

Josephine Crossing Cottage HOA Board Press Release: Kreative Kids Daycare

Billings, MT - Kreative Kids Daycare has been operating in violation of the Josephine Crossing Cottages by-laws over 5 years. The by-laws were created in 2009 by McCall Development Corporation. The HOA Board is tasked with enforcing the by-laws, which do not allow businesses to operate in cottage section of the Josephine Crossing. Each cottage is only feet apart from the next cottage. Business can be operated in other sections of Josephine Crossing, and there is a beauty shop, a dog grooming and a coffee / ice cream as you enter neighborhood.

The HOA Board has previously granted Ms. Moots' request for variance with the assurance of Ms. Moots that she would move the daycare to a different location of the neighborhood. She never did that. The HOA Board took a vote in 2019 regarding whether the by-laws should be amended, and that vote failed. The by-laws then required that the matter go before an arbitrator.

In July 2020, arbitrator, Russell Fagg heard arguments from both Ms. Moots's attorney and the HOA Board's attorney in regard to the Kreative Kids Daycare. The arbitrator decided for the HOA Board and against Ms. Moots citing several reasons, including that the PDA does not specifically grant allowance for in-home daycares, and as per the PDA, if specific exception is not listed, it is prohibited. He further cited that Ms. Moots admitted to having up to 16 kids in her care at a time, which would no longer qualify her business as residential but makes it commercial. By living in the neighborhood, Ms. Moots agreed to abide by the arbitration decision but instead continued to operate the daycare.

Mrs. Moots' attorney sent a letter with a settlement offer to close the daycare at the end of 2020 with the agreement that the HOA Board will waive any daily penalties that it, as per the by-laws, is entitled to collect. The Board has agreed to this settlement. While there has been considerable comment from Ms. Moots' supporters on both Facebook and via email, the HOA Board has not heard anything different from Mrs. Moots or her attorney, and the HOA Board considers this matter closed.

While we understand the importance of childcare services, especially with COVID, and support women-owned businesses, we cannot allow a business to illegally operate in our neighborhood. If we allowed one business to illegally operate, we would have to allow all businesses to do so even if the business were a cannabis shop or a pit bull breeding facility. If Ms. Moots and her supporters are able to collect enough signatures, they can move to amend the by-laws. So far, that has not happened. As such, the Board must enforce the by-laws and follow the arbitration decision.

Josephine Cottages HOA Board

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