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SB 867 (Printer's No. 1017) Analysis

Date: July 17, 2023

**Amending Title 11 (Cities) of the Pennsylvania Consolidated Statutes to update,
clarify, and consolidate the law relating to the classification of cities in the
Commonwealth**

Prime Sponsor: Senator Kearney

A. Synopsis of Bill

This bill replaces and repeals the City Classification Law of 1895 to update and simplify the city classification process and permit Second Class A and Third Class cities to remain in their current classification in most cases regardless of population changes unless they qualify for, and actively choose, a change of class.

B. Summary and Analysis of Bill

This bill maintains the Governor's responsibility to certify that each city's population either would have it advance, recede or maintain its current classification as a result of a decennial census.

Current city classifications by population as follows:

- a. First Class City (Philadelphia), population 1,000,000 or higher
- b. Second Class City (Pittsburgh), population 250,000 – 1,000,000
- c. Second Class A City (Scranton), population over 80,000
- d. Third Class City, any other city under 250,000

In addition to the current process, this bill would allow a city:

1. To maintain its current classification if it has adopted a home rule charter or optional charter, regardless of population.
2. Require any city choosing to become a Second Class A City in the future to adopt a home rule charter seeking that designation explicitly.
3. Provides a long transition period into a change of class. (January 1 of the year following the first municipal election occurring at least 180 days after the Governor's certification; in most cases this would be at least two years after the decennial census is released).

Finally, this bill would repeal the City Classification Law of 1895; all classification decisions made under that act would remain unchanged until the next gubernatorial certification under this act.

C. Relevant Current Law

The City Classification Law of 1895 addresses many of the same subjects contained in this bill. It has been amended repeatedly to change population thresholds for different city classifications. However, some of its provisions appear confusing, outdated, or contradictory. For example, the law would delay the effect of a change in classification for ten years but allows the city to elect the officers it would have after a classification change at the next municipal election, years before the classification change would take effect. Existing law also conflates a city's classification with the question of whether the city has a home rule charter in a manner that is inconsistent with other laws.

D. Background of Bill

This bill is proposed to fulfill the vital function of providing for city government by class as a part of the General Assembly's obligations to provide for local government by class in Article IX, Section 1 of the Pennsylvania Constitution while updating previous inconsistencies and confusion of existing law.

E. Effect of Bill

The primary impact of this bill is that under most circumstances, cities will remain in their current classifications for the foreseeable future. Several cities that may arguably have the option to change classification (including Scranton, Erie, Allentown and Reading), would continue to have that option, but with clearer statutory guidance.

F. Issues, Policy Questions and Stakeholder Feedback

This bill is supported by the Pennsylvania Municipal League, which represents cities throughout the Commonwealth.

G. Bill History

In the 2021-2022 Session, this bill was introduced as Senate Bill 991. Senate Bill 991 was re-reported from Senate Appropriations after second consideration, and subsequently tabled where it remained upon sine die adjournment. This legislation was also introduced in the House during the 2021-2022 session as House Bill 2254. House Bill 2254 passed the House unanimously and was referred to the Senate Local Government Committee where it remained upon sine die adjournment.