

Rejected by a Co-op Board: Do They Have to Tell You Why?

A board cannot illegally discriminate against a prospective buyer. But beyond that, the process can be opaque.



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Q: I am trying to sell my co-op in Queens, and I recently found a buyer willing to pay cash. Documents were provided showing that the buyer could afford the apartment, the fees and the renovations. But the board rejected the application, and it apparently is not required to give a reason. I emailed the board to ask for clarification on what it's looking for in a buyer, so I won't have to go through the trouble of paying for a contract, engaging a lawyer and losing so much time again. I never got a response. How can I find out what they're looking for so I can avoid this in the future?

A: In New York City, a co-op board does not have to tell you why it rejected your buyer. The members probably won't tell you what they're looking for, either.

"I'm always loath to give any particular criteria, because it locks the board into something," said [Steven D. Sladkus](#), **a co-op president and partner who practices real estate law at Schwartz Sladkus Reich Greenberg Atlas LLP.**

The financial health of applicants is important, such as how much money they will have after closing, their debt-to-income ratio, a good credit profile and stable employment, Mr. Sladkus said. Other factors include whether applicants have a history of filing lawsuits, particularly against landlords.

Your best move is probably to hire a broker who is familiar with your building and has experience guiding sellers through the process there. "If you have a broker, they're hopefully vetting purchasers for you so you don't waste your time," Mr. Sladkus said.

The board cannot reject buyers for illegal reasons under federal, state and city fair housing laws. This would include basing a decision on their status in a protected class such as race, religion, national origin, age, disability, sexual orientation and gender identity, said [Julie Schechter](#), a partner who practices real estate law at Fox Rothschild. If the board does not disclose the reason for the rejection, and there is no other evidence, discrimination cases can be difficult to prove in court.

There have been efforts to make the application process more transparent in New York City, but they haven't advanced in the City Council. [Westchester County, however, does have a law](#) that requires a board to disclose to an applicant its reason for rejection.

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