BOARD OF TAX APPEALS
STATE OF LOUISIANA

CYNTHIA LAUNEY ROSENBERRY
Taxpayer

VERSUS B.T.A. DOCKET NO. 14659C

DEPARTMENT OF REVENUE
Respondent

JUDGMENT WITH WRITTEN REASONS

On October 1, 2026, this matter came before the Board for hearing on the merits, with Chairman Francis J. "Jay" Lobrano presiding, with Vice-Chair Judge Lisa Woodruff-White (Ret.) and Michael G. Gaffney present. Appearing before the Board were Cynthia Rosenberry ("Taxpayer"), representing herself, and Miranda Scroggins, attorney for the Department of Revenue ("Department"). At the conclusion of the hearing, the Board took the matter under advisement. The Board now renders Judgment as follows:

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the Taxpayer is not entitled to the Fortified Roof Credit provided for in La. R.S. 47:6044(B)(1) for the Tax Year 2025.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Judgment be and is hereby rendered in favor of the Department and against the Taxpayer.

JUDGMENT RENDERED AND SIGNED AT BATON ROUGE, LOUISIANA, THIS 5th DAY OF NOVEMBER, 2026.

FOR THE BOARD:

CHAIRMAN FRANCIS J. "JAY" LOBRANO
BOARD OF TAX APPEALS
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Facts

The Taxpayer appeals from the Department's denial of her claim for the Fortified Roof Tax Credit (the "Credit") provided for in La. R.S. 47:6044 and 2025 Act 404 for the 2025 tax year. On June 4, 2025, the Taxpayer contracted with Regional Construction & Inspections LLC ("Regional") for the work required to improve her roof into a Fortified Roof. Regional began the work on June 23, 2025. Regional completed the work on or around June 24, 2025, or June 25, 2025. The Taxpayer paid Regional $20,207.30 by check dated June 24, 2025. The check cleared her bank on June 27, 2025. On July 1, 2025, the Taxpayer's roof was certified as a Fortified Roof.

The Taxpayer testified that she spoke to someone in Senator Talbot's[1] office who told her that she should act quickly to get work done to qualify for the Credit.

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[1] Taxpayer testified that her State Senator is Kirk Talbot. Senator Talbot is also the author of Act 404.

She read in the Times-Picayune and on the Louisiana Department of Insurance website that taxpayers should get the necessary work done prior to hurricane season. She knew that there were a limited number of contractors qualified to perform the work. When she contracted with Regional, she informed them that she would claim the Credit. She also knew that Act 404's effective date was June 20, 2025, and that the Credit would be awarded on a first-come first-serve basis.

On February 12, 2026, the Taxpayer submitted her application for the Credit. On April 24, 2026, the Department denied Taxpayer's Claim for the Credit because:

> The fortified roof expenses were incurred in June 2025. Louisiana R.S. 47:6044(B) authorizes the credit only for qualified expenses incurred on or after July 1, 2025, and expenses incurred prior to this date are not eligible for the credit.

Taxpayer immediately appealed from the denial, filing her Petition with the Board on April 24, 2026. The Department has stipulated that the Taxpayer has satisfied all other requirements to claim the Credit.

Analysis

The Fortified Roof Credit

As mentioned above, the Credit is provided for in La. R.S. 47:6044. The issue here is La. R.S. 47:6044(B)(1), which states:

> There is hereby allowed a nonrefundable credit against individual income tax for **qualified expenses incurred on or after July 1, 2025**, for the installation of a fortified roof meeting or exceeding the fortified roof standard established by the Insurance Institute for Business and Home Safety.[2]

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[2] *Id.* (emphasis added). La. R.S. 47:6044 provides in full:

> **A. Definitions.** For purposes of this Section:
>
> (1) "Department" means the Louisiana Department of Revenue.
>
> (2) "Qualified expenses" means the cost of purchase and installation paid by a taxpayer to meet or exceed the fortified roof standard established by the Insurance Institute for Business and Home Safety on qualifying property. Qualified expenses shall not include permit, inspection, and other similar costs necessary to obtain Insurance Institute for Business and Home Safety certification.
>
> (3) "Qualifying property" means insurable property, as defined in R.S. 22:1483, owned by a resident taxpayer and on which the resident

taxpayer has a homestead exemption. Qualifying property shall not include new construction homes, condominiums, and mobile homes.

