

# TORKLAW

Ultimate Guide to Airbnb Accidents

*What to do after an injury at an Airbnb*



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## Background

[Airbnb](#) is a popular online service that connects guests searching for short-term lodging with property owners willing to rent it out to them. The small startup was launched in San Francisco in 2007 as AirBed & Breakfast. As of 2018, Airbnb was valued at \$38 billion. It operates in more than 81,000 cities in 191 countries, and claims more than five million global listings.

While most Airbnb hosts and guests have a good experience, some Airbnb reservations can go wrong.

Guests and hosts alike have experienced Airbnb nightmare scenarios ranging from the banal to the bizarre, often including lurid themes of drug use, prostitution, wild parties, and major property damage. Google "[Airbnb horror stories](#)" to find out for yourself.

These problems can happen with any rental, but Airbnb is particularly vulnerable. The peer-to-peer industry is still in its nascent stages, and the legal infrastructure is not yet fully developed. Consequently, whether you are a guest or an owner, you may need legal help in the event of an unforeseen accident at an Airbnb or other peer-to-peer rental.

## Types of Problems in Airbnb Rentals

Common Airbnb problems can be divided into two overall categories:

**Bodily Injury:** Any physical injury to a person, mild or severe, that occurs in an Airbnb listing. Typically, bodily injury claims are filed by guests against hosts or landlords.

**Property Damage:** Property in an Airbnb listing being destroyed, damaged, lost, or stolen. Typically, property damage claims are filed by hosts against guests, but there are situations in which a guest could file against a host.

Injuries that occur in Airbnb residences can include cuts, bruises, broken bones, sprains, concussions, injuries to the face, illness, disease, and more. Although rare, injuries caused in Airbnb rentals can lead to death or serious, lifelong complications, such as quadriplegia, but even moderate injuries cause major inconvenience to the victim.

Injuries are caused by a variety of factors, including slip and fall cases, or the collapse of a roof, staircase, or other part of the building. Other injuries and illnesses may occur due to bedbugs, asbestos, or dangerous bacteria. Intentional violence, including sexual assault, can also happen in Airbnb rentals.

Most of these claims would be covered under [premises liability law](#), a subset of personal injury law. Premises liability law is based on the notion that property owners have a duty to lawful guests on their property to remove hazards that may cause an injury. Under the law, Airbnb guests are considered "invitees," which means that they have a high degree of legal protection.

Of course, not all injuries occurring on a property are the fault of the owner, but if the owner either creates or knowingly allows a hazard to exist without resolving it, they may be liable.

Property damage in an Airbnb rental, just like injuries, can come in many forms. A guest may damage the building itself, or the objects within the building. An owner's negligence could create a hazard that causes a fire – for example, [many Airbnb properties don't have the lawfully required smoke detectors](#). A guest could also sue for damaged or destroyed property (i.e., luggage and contents).



## Insurance Options That Don't Work for Airbnb Hosts

Airbnb hosts should be aware that most standard homeowner's insurance policies have an exclusion for rental business activities — check with your homeowner's insurance provider to be sure. And, while most major hotel chains and other full-time hospitality providers have special business insurance to cover damages caused by guests, this insurance may be prohibitively expensive for a casual Airbnb user.

Fortunately, Airbnb does offer a few guarantees to its hosts.

### Airbnb Host Protection Insurance

[Airbnb's Host Protection Insurance](#) is designed to protect Airbnb hosts against third party liability claims. These include bodily injury claims, which may be filed against hosts by guests,

and property damage claims, which may be filed against hosts by landlords. The policy covers all claims of up to \$1 million.

Host Protection Insurance applies automatically to any hosts who list their property with Airbnb. It also provides primary protection, so you don't have to exhaust any other insurance policies first.

Naturally, there are a few exceptions to Host Protection Insurance; for one, it only covers the building itself; it does not cover damage to any personal property within the building, such as furniture.



