

Bond Case Briefs

Municipal Finance Law Since 1971

UBI - TEXAS

In re State

Supreme Court of Texas - June 14, 2024 - S.W.3d - 2024 WL 2983176 - 67 Tex. Sup. Ct. J. 1107

State sued county, alleging that a proposed program to provide no-strings-attached monthly cash payments to 1,928 county residents with income below 200% of the federal poverty line violated the Texas Constitution, and seeking an injunction blocking implementation of the proposed program.

The 165th District Court denied state's motion for a temporary injunction. State appealed, and the Houston Court of Appeals, Fourteenth District, denied state's request for a temporary order staying payments under the program while its appeal proceeded.

State petitioned for a writ of mandamus and filed a motion for temporary relief. The Supreme Court administratively stayed the payments pending consideration of state's motion for temporary relief.

The Supreme Court held that state was entitled to temporary injunctive relief preventing implementation of county's program pending its appeal of trial court's denial of its motion for a temporary injunction.

In original mandamus proceeding before the Supreme Court, state was entitled to temporary relief preventing implementation of county's payments to individuals under a poverty-relief program pending its appeal of trial court order denying its motion for a temporary injunction; state demonstrated the likelihood of success on the merits by raising serious doubt about the constitutionality of county's no-strings-attached program, the potential violation of the Texas Constitution's provisions prohibiting counties from granting public money to individuals without retaining public control could not be remedied or undone if payments were to commence while the underlying appeal proceeded, and the county and the public would not be harmed by a stay pending determination of the constitutionality of the county's program.