

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 867 Session of
2023

INTRODUCED BY KEARNEY, HUTCHINSON, DUSH, BROWN AND COMITTA,
JULY 17, 2023

REFERRED TO LOCAL GOVERNMENT, JULY 17, 2023

AN ACT

1 Amending Title 11 (Cities) of the Pennsylvania Consolidated
2 Statutes, providing for city classification; making a repeal;
3 and making editorial changes.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Part I heading of Title 11 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 PART I. PRELIMINARY PROVISIONS

9 [(Reserved)]

10 Section 2. Part I of Title 11 is amended by adding chapters
11 to read:

12 CHAPTER 1

13 (Reserved)

14 CHAPTER 2

15 CITY CLASSIFICATION

16 Sec.

17 201. City classification.

18 202. Ascertainment, certification and effect of change of

1 classification.

2 § 201. City classification.

3 For the purposes of legislation and the regulation of a
4 city's affairs, current cities of this Commonwealth as well as
5 future cities shall be divided into four classes as follows:

6 (1) Cities of the first class, having a population of at
7 least 1,000,000 inhabitants.

8 (2) Cities of the second class, having a population of
9 at least 250,000 inhabitants but less than 1,000,000
10 inhabitants.

11 (3) Cities of the second class A, having a population of
12 at least 80,000 inhabitants but less than 250,000 inhabitants
13 on the date that the city adopts or amends a home rule
14 charter designating it as a city of the second class A.

15 (4) Cities of the third class, having a population of
16 less than 250,000 inhabitants other than cities of the second
17 class A.

18 § 202. Ascertainment, certification and effect of change of
19 classification.

20 (a) Ascertainment.--The classification of cities shall be
21 ascertained and fixed according to population by reference to
22 the Federal decennial census under this section.

23 (b) Certification.--

24 (1) The Governor shall certify the following to the
25 governing body of a city on or before October 1 of the year
26 succeeding the year in which the last preceding Federal
27 decennial census was taken:

28 (i) a Federal decennial census shows that a city has
29 attained a population entitling the city to an advance in
30 classification; or

1 (ii) the last two preceding Federal decennial
2 censuses show that a city has decreased in population so
3 as to recede in classification, as provided under this
4 section.

5 (2) The secretary of the city's governing body shall
6 forward the certificate, electronically or otherwise, under
7 paragraph (1) to the recorder of deeds. The certificate shall
8 be recorded in the recorder of deeds' office. A failure to
9 record the certificate under this paragraph shall not be
10 deemed a defect in procedure or affect any change in
11 classification as provided in this chapter.

12 (c) Intent.--It is recognized that a change in the
13 classification of local government is attended by certain
14 expense and hardship and the change should not be occasioned by
15 a temporary fluctuation in population. It is the intent of this
16 section that the classification of a city may not be changed
17 because its population has decreased at the time of one Federal
18 decennial census, but rather only after the change is
19 demonstrated by two Federal decennial censuses that the
20 population of a city has remained below the minimum figure of
21 the city's current classification class for at least a decade.

22 (d) Home rule or optional charter cities.--A city that has
23 adopted a home rule charter or optional charter may not advance
24 or recede in classification because of a change in population
25 unless the electors of the city adopt a revision to the existing
26 charter designating the change in classification.

27 (e) Change of classification.--

28 (1) A change of classification ascertained and certified
29 shall take effect on January 1 following the next municipal
30 election occurring not less than 180 days after the change

1 was certified by the Governor.

2 (2) In the municipal election immediately preceding the
3 effective date of the change under paragraph (1), the proper
4 number of individuals shall be elected to fill an elective
5 office which will exist in the city by the change of
6 classification certified. An election may not be held for an
7 office which will be abolished as a result of a change of
8 classification.

9 Section 3. Repeals are as follows:

10 (1) The General Assembly declares that the repeal under
11 paragraph (2) is necessary to effectuate the addition of 11
12 Pa.C.S. Ch. 2.

13 (2) The act of June 25, 1895 (P.L.275, No.188), referred
14 to as the City Classification Law, is repealed.

15 Section 4. Except as otherwise provided in 11 Pa.C.S. Ch. 2,
16 all activities initiated under the act of June 25, 1895
17 (P.L.275, No.188), referred to as the City Classification Law,
18 shall continue and remain in full force and effect and may be
19 completed under 11 Pa.C.S. Ch. 2. Orders, regulations, rules and
20 decisions which were made under the City Classification Law and
21 which are in effect on the effective date of section 3(2) of
22 this act shall remain in full force and effect until revoked,
23 vacated or modified under 11 Pa.C.S. Ch. 2. Contracts,
24 obligations and collective bargaining agreements entered into
25 under the City Classification Law are not affected nor impaired
26 by the repeal of the City Classification Law.

27 Section 5. All classifications under the act of June 25,
28 1895 (P.L.275, No.188), referred to as the City Classification
29 Law, designated prior to the effective date of section 3(2) of
30 this act shall remain in effect until a certification is made by

1 the Governor according to the provisions of 11 Pa.C.S. Ch. 2.

2 Section 6. This act shall take effect in 60 days.