(4) "Secretary" means the secretary of the Louisiana Department of Revenue.

B. Administration of the credit. (1) There is hereby allowed a nonrefundable credit against individual income tax for qualified expenses incurred on or after July 1, 2025, for the installation of a fortified roof meeting or exceeding the fortified roof standard established by the Insurance Institute for Business and Home Safety.

(2) The credit shall be equal to the total amount of qualified expenses paid by the resident taxpayer and certified by the Insurance Institute for Business and Home Safety, not to exceed ten thousand dollars per resident taxpayer. In no event shall a qualifying property be eligible for more than one tax credit authorized pursuant to this Section.

(3) The credit shall be earned when certified by the Insurance Institute for Business and Home Safety.

(4)(a) The total amount of credits issued pursuant to the provisions of this Section shall not exceed ten million dollars per fiscal year.

(b) The issuance of tax credits authorized by this Section shall be on a first-come, first-served basis. If the total amount of credits issued in a particular fiscal year exceeds the amount of tax credits authorized for that year, the department shall treat the excess as having been applied for on the first day of the subsequent year.

(c) The department shall treat all requests received on the same business day as received at the same time. If the aggregate amount of the requests received on a single business day exceeds the total amount of available tax credits, the department shall issue tax credits on a pro rata basis.

C. Application of the credit. Taxpayers that earn a tax credit shall claim the credit on their individual income tax return for the taxable period in which the credit is earned. If the total amount of tax credits certified exceeds the amount of such taxes due, any unused credit may be carried forward as a credit against subsequent tax liability for a period not to exceed three years.

D. Application process, certification, and administration. (1) A resident taxpayer seeking a tax credit pursuant to this Section shall submit an application on a form prescribed by the department. The application period shall begin on January first and conclude on June thirtieth of the calendar year following the calendar year in which the credit is earned. The taxpayer shall submit a copy of the certificate issued by the Insurance Institute for Business and Home Safety certifying compliance with the fortified roof building standards when applying for the tax credit. The taxpayer shall attach all required documentation to the application.

(2) The department shall review the application and any other information deemed necessary for determination of the qualified expenses eligibility.

E. (1) Recapture of credits. If the department or the secretary find that expenses for which a taxpayer received credits pursuant to this Section were not for qualifying expenditures for a credit, then the taxpayer's state income tax for such taxable period shall be increased by such amount necessary for the recapture of credit provided by this Section.

La. R.S. 47:6044(B)(1)'s restriction on expenses incurred before July 1, 2025 is clear. This restriction is additionally restated in Act 404, Section 2, which reads: "The provisions of this Act shall apply to qualifying expenses paid on or after July 1, 2025."

However, as the Taxpayer pointed out, Act 404 Section 3 states:

> This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

The Governor signed Act 404 into law on June 20, 2025. Taxpayer argues that the disconnect between the effective date of Act 404 and the earliest date on which expenses can qualify is what led to her being denied the Credit.

The Credit is relatively new in the law. There are no Louisiana decisions interpreting La. R.S. 47:6044. At this time, the only interpretive guidance in the law

