

**SENATOR PAUL BETTENCOURT**
DISTRICT 7

January 12, 2024

The Honorable Ken Paxton
Texas Attorney General
ATTN: Opinion Committee
PO Box 12458
Austin, TX 78711

Re: Request for a legal opinion regarding guaranteed income programs

Dear General Paxton:

I respectfully request an Attorney General Opinion in regards to the following questions:

1. Do counties have the authority to enact a guaranteed income program?
2. Would such a policy violate the gift prohibition clause in the Texas Constitution?

Background

Recently, Harris County has enacted and opened up applications for the Uplift Harris Program. Uplift Harris will distribute \$500 a month in guaranteed cash payments to nearly 2,000 eligible low-income households for 18 months. Eligible applicants must live below 200% of the federal poverty line, which is about \$60,000 for a household of four. The county has given applicants two ways to qualify: participation in the ACCESS (Accessing Coordinated Care and Empowering Self-Sufficiency) Harris County program or recipients must live in one of the ten highest-poverty zip codes in the county: 77026, 77028, 77033, 77050, 77051, 77060, 77081, 77091, 77093, and 77547. Since they expect more applicants than spots, the program will be operated through a lottery process.

Other cities, such as Austin, have enacted similar programs. On May 5, 2022, the Austin City Council voted to approve a \$1.1 million guaranteed income pilot program with nonprofit partner UpTogether using taxpayer funds. In September 2023, Austin City Council allocated an additional \$1.3 million within its new budget to pay for another guaranteed income program.

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Article III, Section 52(a), Texas Constitution provides that "Except as otherwise provided by this section, the Legislature shall have no power to authorize any county, city, town, or other political subdivision of the State to lend its credit or to grant public money or thing of value in aid of, or to any individual..."

Therefore, I respectfully request an Attorney General Opinion to the following questions:

1. Do counties have the authority to enact a guaranteed income program?
2. Would such a policy violate the gift prohibition clause in the Texas Constitution?

Given the timeliness and opening applications for the Harris County program, please expedite the review of these questions.

Sincerely,

A handwritten signature in cursive script that reads "Paul Bettencourt".

Paul Bettencourt
Chair, Senate Committee on Local Government

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