



Meeting:	Combined Executive Member Decision Session
Meeting date:	27 January 2026
Report of:	Pauline Stuchfield, Director of Housing and Communities
Portfolio of:	Councillor Pavlovic, Executive Member for Housing, Planning and Safer Communities

Decision Report: Tenancy Policy and Strategy

Subject of Report

1. It is a legal requirement for Local Housing Authorities to publish a Tenancy Strategy under the Localism Act 2011. The Tenancy Strategy sets expectations for all social landlords in the city to take into account in their Tenancy Policies.
2. It is an expectation of the Regulator for Social Housing that social landlords have in place an up to date Tenancy Policy. The role of the Tenancy Policy is to set out what types of tenancy City of York itself will issue alongside related matters around succession, mutual exchange, joint tenancies and similar decisions.
3. The proposed Tenancy Policy and Strategy for City of York integrates both approaches, setting out overlapping areas and delineating functions of the Policy and Strategy elements where these are separate.
4. This final draft proposed for approval has been through a process of review and amendment with involvement from Housing service managers, Registered Providers with homes in the City and the council's Tenant Scrutiny Panel.
5. It may be noted that the Tenancy Policy and Strategy addresses tenancy matters only and is limited in scope. A separate review of the Housing Allocations Policy is underway which addresses prioritisation and access to social housing for housing register applicants and residents in housing need.

Benefits and Challenges

6. The proposed updated Tenancy Policy and Strategy offers a number of benefits:
 - a) Compliance with the council's legal and regulatory expectations in this area.
 - b) Clear communication and expectations for partnership working with Registered Providers to deliver council priorities in supporting access to housing for all residents.
 - c) Communication of the council's overall Tenancy Policy approach as landlord in a single accessible document.
 - d) Implementation of the York Living Rent approach to Affordable Rent, setting Affordable Rents at an evidence-based level below the maximum 80% of market rents that takes into account local incomes, while also building potential financial viability improvements into Housing Delivery Programme development schemes.
7. There are no significant risks or challenges identified in approval of this document, although consideration of options and analysis of the approach that is taken are set out in paragraphs 21 onwards, below.

Policy Basis for Decision

8. The Tenancy Policy and Strategy is designed to meet the council's relevant legal and regulatory obligations: the legal requirement for Local Housing Authorities to publish a Tenancy Strategy under the Localism Act 2011, and the expectation of the Regulator for Social Housing that social landlords have in place an up to date Tenancy Policy (Tenancy Standard 2.3 and 2.4
<https://www.gov.uk/government/publications/tenancy-standard>).
9. The priorities set out in the document also align with the council's strategic objectives by setting a framework for working with Registered Providers across the City to make the best use of social housing stock. This supports the aims of the Homelessness and Rough Sleeping Strategy 2024-29. The York Living Rent approach to Affordable Housing provides a strategic, evidence based approach to rent setting for the Housing Delivery

Programme and is intended to support viability of new build developing in that programme.

10. Housing affordability is a key challenge for the City, with an average cost of homes around 9 times higher than average earnings and rent levels that are amongst the highest in the north of England. Provision of good quality housing to meet the range of needs across the City's residents is recognised as central to the Council Plan 2023-27 as part of Core Commitments, Affordability and Health and Wellbeing, and to the vision of "One City, for all".
11. The council's [Housing Charter](#) vision of One Team, Healthy Homes, Better Lives and principles including We Think Forward, We Think Together and We Think You are embedded within the partnership based and wellbeing focused approach taken in this Strategy.

Financial Strategy Implications

12. There are no direct financial implications to consider from this report. The York Living Rent Affordable Housing approach may offer some financial viability advantage for new build development schemes, which would be assessed for each scheme at the time of scheme financial appraisal and approval.

Recommendation and Reasons

13. The Executive Member is asked to approve the Tenancy Policy and Strategy document appended as Annex B.

Reason: To achieve legal and regulatory compliance in respect of matters covered by the Tenancy Policy and Strategy, and to achieve the benefits from the proposed document as set out in this paper.

Background

14. Extensive consultation with stakeholders was undertaken in 2012 to develop the initial Tenancy Strategy, which reflected the issues raised by the Localism Act 2011 which permitted the discharge of statutory homelessness in the private rented sector and the introduction of Fixed Term and Flexible Tenancies in limited circumstances.
15. In 2024, a new set of Consumer Standards¹ were implemented in the sector by the Regulator for Social Housing. This represents a significant ambition from Government for the social housing sector and extensive work has been carried out across the council and other social landlords in delivering this.
16. This Tenancy Policy addresses the Regulator's Tenancy Standard² expectations as follows:

[1.3] Tenure [all provisions]

[1.4.1] Registered providers must support relevant tenants living in eligible housing to mutually exchange their homes.

