Census data, more than half of renters nationwide are cost-burdened, spending more than 30% of their income on rent. More than a quarter of households are severely cost-burdened, with at least half their income going towards rent payments. [See, Andrew Woo and Crystal Tseng, *Which cities and states have the most cost-burdened renters?*, October 25, 2015, available at: <https://www.apartmentlist.com/rentonomics/which-cities-and-states-have-the-most-cost-burdened-renters/>]

Whereas: as a result of the ongoing economic crisis, the lack of affordable housing and the gentrification of hundreds of American cities, encampments of homeless persons are proliferating and growing across the country; and there is a nationwide crackdown on the homeless by the police, municipal and state governments claiming lives and destroying the meager possessions of those forced into the streets that recourse to the courts has largely failed to

stem; and homelessness is but the most visible manifestation of widespread and deepening poverty affecting some 47 million people in the U. S.;

Whereas: Short term rentals contribute to the affordable housing crisis by reducing the supply of affordable rental housing stock in the face of increasing demand. Because landlords can make a higher profit margin renting short-term to tourists than long-term to residents, short term rentals push long-term housing costs up neighborhood-wide. For example, AirBnb's 1,155 rental units listed in Oakland are available an average of 237 nights of the year, meaning that those properties are retained for short-term housing almost exclusively [See, "The Impact of Short Term Rentals on Affordable Housing in Oakland: A Report and Recommendations," Dessi Mia Carbajal for Community Economics, Inc. and East Bay Housing Organizations, 2015]. Similarly, during 2014, Los Angeles' short term rentals removed 7,316 rental units from the rental market. In his 2016 article published in Harvard Law and Policy, Dayne Lee writes, "So long as a property owner or leaseholder can rent out a room on Airbnb for cheaper than the price of a hotel room, while earning a substantial premium over the residential market or rent-controlled rent, there is an overpowering incentive to list each unit in a building on Airbnb rather than rent to Los Angeles residents" [See, Dayne Lee, How Airbnb Short-Term Rentals Exacerbate Los Angeles's Affordable Housing Crisis: Analysis and Policy Recommendations, Harvard Law & Policy Review Vol.10, 230]. The economic incentive for short term housing Lee describes creates what he calls "hotelization," wherein tourists are mistakenly recognized as renters under zoning, health, and hospitality regulations despite their vastly divergent interests. [See, Feargus O'Sullivan, Berlin Is Banning Most Vacation Apartment Rentals, April 28, 2016, available at:<http://www.citylab.com/housing/2016/04/airbnb-rentals-berlin-vacation-apartment-law/480381/>]. Evidence demonstrate that short term housing sorely disadvantages long-term renters in myriad ways - keeping much needed affordable housing units away from long-term renters, forcing existing long-term housing rental rates up, and incentivizing improper use of housing.

Whereas: The unchecked conversion of residential housing into commercial space is only profitable to those with assets, specifically those who own one or multiple properties. Those who do not have access to property ownership are unlikely to participate or benefit from the short term rental market. Historically, people of color have been denied access to homeownership and are therefore underrepresented in the population of property owners who could profit from short term rentals. Furthermore, a 2015 Harvard study found that short term rental hosts were less likely to get business from potential renters when they had racially coded names [See, Edelman, Benjamin G. and Luca, Michael, Digital Discrimination: The Case of Airbnb.com (January 10, 2014). Harvard Business School NOM Unit Working Paper No. 14-054. Available at SSRN: <http://ssrn.com/abstract=2377353> or <http://dx.doi.org/10.2139/ssrn.2377353>].

Whereas: Tenants and community members are organizing for regulation of short-term rentals in cities across the United States. Groups such as the NYC coalition, Sharebetter, and the impressive data collection of Inside AirBnb and the NOLA Short Term Rental Report showcase the true impact of short term rentals in cities across the United States and behind.

Whereas: Airbnb, the biggest listing service for short term and vacation rental housing, recently began listing rentals in illegal Israeli settlements in the West Bank, and thus both the websites and their users glean profit from stolen land. These settlements are in violation of the Fourth

Geneva Convention, which prohibits an occupying power from moving its civilian population onto the land it is occupying. There are over 650,000 Jewish settlers living in the West Bank and East Jerusalem, and settlement growth is rapidly increasing. Israeli settlements serve an exclusionary, Jewish-only population, are a clear form of state segregation. Settlers confiscate Palestinian land, homes, and resources, severely restrict Palestinian freedom of movement, and prevent any possibility of a contiguous Palestinian State. By listing homes in Israeli settlements, and earning a 9 to 15 percent fee from hosts and guests, Airbnb directly profits from and promotes Israeli apartheid and land theft.

Therefore, Be It Resolved That: The NLG calls for: (a) a boycott of short term housing rentals, and the internet companies listing spaces for profit; a boycott of Airbnb in particular, because it prioritizes profit over housing rights by making it more profitable to cater to short term renters and tourists than people in need of long term homes; and by acting in violation of the Geneva Convention in Palestine; (b) its membership to stand in solidarity with local community led movements that oppose unregulated short term rentals.

We Further Call Upon Guild Members and the Guild To: (a) AFFIRM housing is a human necessity and not a commodity to be bought and sold to the highest bidder by supporting local and national grassroots campaigns to regulate short-term rentals, including efforts to tax short-term rentals in order to generate revenue for affordable housing development; (b) AFFIRM our commitment to Palestinian rights by participating in the Stolen Homes Campaign, joining the coalition of organizations, including American Muslims for Palestine, Jewish Voice for Peace, US Campaign to End the Israeli Occupation, CODEPINK and the US Palestinian Community Network, in demanding that Airbnb to stop listing homes in Israeli settlements; and (c) AFFIRM our opposition to gentrification-based displacement by discouraging attendees' use of AirBnb and providing resources for alternative affordable accommodations at NLG national conventions, regional gatherings, and committee meetings.

Implementation:

The National Office in partnership with the Housing Committee agrees to take responsibility for alerting people to the Airbnb/BDS boycott with respect to Guild events (e.g. national conventions, CLEs, regional conferences, etc.); and the Free Palestine Subcommittee agrees to take responsibility for promoting the boycott in general including but not limited to disseminating the information through the national listservs.

The Housing and International committees consent to take responsibility for informing members of the Human Right to Housing, via webinars and CLEs and email/social media blasts including but not limited to such days as: 12/10 (Human Rights Day — date of signing UDHRs) and MLKs Poor People Campaign.

The Resolution's co-sponsors are (contact person is Amy M Willis [amymwillis@gmail.com](mailto:amymwillis@gmail.com))  
Amy Mei Willis, co-chair Housing Committee, legal aid housing attorney, Atlanta  
Hannah Adams, co-chair Anti-Racism Committee, legal aid housing attorney, New Orleans  
Susan Scott, former co-chair of International Committee, Bay Area  
Anthony Prince, NEC member, Solo Practitioner, Bay Area

In addition to the above, the Resolution is endorsed by:

NLG Palestine Subcommittee (PSC)

Audrey Bomse, co-chair Palestine Subcommittee

Susan Adely, co-chair International Committee

Azadeh Shahshahani, former NLG President, Atlanta

Salimah Hankins, San Francisco

Michael Leonard, NYC

Jean Stevens, NYC

Justin La Mort, NYC

Patrick Tyrell, NYC

David Mandel, Sacramento

Chip Gibbons, DC