

(HOUSING PROVIDER LOGO)

Housing Applicant Criminal Background Screening Template

(Effective DATE)

The following Criminal Background Screening will be applied when screening applicants for residency:

- 1) Only criminal convictions (not arrests) will be considered in the criminal background screening process.
- 2) Look-back periods run from the date of conviction. Screening for any particular category of offense extends, therefore, only for as long as the number of years from the date of conviction specified below:

Type	Crime	Type of Conviction	Look-Back Period
Crimes Against Persons	Assault and Battery Offenses	Felonies	
	Domestic Violence Offenses	Felonies	
		Misdemeanors	
	Use of a Firearm Against a Person Offenses	Felonies	
	Armed Robbery Offenses	Felonies	
	Robbery Offenses (no weapon involved)	Felonies	
	Intentional Homicide Offenses	Felonies	
	Manslaughter Offenses	Felonies	
	Kidnapping and Abduction Offenses	Felonies	
	Forcible Sex Offenses*	Felonies	
	Non-Forcible Sex Offenses*	Felonies	
Stalking Offenses	Felonies		
Crimes Against Property	Arson-Related Offenses	Felonies	
	Burglary/Breaking and Entering-Related Offenses	Felonies	
	Theft, Stolen Property, Fraud-Related Offenses	Felonies	
	Destruction/Damage/Vandalism of Property Offenses	Felonies	
Crimes Against Society	Drug Possession Offenses	Felonies	
	Drug Manufacture, Distribution, or Possession with Intent to Distribute Offenses	Felonies	
	Driving Under the Influence-Related Offenses	Felonies	
	Driving While Intoxicated-Related Offenses	Felonies	

3) Applicants are provided an opportunity for Individualized Further Review if the conviction date is within the above-enumerated look-back period. During the Individualized Further Review, we will take into account:

- applicant’s age at time of offense,
- how long since the offense was committed,
- community ties and support,
- references and other supporting recommendations,
- rehabilitation efforts,
- further explanation of the offense, and
- requests for reasonable accommodation.

*4) If an applicant is listed on the Texas Sex Offender Registry, an opportunity for Individualized Further Review shall be provided, regardless of the above-enumerated look-back period.

Signing this acknowledgement indicates that you have had the opportunity to review the above Criminal Background Screening. If you do not meet the criteria set forth, or if you provide inaccurate or incomplete information, your application will be rejected. Signing this acknowledgement authorizes us to run a Criminal Background Screening check as part of your rental application.

X _____ Date: _____

Glossary

- **Arrest:** when a person's liberty of movement is restricted or restrained by a government official.¹ An arrest is only a detainment and not proof of criminal conduct.
- **Charge:** formal accusation made by a governmental authority asserting that a person has committed a crime.²
- **Conviction:** formal judgment that a person is guilty of committing a crime.³
- **Deferred Adjudication:** proceeding that is postponed (i.e., deferred) without entering an adjudication of guilt.⁴
- **Detention:** act or instance of holding a person in custody; confinement or compulsory delay.⁵
- **Disposition:** final settlement of a matter with reference to decisions announced by a court or a judge's ruling.⁶
- **Expunction:** formal removal of a conviction or arrest from a person's record.⁷ Apart from a few limited exceptions, Texas law does not allow for expunction of any convictions.
- **Felony:** an offense so designated by law, or punishable by death or confinement in a penitentiary for at least 2 years, with the exception of state jail felonies which carry a period of confinement in state jail from 6 months up to 2 years.⁸
- **Misdemeanor:** an offense designated by law or punishment by a fine up to \$4,000, confinement in county jail for up to 1 year, or both, depending on the class of misdemeanor.⁹
- **Nolo Contendere:** translates from Latin as, "I do not wish to contend." In practice, nolo contendere is when a defendant accepts a conviction as part of a plea bargain, but does not admit guilt to the offense.¹⁰
- **Parole:** conditional release of an offender from imprisonment before the full sentence has been served.¹¹
- **Probation:** release of an offender from detention, subject to a period of good behavior under supervision.¹²

¹ Tex. Code Crim. Proc. Art. 15.22. *See also Texas Dept. of Pub. Safety v. Latimer*, 939 S.W.2d 240, 244 (Tex. App.--Austin 1997); *Nottingham v. State*, 908 S.W.2d 585, 588 (Tex. App.--Austin 1995); *McCraw v. State*, 117 S.W.3d 47, 52 (Tex. App.--Fort Worth 2003).

² Tex. Code Crim. Proc. Art. 1.05. *See also CHARGE*, Black's Law Dictionary (10th ed. 2014); *U.S. v. Patterson*, 150 U.S. 65, 68, 14 S. Ct. 20, 21 (1893).

³ CONVICTION, Black's Law Dictionary (10th ed. 2014).

⁴ Tex. Code Crim. Proc. Art. 42A.101. *See also Labib v. State*, 239 S.W.3d 322, 330 (Tex. App. 2007).

⁵ DETENTION, Black's Law Dictionary (10th ed. 2014).

⁶ DISPOSITION, Black's Law Dictionary (10th ed. 2014).

⁷ EXPUNGEMENT OF RECORD, Black's Law Dictionary (10th ed. 2014).

⁸ Tex. Penal Code § 12.04; Tex. Code Crim. Proc. Art. 42A.555. *See also FELONY*, Black's Law Dictionary (10th ed. 2014).

⁹ Tex. Penal Code § 12.03. *See also MISDEMEANOR*, Black's Law Dictionary (10th ed. 2014).

¹⁰ NOLO CONTENDERE, Black's Law Dictionary (10th ed. 2014).

¹¹ PAROLE, Black's Law Dictionary (10th ed. 2014).

¹² PROBATION, Black's Law Dictionary (10th ed. 2014).