[2.3.1] Registered providers shall publish clear and accessible policies which outline their approach to tenancy management, including interventions to sustain tenancies and prevent unnecessary evictions, and tackling tenancy fraud, and set out:

- a) The type of tenancies they will grant.
- b) Where they grant tenancies for a fixed term, the length of those terms.
- c) The circumstances in which they will grant tenancies of a particular type.
- d) Any exceptional circumstances in which they will grant fixed term tenancies for a term of less than five years in general needs housing following any probationary period.

¹ <https://www.gov.uk/government/collections/regulatory-standards-for-landlords>

² <https://www.gov.uk/government/publications/tenancy-standard>

- e) The circumstances in which they may or may not grant another tenancy on the expiry of the fixed term, in the same property or in a different property.
- f) The way in which a tenant or prospective tenant may appeal against or complain about the length of fixed term tenancy offered and the type of tenancy offered, and against a decision not to grant another tenancy on the expiry of the fixed term.
- g) Their policy on taking into account the needs of those households who are vulnerable by reason of age, disability or illness, and households with children, including through the provision of tenancies which provide a reasonable degree of stability.
- h) The advice and assistance they will give to tenants on finding alternative accommodation in the event that they decide not to grant another tenancy.
- i) Their policy on granting discretionary succession rights, taking account of the needs of vulnerable household members.

17. The provisions of [2.3.2] – [2.3.6] and [2.4.1] – [2.4.4] will also be embedded in landlord service delivery.

18. A refreshed Tenancy Policy and Strategy is needed for City of York Council to meet its obligations both as a regulated social housing landlord, and as strategic Local Housing Authority.

Consultation Analysis

19. Consultation has been carried out on draft versions of the Tenancy Policy and Strategy as shown in Table A.

Table A: Summary of consultation

Consultation Stakeholders or Group	Responses and any changes made
Registered Provider partners with stock in the City	No substantive responses and no changes proposed
Tenant Scrutiny Committee	The document was reviewed and overall agreement was expressed. A request was made for clarification in respect of succession approaches and Antisocial Behaviour, the relevant Tenancy Policy element was updated to reflect this.
Housing Senior Management Team (SMT) meeting	Some changes of detail proposed to fully align approach to service priorities, which have been incorporated into final document draft
People Scrutiny Committee	Clarification on the relationship of the Tenancy Policy elements to other key council landlord policies was requested. This has been included in the proposed Tenancy Policy and Strategy and in this report.

20. The approaches to using Fixed Term and Flexible Tenancies in exceptional circumstances only, and the York Living Rent, have been developed through the consultation and member engagement process.

Options Analysis and Evidential Basis

21. The key issues set out in the proposed Tenancy Policy and Strategy are:

Table B: Key Issues Summary, with more detail in Section 2 of the Tenancy Policy and Strategy document

Tenancy Policy and Strategy Key Issue	Reference and any relevant Option Summary
York Living Rent policy approach to the use of Affordable Rent in the city	<p>Option 1 (Recommended): Affordable Rent to be limited to below 80% of market rent through with the York Living Rent reflecting local lower quartile incomes and the Local Housing Allowance (Appendix A of the Tenancy Policy and Strategy)</p> <p>Option 2: Affordable Rent is limited to below 80% of market rent only, at national government policy maximum level – <i>not recommended as likely to be unaffordable for lower income local residents</i></p> <p>Option 3: <i>Affordable Rent is not used in the City – not recommended as it could reduce delivery of rented affordable housing suitable for residents in the highest levels of housing needs, due to reduced development viability</i></p>
Use of Fixed Term and Flexible Tenancies	<p>Option 1 (Recommended): This is proposed for use only in a set of defined criteria that represent exceptional circumstances, to balance security of tenure for tenants alongside making best use of social housing stock (Section 3.6 of the Tenancy Policy and Strategy)</p> <p>There will be a presumption that Flexible Tenancies will be renewed, otherwise tenants will be offered an alternative suitable property provided they are not in breach of their existing tenancy.</p>

Tenancy Policy and Strategy Key Issue	Reference and any relevant Option Summary
	<p>Option 2:</p> <p>It is possible to extend Fixed Term and Flexible Tenancy use to offer short term tenancies to all new tenancies – <i>this is not recommended due to the lack of long term security and limited benefit in stock management for most properties</i></p> <p>Option 3:</p> <p>It is possible to propose no use at all of Fixed Term and Flexible Tenancies – <i>this is not recommended as in some circumstances use would contribute to management of much needed social housing stock</i></p>
The acceptable use of Licences	<p>Licences have a limited range of uses in social housing but are essential in a number of cases that are set out in the proposed final draft document</p>
Registered Providers implementation of relevant aspects of the Renters' Rights Bill	<p>The current usage cases of Assured Shorthold Tenancies by Registered Providers are recognised and the anticipated move to Periodic tenancies in their place is recognised</p> <p>https://www.gov.uk/government/publications/guide-to-the-renters-rights-bill/guide-to-the-renters-rights-bill</p>
Discretionary Succession for surviving non-tenant occupants following bereavement	<p>A tenancy would be offered through “discretionary succession” in exceptional circumstances and taking into account customer needs, where there is no statutory right to succession. An assessment of tenant needs in relation to statutory homelessness provisions would be carried out, alongside any other exceptional circumstances.</p>
City of York Prisoner Protocol	<p>A review of the Prisoner Protocol will be carried out to align with objectives of the Tenancy Policy and Strategy, and Homelessness and Rough Sleeping Strategy 2024-29.</p>

