

2025 Regular Session

SENATE BILL NO. 28

BY SENATOR TALBOT AND REPRESENTATIVE WILLARD

TAX/TAXATION. Establishes an income tax credit for taxpayers who pay to have a fortified roof installed on their property. (gov sig)

AN ACT

To enact R.S. 47:6044, relative to income tax credits; to establish an income tax credit program for expenses related to fortifying a roof; to provide for definitions; to provide for the amount of the credit; to provide for an annual cap; to provide for the administration of the cap; to provide for an application process, certification, and administration of the credit; to provide for application of the credits; to provide for the recovery and recapture of credits; to authorize the promulgation of rules; to provide for applicability; to provide for an effective date; to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:6044 is hereby enacted to read as follows:

§6044. Louisiana Fortified Roof Tax Credit Program

A. Definitions. For purposes of this Section:

(1) "Department" means the Louisiana Department of Revenue.

(2) "Qualified expenses" means the expenses 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.

1 (3) "Qualifying property" means insurable property, as defined in R.S.
2 22:1483, owned by a resident taxpayer and on which the resident taxpayer has
3 a homestead exemption.

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

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

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

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

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

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

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

29 C. Application of the credit. Taxpayers that earn a tax credit shall claim

1 on their individual income tax return for the taxable period in which the credit
2 is earned. If the total amount of tax credits certified exceeds the amount of such
3 taxes due, any unused credit may be carried forward as a credit against
4 subsequent tax liability for a period not to exceed three years.

5 D. Application Process, Certification, and Administration. (1) A resident
6 taxpayer seeking a tax credit pursuant to this Section shall submit an
7 application on a form prescribed by the department. The taxpayer shall also
8 submit a copy of the certificate issued by the Insurance Institute for Business
9 and Home Safety certifying compliance with the fortified roof building
10 standards to the department.

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

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

19 (2)(a) Recovery of credits by the Department of Revenue. Credits
20 granted to a taxpayer, but later disallowed, may be recovered by the secretary
21 through any collection remedy authorized by R.S. 47:1561 and initiated within
22 three years from December thirty-first of the year in which the credit was
23 taken.

24 (b) The only interest that may be assessed and collected on recovered
25 credits is interest determined in accordance with R.S. 47:1601(A)(2), which shall
26 be computed from the original date of the return on which the credit was taken.

27 (3) The provisions of this Subsection are in addition to and shall not limit
28 the authority of the secretary to assess or to collect under any other provision
29 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.

Section 2. The provisions of this Act shall apply to qualifying expenses paid on or after July 1, 2025.

Section 3. 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 original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

SB 28 Reengrossed

DIGEST
2025 Regular Session

Talbot

Proposed law authorizes a nonrefundable credit against income taxes for resident taxpayers who retrofit their residential property with a fortified roof meeting or exceeding the fortified roof standard established by the Insurance Institute for Business and Home Safety.

Proposed law defines the terms "department", "qualified expenses", "qualifying property", and "secretary" for purposes of the tax credit program.

Proposed law provides that the credit is equal to the amount of qualified expenses paid by the resident taxpayer and certified by the Insurance Institute for Business and Home Safety, hereinafter "department", not to exceed \$10,000 per resident taxpayer.

Proposed law provides that the credit is earned when certified by the Insurance Institute for Business and Home Safety. Further provides that no qualifying property may receive more than one tax credit authorized pursuant to proposed law.

Proposed law limits the amount of credits that may be granted in a fiscal year to \$10M. Further provides credits are issued on a first-come, first-serve basis and that if the total amount of credits issued exceeds the amount of credits authorized for tax year, the excess is treated as having been applied for on the first day of the subsequent year.

Proposed law requires that all requests received on the same day are to be treated as received at the same time. Further requires the department to issue credits on a pro rata basis if the amount of requests received on a single business day exceeds the total amount available tax credits.

Proposed law requires that the credit be allowed against the income tax for the taxable period in which the credit is earned. Further provides that if the tax credit allowed exceeds the amount of tax due, that any unused credit may be carried forward against subsequent income tax liability for a period not to exceed three years.

Proposed law requires a resident taxpayer seeking a tax credit to submit an application on a form prescribed by the secretary of the Dept. of Revenue. Further requires the department to review the application and determine eligibility of qualified expenses.

Proposed law requires the taxpayer to submit a copy of the certificate issued by the Insurance Institute for Business and Home Safety certifying compliance with the fortified roof building standards to the department.

Proposed law provides for the recovery and recapture of credits by the secretary of the Dept. of Revenue under certain circumstances. Further limits the amount of interest that may be assessed and collected on recovered or recaptured credits.

Proposed law requires the department to promulgate rules for program eligibility and any other matters necessary to carry out the intent of the program.

Proposed law prohibits a taxpayer from receiving a tax credit for any grant amount received under the Louisiana Fortify Homes Program (R.S. 22:1483.1). Further prohibits a taxpayer from receiving any other state tax credit, exemption, exclusion, deduction, or any other tax benefit for which the taxpayer received a credit pursuant to proposed law.

Proposed law prohibits any credits from being earned after December 31, 2031.

Applicable to qualifying expenses paid on or after July 1, 2025.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 47:6044)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Revenue and Fiscal Affairs to the original bill

1. Remove language regarding the purpose of the tax credit program.
2. Prohibit a qualifying property from receiving more than one tax credit.
3. Provide a cap on the total amount of credits that may be granted in a fiscal year of \$10M.

4. Provide for the administration of the fiscal year cap.
5. Change the carry forward period from a five-year period to a three-year period.
6. Change how interest is calculated for recaptured credits.
7. Prohibit the stacking of the credit with any other state tax credit, exemption, exclusion, deduction, or any other tax benefit.
8. Make technical changes.

Senate Floor Amendments to engrossed bill

1. Replace the Dept. of Insurance with the Dept. of Revenue for purposes of the credit.
2. Replace the certifying entity for purposes of the credit from the Dept. of Insurance to the Insurance Institute for Business and Home Safety.
3. Require taxpayer to submit a certification from Insurance Institute for Business and Home Safety to the department certifying compliance with the fortified roof building standards.
4. Remove provisions related to issuance of a credit certification letter to the taxpayer and submission of the certification letter to the secretary.
5. Make technical changes.