



Shriver Center Seeks Research Assistance on State Legislation Banning Guaranteed Income

Available

Project Title

Shriver Center Seeks Research Assistance on State Legislation Banning Guaranteed Income

Scope of Work

The final work product will provide a legal assessment of the state legislation and its possible implications.

Timing

None

Jurisdiction

AZ, AR, ID, IA, SD, IL, MS, WV, WI

Contact Information

Please contact Guerby Noel (guerby@lawfirmantiracismalliance.org) if you are interested in taking on this matter.

Description

“Guaranteed income” (GI) refers to periodic, cash payments given directly to individuals that are frequent and unconditional, with no “strings attached” and no work requirements. Guaranteed income is meant to supplement, rather than replace, the existing social safety net. Unlike cash transfer concepts like a “universal basic income”, a guaranteed income is not universal and prioritizes channeling resources to low-income, no-income, and middle-income people. State and local governments are increasingly experimenting with guaranteed income, especially after the economic devastation of the COVID-19 pandemic accelerated

the momentum for the concept. Federal policies designed to provide economic relief during the pandemic, such as increased unemployment insurance, an expanded and fully refundable federal Child Tax Credit, and stimulus checks contributed to burgeoning support for creating and expanding cash assistance programs.

As of September 2024, 155 guaranteed income pilots in the United States have either concluded or are currently operating. In 2024, at least nine states (see Table 1 attached) introduced legislation that would forbid the implementation of a guaranteed income program within the state, while four of those states – **Arkansas, Idaho, Iowa, and South Dakota**, passed such legislation.

SPLC seeks pro bono counsel to conduct a legal assessment, for each proposed and enacted state GI-ban law, that answers the following questions:

- What is the scope of the law, or proposed legislation? Does it apply to the state government, local units of government within the state, or any and all public or private entities within the state?
- Could other programs be impacted that are not fairly characterized as “guaranteed income?” For example, could the law, or proposed legislation, be interpreted to impact existing cash assistance programs (e.g. basic assistance provided under the Temporary Assistance for Needy Families program), or state refundable tax credits (e.g. state level child tax credit or earned income tax credit)?
- Does the law, or proposed legislation, apply to guaranteed income programs (or potentially other cash programs) currently in operation, or only future programs?
- Could the law, or proposed legislation, be the subject of a legal challenge?
 - Could the law be considered vague and unenforceable?
 - In “home rule” jurisdictions, could the state law unduly restrict local governments in violation of home rule?
 - Are there other available avenues to challenge the legitimacy of the law, or proposed legislation if enacted as written?

Subtasks (0)