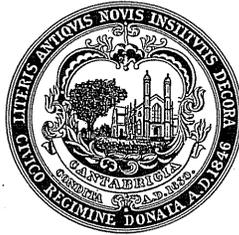


Nancy E. Glowa
City Solicitor

Arthur J. Goldberg
Deputy City Solicitor

Vali Buland
First Assistant City Solicitor



Assistant City Solicitors

Paul S. Kawai
Elizabeth A. Lashway
Samuel A. Aylesworth
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CITY OF CAMBRIDGE

Office of the City Solicitor
795 Massachusetts Avenue
Cambridge, Massachusetts 02139

April 1, 2013

Robert W. Healy
City Manager
City Hall
Cambridge, MA 02139

Re: Awaiting Report No. 13-29 Re: Report on the Feasibility of Not Allowing Residents of New Buildings to Obtain On-Street Resident Parking Stickers

Dear Mr. Healy:

I am writing in response to the above referenced Council Order, which asks for a report on the feasibility of creating a development program, whether through density bonuses or other means, where residents of new buildings would not be allowed to obtain on-street parking stickers. On April 5, 2002, this office provided an opinion, through you, to the Director of Traffic, Parking and Transportation on the question of whether resident parking stickers could be withheld from Harvard students residing in Harvard dormitories, in which we advised that a resident of Cambridge whose motor vehicle is registered in Massachusetts and principally garaged in Cambridge is entitled to receive a resident parking sticker. Because that opinion is responsive to the above referenced Council Order, I am attaching a copy of it for submission to the City Council.

Please let me know if I can be of further assistance in this matter.

Very truly yours,

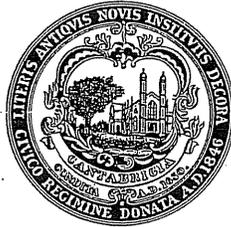
A handwritten signature in black ink, appearing to read "Nancy E. Glowa".

Nancy E. Glowa
City Solicitor

Russell B. Higley
City Solicitor

Donald A. Drisdell
Deputy City Solicitor

Nancy E. Glowa
First Assistant
City Solicitor



Arthur J. Goldberg
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Legal Counsel
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CITY OF CAMBRIDGE

Office of the City Solicitor
795 Massachusetts Avenue
Cambridge, Massachusetts 02139

April 5, 2002

Robert W. Healy
City Manager
City Hall
Cambridge, MA 02139

Re: *Whether Harvard students residing in dormitories are eligible for resident parking permits*

Dear Mr. Healy:

As you know, the Director of Traffic, Parking and Transportation, Susan Clippinger, has requested legal advice regarding the question of whether or not she has authority to deny resident parking permits to Harvard students residing in Harvard dormitories.

Under the present law a resident of Cambridge whose motor vehicle is registered in Massachusetts and principally garaged in Cambridge, is entitled to receive a resident parking sticker. The sticker allows a resident's motor vehicle to be parked in any posted residential area of the City. See St. 1961, c. 455, § 3(a), as amended by St. 1962, c. 786, § 7, St. 1972, c. 340, St. 1977, c. 239 and St. 1981, Chapters 166, 424 and 585.

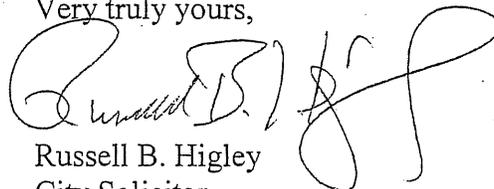
The constitutionality of the Cambridge resident parking sticker program was upheld against a challenge by non-residents in *Commonwealth v. Petralia*, 372 Mass. 452 (1977).

In summary, a Harvard student (or a student at some other college or university) is entitled to receive a resident parking sticker if he or she is a Cambridge resident and his or her automobile is registered in Massachusetts and principally garaged in Cambridge. A full-time student would certainly be entitled to establish his or her domicil or residence in Cambridge while living in a college or university dormitory. *Hershkoff v. Board of Registrars of Voters of Worcester*, 366 Mass. 570 (1974). Many students living in dormitories have established their residency in Cambridge and are registered to vote here in local, state, and federal elections. Pursuant to the relevant statutes cited above, the student would also be required to demonstrate that their automobile is registered in Massachusetts and principally garaged in Cambridge. Applications for automobile

insurance require identification of the locale within which the automobile is principally garaged, which affects, among other things, the cost of insurance for the vehicle.

Upon a demonstration of compliance with these statutory criteria, a student living in a dormitory is entitled to a resident parking permit in the same manner as any other resident of the city, and in my opinion, the Director of Traffic, Parking, and Transportation could not deny the permit.

Very truly yours,

A handwritten signature in black ink, appearing to read "Russell B. Higley". The signature is stylized and cursive, with a large loop at the end.

Russell B. Higley
City Solicitor

cc. Susan Clippinger, Director of Traffic, Parking, and Transportation