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> (2)(a) Recovery of credits by the Department of Revenue. Credits granted to a taxpayer, but later disallowed, may be recovered by the secretary through any collection remedy authorized by R.S. 47:1561 and initiated within three years from December thirty-first of the year in which the credit was taken.
>
> (b) The only interest that may be assessed and collected on recovered credits is interest determined in accordance with R.S. 47:1601(A)(2), which shall be computed from the original date of the return on which the credit was taken.
>
> (3) The provisions of this Subsection are in addition to and shall not limit the authority of the secretary to assess or to collect under any other provision of law.
>
> F. The department shall promulgate rules in accordance with the Administrative Procedure Act to establish the policies for administration of the eligibility criteria and any other matters necessary to carry out the purpose of this Section.
>
> G. A taxpayer shall not receive a tax credit pursuant to this Section if a grant amount is received by the taxpayer pursuant to the provisions of R.S. 22:1483.1.
>
> H. A taxpayer shall not receive any other state tax credit, exemption, exclusion, deduction, or any other tax benefit for which the taxpayer has received a tax credit pursuant to this Section.
>
> I. No credit shall be earned pursuant to the provisions of this Section after December 31, 2031.

Id. (emphasis in original).

is the Department's implementing regulation, LAC 61:I.1935.[3] However, nothing in the regulation specifically provides for expenses incurred prior to July 1, 2025.

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[3] From its initial promulgation in 51 La. Reg. 2110 on December 20, 2025, until it was amended in 52 La. Reg. 1837 on October 20, 2026, LAC 61:I.1935 provided:

> A. General
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> 1. Revised Statute 47:6044 authorizes a nonrefundable income tax credit for Louisiana residents who install a fortified roof, as certified by the Insurance Institute for Business and Home Safety, on qualifying property owned by the taxpayer for which the resident taxpayer claims a homestead exemption.
>
> B. Definitions
>
> 1. Terms not otherwise defined in this Section shall have the meaning given to them in R.S. 47:6044, unless the context clearly indicates otherwise.
>
> 2. For purposes of this Section, the following words have the meanings provided herein, unless the context clearly indicates otherwise.
>
> *Department*--the Louisiana Department of Revenue.
>
> *FORTIFIED*--a program of the IBHS.
>
> *FORTIFIED Designation*--a written certificate issued by the IBHS confirming that a qualifying property meets or exceeds the IBHS fortified roof standards.
>
> *FORTIFIED Home Evaluator*--an independent, third party who has completed the FORTIFIED training requirements and is certified by the IBHS as a home evaluator who can certify that a home meets the FORTIFIED roof standards. A list of certified home evaluators can be found at www.fortifiedproviders.com.
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> *Insurance Institute for Business and Home Safety (IBHS)*--a non-profit research and communications organization of the property and casualty insurance industry that defines the fortified roof standards for homes, information for which can be found at www.fortifiedhome.org.
>
> *LFRTCP-Approved Contractor*--a contractor listed in the IBHS Directory at www.fortifiedproviders.com who meets the program requirements of this Section.
>
> *Louisiana Fortified Roof Tax Credit Program (LFRTCP)*--a program enacted by Act 404 of the 2025 Regular Session, administered by the department, to provide an individual income tax credit to incentivize homeowners to retrofit roofs of insured property, as defined in R.S. 22:1483(C)(9), with a homestead exemption utilizing construction techniques demonstrated to reduce losses caused by a hurricane, tornado, or other catastrophic windstorm event and that meet or exceed the IBHS FORTIFIED roof standard, information for which can be found at www.ibhs.org.
>
> C. Credit Eligibility Requirements. All of the following requirements shall be met to earn the credit:
>
> 1. The home shall be a qualifying property in good repair unless damaged by a hurricane, non-hurricane wind, or hail.
>
> 2. The fortification work shall comply with the requirements of Subsection D.

3. The taxpayer shall be responsible for paying a certified home evaluator of the homeowner's choice to provide an IBHS home evaluation as well as all other costs and fees necessary to satisfy the requirements of this Section, including, but not limited to, legally required permits or inspections. These expenses shall not constitute qualifying expenses for purposes of the credit.

D. Fortified Roof Installation Requirements

1. Prior to installation, a FORTIFIED home evaluator of the homeowner's choice must provide the homeowner with an IBHS home review evaluation of the home seeking to be FORTIFIED.

