Texas Department of Housing and Community Affairs
MANUFACTURED HOUSING DIVISION
P. O. BOX 12489 Austin, Texas 78711-2489
(877) 313-3023, FAX (512) 475-3506
Internet Address: www.tdhca.texas.gov/mhd

NOTICE OF POTENTIAL INELIGIBILITY OF LICENSE

Applicants applying for an occupational licensee under the Texas Manufactured Housing Standards Act (TEX. OCC. CODE, Chapter 1201) may be ruled ineligible if they have acquired a criminal record which may include a conviction, deferred adjudication, plead guilty, or nolo contendere for any felony or misdemeanor offense, other than a Class C Misdemeanor for traffic violations, during the five-year period preceding the application date that, in the opinion of the Director, makes the applicant unfit for licensing.

In determining whether an applicant should be issued a license, the Director shall consider the nature and seriousness of the crime; the relationship of the crime to the intended manufactured housing business activity; the extent to which a license holder might engage in further criminal activity of the same or similar type as that in which the applicant previously had been involved; the relationship of the crime to the ability, capacity, or fitness required to perform the duties and discharge the functions and responsibilities of the license holder's occupation or industry; and whether the offenses were defined as crimes of moral turpitude by statute or common law, from Class A misdemeanors to first, second, and third degree felonies carrying fines and/or imprisonment or both. Special emphasis shall be given to the crimes of robbery, burglary, theft, embezzlement, sexual assault, and conversion.

In addition to the factors above, the Department, in determining the present fitness of a person who has a criminal record, may consider the extended nature of the person's past criminal activity; the age of the person at the time of the commission of the crime; the amount of time that has elapsed since the person's last criminal record; the conduct and work activity of the person prior to and following the criminal record; and evidence of the person's rehabilitation or attempted rehabilitation effort while incarcerated or following release.

Per Section 53.102 of the Texas Occupations Code, a person may request a licensing authority to issue a criminal history evaluation letter regarding the person's eligibility for a license issued by that authority if the person is enrolled or planning to enroll in an educational program that prepares a person for an initial license or is planning to take an examination for an initial license; and has reason to believe that the person is ineligible for the license due to a conviction or deferred adjudication for a felony or misdemeanor offense. The request must state the basis for the person's potential ineligibility.

For more information, please contact the Manufactured Housing Division’s Licensing Unit at 1-877-323-3023.