22. A detailed procedure will be developed for implementation of the approach to process for Fixed Term or Flexible Tenancies, providing approval is confirmed for a new Tenancy Policy and Strategy. Implementation will only be carried out once a procedure is in place.
23. Under the Recommendation proposed for this report, this procedure would set out use of Fixed Term or Flexible Tenancies only in the exceptional circumstances where a property serves a very specific need that is met by only a small number of properties within the stock, for example larger properties that have extensive accessibility adaptations. This is to ensure maximum availability of such properties for households with a high need for this property type.
24. The following policies are outside of the scope of this Tenancy Policy and constitute separate policy documents:
 - Antisocial Behaviour Policy
 - Adaptations Policy
 - Allocations Policy
 - City of York Council Domestic Abuse Resident and Tenant Policy 2025 to 2028

Organisational Impact and Implications

- **Financial:** There are no direct financial implications associated with the Tenancy Policy and Strategy. However, the ability to vary the affordable rent for new housing developments will give greater flexibility on the mix of schemes and viability of business cases.
- **Human Resources (HR):** There are no HR implications contained within this report

- **Legal:** Under the Localism Act 2011 Local Housing Authorities must publish a Tenancy Strategy. The Tenancy Strategy sets out the approach Registered Providers within the Local Housing Authority's area should take with regard to their Tenancy Policy for tenancy management and the different types of tenancies granted.

Registered Providers (which includes the Council) are legally required to have in place a Tenancy Policy. The Tenancy Policy must meet the expectations set out in the Regulator of Social Housing's consumer standards (Tenancy Standard). This sets out what Registered Providers of social housing have to have regard to when developing their own Tenancy Policy.

In addition, the Regulator of Social Housing Transparency, Influence and Accountability Standard requires a Registered Provider to, 'take tenant's views into account in their decision making about how landlord services are delivered and communicate how tenant's views have been considered'. The Council has carried out consultation on the proposed amendments to the Tenancy Policy and Strategy to comply with this standard.

There is a legal requirement for the Tenancy Policy to be regularly reviewed. As the Council's current policy expired in 2018 a review has been carried out with proposals for amendments having been considered with involvement from interested stakeholders.

The proposed approach for the Tenancy Strategy and Policy amendments is legally compliant and consistent with best practice in tenancy management and governance.

- **Procurement:** There are no Procurement implications contained within this report
- **Health and Wellbeing:** The provision of safe, affordable housing is a major factor in reducing health inequalities. Public health support the recommendations in the report.

- **Environment and Climate action:** There are no Environment and Climate action implications contained within this report
- **Affordability:** The Tenancy Policy and Strategy will help to promote the provision of affordable housing to all groups.
- **Equalities and Human Rights:** A full EIA is provided at Annex A, outlining potential positive impacts for groups with protected characteristics and mitigations where there is some negative impact.
- **Data Protection and Privacy:** The data protection impact assessment (DPIAs) screening questions were completed for the recommendations and options in this report and as there is no personal, special categories or criminal offence data being processed to set these out, there is no requirement to complete a DPA at this time. However, this will be reviewed following the approved recommendations and options from this report and a DPA completed if required.
- **Communications:** The actions arising from the strategy will be supported by our ongoing programme of tenant communications and, where required, targeted communications to key partners and within communities. The exact approach will be determined by the communication outcomes we're seeking to achieve in each case.
- **Economy:** There are no Economy implications contained within this report.

Risks and Mitigations

25. There are no significant risks or challenges identified in approval of this document, although consideration of options and analysis of the approach that is taken are considered in this paper.
26. It is recognised that a majority of tenants will be supported with costs of rent increases through the welfare benefits system, which mitigates the impact of the proposed approach, in line with national policy.

Wards Impacted

27. City wide.

Contact details

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Abbreviations

No abbreviations have been used in this paper.

Background papers

- Regulatory standards for landlords:
<https://www.gov.uk/government/collections/regulatory-standards-for-landlords>
- Social and Affordable Homes programme 2026 to 2036:
<https://www.gov.uk/guidance/social-and-affordable-homes-programme-sahp-2026-to-2036>
- Consultation, July 2025: How to implement social rent convergence
<https://www.gov.uk/government/consultations/how-to-implement-social-rent-convergence/how-to-implement-social-rent-convergence>

Annexes

- Annex A: Equalities Impact Assessment (EIA)
- Annex B: City of York Draft Tenancy Policy and Tenancy Strategy