2. The FORTIFIED home evaluator shall determine whether the home meets a minimum structural standard on a pass-fail basis before identifying all improvements required to meet or exceed the FORTIFIED roof standard. Thereafter, the FORTIFIED home evaluator shall summarize his findings in a report and provide a copy to the homeowner.

3. After meeting the requirements of Paragraph (1) and (2) of this Subsection, the taxpayer must contract with an LFRTCP-approved contractor to fortify the home. Once the LFRTCP-approved contractor completes the fortification work on the home, the contractor must provide the taxpayer with a copy of the signed contract, a final invoice, and a completed Form R-90157-B, LFRTCP Qualifying Expenses.

4. After meeting the requirements of Paragraphs (1), (2), and (3) of this Subsection, a certified home evaluator will perform all required evaluations to confirm that the LFRTCP-approved contractor completed the fortification work according to the IBHS FORTIFIED roof standard. Thereafter, the IBHS shall review the evaluation and determine whether to issue a FORTIFIED designation.

E. Documentation Requirements

1. To apply for the Louisiana fortified roof tax credit, a resident taxpayer shall complete and submit Form R-90157, Application for Louisiana Fortified Roof Tax Credit together with Form R-90157-B, LFRTCP Qualifying Expenses which has been completed by the LFRTCP-approved contractor who performed the fortification work. Completed applications must be submitted electronically through the Louisiana Taxpayer Access Point (LaTAP) and shall include all of the following supporting documents:

a. A copy of the report prepared by a FORTIFIED home evaluator which identifies all improvements required to meet or exceed the FORTIFIED roof standard.

b. A copy of the signed contract with an LFRTCP-approved contractor.

c. A copy of the final invoice issued by the LFRTCP-approved contractor.

d. A copy of the FORTIFIED designation which lists the date of certification.

2. The Department shall notify each taxpayer that submitted a timely and complete application as to whether the application has been approved or denied. If approved, the notice shall indicate the amount of credit earned and the taxable periods against which the nonrefundable credit(s) may be used. If denied, the notice shall provide the reasons for denial.

3. An application shall not be considered complete until all documentation requested by the department has been received. Failure

Therefore, the Board approaches the question presented as *res nova* and an exercise in statutory interpretation. The objective in statutory interpretation is to determine the intent of the legislature. *See M.J. Farms, Ltd. v. Exxon Mobil Corp.*,

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to respond within 60 days of a request for documentation from the department will result in denial of the application and require the submission of a new application with an updated application date.

F. Contractor Eligibility Requirements

1. To be eligible to work as an LFRTCP contractor, the contractor must meet all of the following program requirements:

a. holds a valid residential license or home improvement registration issued by the Louisiana State Licensing Board for Contractors (LSLBC) and be in good standing with the LSLBC.

b. holds any other valid state or jurisdictional business licenses or work permits required by law in Louisiana.

c. maintains a general liability policy with $1,000,000 in liability coverage.

d. maintains a workers' compensation policy in compliance with Louisiana law.

e. holds a FORTIFIED certification issued by the IBHS or its successor.

f. is listed on the IBHS Directory as an approved contractor at www.fortifiedproviders.com.

g. complies with all regulatory and tax laws regulating businesses in the state of Louisiana.

G. Conflicts of Interest

1. LFRTCP-approved contractors

a. LFRTCP-approved contractors cannot possess a financial interest in any projects for which they perform work toward a FORTIFIED designation other than for payment by the homeowner for services rendered.

b. LFRTCP-approved contractors cannot be the FORTIFIED home evaluator for a FORTIFIED designation on any project eligible for the LFRTCP.

2. FORTIFIED home evaluators

a. FORTIFIED home evaluators cannot possess a financial interest in any projects for which they perform work toward a FORTIFIED designation other than for payment by the homeowner for services rendered.

b. FORTIFIED home evaluators cannot be the LFRTCP-approved contractor or supplier of any material, products, or systems installed in any home they inspect for FORTIFIED designation.