**HOST PROTECTION  
INSURANCE**

**EXCLUDES**

- Intentional violent acts such as assault and battery, including sexual assault
- Terrorism
- Theft
- Pollution, asbestos, lead, mold, bed bugs, or bacteria
- Product liability
- Defamation
- Car Accidents
- Natural disasters such as earthquakes or floods

Other exceptions to Airbnb's Host Protection Insurance include:

- Intentional violent acts such as assault and battery, including sexual assault
- Terrorism
- Theft
- Pollution, asbestos, lead, mold, bed bugs, or bacteria
- Product liability
- Defamation
- Car Accidents
- Natural disasters such as earthquakes or floods

Airbnb Host Protection Insurance is not available in every country where Airbnb has listings, but it is available in the United States. And there are some minor differences between states. For instance, most states allow hosts to file claims of up to \$1 million at multiple properties, so long

as the aggregate does not exceed \$10 million; New York and Illinois have a limit of \$1 million per host. Check for the specifics of the state(s) where you own Airbnb property.

It may also be useful to talk to an insurance broker, to see if their company offers any supplemental insurance to cover these gaps. The broker may also be able to explain any local laws that might apply.

## Airbnb's Host Guarantee

Airbnb also offers a [Host Guarantee](#), which is technically not insurance, although it is a guarantee that Airbnb will compensate any property that is damaged or destroyed by an Airbnb guest, for up to \$1 million.

There are a few exceptions to the Host Guarantee, although these exceptions are different from the ones involved in Host Protection Insurance. The policy is somewhat complex, and many actual Airbnb clients who have been forced to deal with the process tell stories of red tape, inattentive claim handlers, negligible compensation, and more. You may need legal help to give Airbnb the necessary prod to make them live up to its stated promises.

## Airbnb Security Deposits

Airbnb hosts can also deal with property damage claims through a security deposit.

Airbnb hosts have the option to add a security deposit to their listing when renting it out. If a guest damages some property in your listing, you may file a claim with Airbnb for some portion of the security deposit, depending on the amount of the damage. If the guest refuses, Airbnb will investigate. Of course, Airbnb is hardly infallible, but the security deposit is a good way to protect your property.

## If You Are Injured as an Airbnb Guest

If you have been injured in an Airbnb rental, first, seek medical attention. Medical records are often the most important evidence in a personal injury case, because they provide proof of your injuries, without which your claims may be denied.



Next, collect evidence. Take pictures of the scene of the accident, the hazard in the rental that caused it, and your injuries themselves. Take pictures from a few different angles. Also, collect contact info from any witnesses who may have seen the accident.

Then, file a claim with Airbnb. Outside of the claim, however, don't say anything on record, either to the property owner or to the Airbnb host. Instead, hire a personal injury lawyer, and let that lawyer do the talking.

If you are an Airbnb host dealing with a property damage claim, your situation will be slightly different, but you should still collect as much evidence as possible. Next, you should try to file a claim with Airbnb. If they are not responsive to your claim, that's the time to bring legal representation in.



## Why Hire an Attorney

Hiring a personal injury attorney might seem like a big step for an Airbnb case, and especially a minor one. While some trivial cases might be resolved without legal representation, you may feel like you're in over your head dealing with Airbnb's lawyers or insurance adjusters. Even the act of contacting Airbnb can be difficult. Filing the actual claim is much harder. Airbnb's insurance adjusters, however, have only one thing to do: is find ways to deny your claim.

[torklocal] is a personal injury law firm dedicated to representing plaintiffs in difficult personal injury cases, including catastrophic accidents. We represent clients on a contingency fee basis, so you won't pay a dime unless we win.

If you have suffered any bodily injury or property damage in an Airbnb lodging, whether as a host or guest, then give us a call today and set up a FREE consultation. We have extensive experience filing claims against Airbnb and similar firms, so let us take on the stress of the case so you can focus on recovering from your injury or loss.