Id. (emphasis in original). The recent amendment deleted LAC 61:I.1935(D)(1), (2), and (E)(1)(a) and amended LAC 61:I.1935(D)(3) and (4). The effect of the amendments was to repeal the requirement that applicants submit a preliminary fortified home evaluation for purposes of the Louisiana Fortified Roof Tax Credit and the Construction Code Retrofitting Deduction.

2007-2371 (La. 7/1/08), 998 So.2d 16. The words of the law are the best evidence of legislative intent, and thus if the law is clear and does not lead to absurd consequences, it must be applied as written. *See* La. C.C. art. 9. However, if a law that provides a tax credit can reasonably be interpreted in more than one way, then the Board must adopt the interpretation that favors the Department. La. C.C. art. 10; *Crawford v. Duhon*, 2001-0193, p. 6 (La. App. 4 Cir. 11/7/01), 799 So.2d 1273, 1277.

Act 404 was introduced in the Senate as 2025 SB 28 by Senator Kirk Talbot. Before the Senate Revenue and Finance Committee, Senator Talbot testified that the Credit would expand upon the existing Fortified Roof grant program.[4] The purpose of both the Credit and the grant program was to encourage as many Louisianans as possible to obtain Fortified Roofs, which would reduce the financial risk to insurers, which would in turn lead to lower home insurance premiums for Louisianans.

Senator Talbot described the Credit as a means of allowing taxpayers with the money to pay up front for a Fortified Roof to "go ahead and get it, and we'll give you a tax credit for three years."[5] Senator Talbot acknowledged that there was a risk that a taxpayer might pay for the fortified roof but then be denied the Credit. Senator Talbot stated his preference to avoid that risk altogether by simply not enacting a cap on the Credit. However, he acknowledged the need to protect the state budget.

Therefore, the risk that a Taxpayer could be forced to bear the entire cost of obtaining a Fortified Roof was known to the legislature. The Board cannot say that denying the Credit because expenses were paid too early is an absurd result of applying the law as written. Moreover, the limitations in La. R.S. 47:6044(B)(1) and

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[4] The pre-existing grant program, provided for in La. R.S. 22:1483.1, 1483.2, and 1483.3, allowed homeowners to apply for funding from the state to install a Fortified Roof.

[5] La. 2025 Reg. Session Senate Revenue and Fiscal Affairs Committee, Act 404, SB 28 (4/22/25), available at https://senate.la.gov/s_video/VideoArchivePlayer?v=senate/2025/04/042225rf.

Act 404 Section 2 are clear and unambiguous. As written, those provisions bar the Taxpayer from claiming the Credit for expenses paid prior to July 1, 2025.

Conclusion

The goal of the Credit was to urge taxpayers who could afford to front the cost for a Fortified Roof to do so as quickly as possible. That is the message that the Taxpayer took to heart and that she diligently acted upon, at her own expense. The proliferation of Fortified Roofs is intended to benefit all Louisiana citizens through decreased home insurance premiums and wider availability of coverage. However, La. R.S. 47:6044(B)(1) clearly disqualifies expenses incurred and paid before July 1, 2025. The Taxpayer had completely paid for the work no later than June 27, 2025. Therefore, her expenses cannot qualify for the Credit under the clear language of La. R.S. 47:6044(B)(1),

Although the result for this Taxpayer is inequitable and the decision unpalatable to the Board, the applicable law is clear. As Justice Scalia once said, "[i]f you're going to be a good and faithful judge, you have to resign yourself to the fact that you're not always going to like the conclusions you reach. If you like them all the time, you're probably doing something wrong."[6] Considering the unambiguous letter of the law, the Board must conclude that the Taxpayer is not entitled to the Credit.

SIGNED AT BATON ROUGE, LOUISIANA, THIS 5th DAY OF NOVEMBER, 2026.

FOR THE BOARD:

CHAIRMAN FRANCIS J. "JAY" LOBRANO
BOARD OF TAX APPEALS
STATE OF LOUISIANA

[6] Justice Antonin Scalia, Annual Madison Lecture at Chapman University Fowler School of Law (2005).